

IOWA CITY BOARD OF ADJUSTMENT

Wednesday, July 15, 2020
Electronic Meeting – 5:15 PM
Zoom Meeting Platform

Electronic Meeting

(Pursuant to Iowa Code section 21.8)

An electronic meeting is being held because a meeting in person is impossible or impractical due to concerns for the health and safety of Commission members, staff and the public presented by COVID-19.

You can participate in the meeting and can comment on an agenda item by going to <https://zoom.us/meeting/register/tJYld-uurTgvHdzvcAgitmwxTkQyEgcDFwn> to visit the Zoom meeting's registration page and submitting the required information. Once approved, you will receive an email message with a link to join the meeting. If you are asked for a meeting or webinar ID, enter the ID number found in the email. If you have no computer or smartphone, or a computer without a microphone, you can call in by phone by dialing (312) 626-6799 and entering the meeting ID 928 0263 3578 when prompted. Providing comment in person is not an option.

Agenda:

1. **Call to Order**
2. **Roll Call**
3. **Special Exception Items**
 - a. **EXC20-07:** An application submitted by Britni Andreassen on behalf of Kum & Go L.C. requesting waivers from the 3-foot parking setback behind the secondary street façade along 3rd Street and from the frontage type and related design requirements for the north façade at 1310 South Gilbert Street & 348 Highland Avenue.
 - b. A request submitted by Kum & Go L.C. to extend the expiration date to July 30, 2021 for EXC19-12, a special exception approved to allow a quick vehicle servicing use in the Riverfront Crossings-South Gilbert (RFC-SG) zone, EXC20-03, a special exception to waive the minimum 2-story building requirement, and EXC20-07, a special exception (approval pending) to waive the 3-foot parking setback behind the secondary street façade along 3rd Street and from the frontage type and related design requirements for the north façade.
4. **Consideration of Meeting Minutes:** June 10, 2020

5. Adjournment

If you will need disability-related accommodations in order to participate in this meeting, contact Kirk Lehmann, Urban Planning at 319-356-5230 or at kirk-lehmann@iowa-city.org. Early requests are strongly encouraged to allow sufficient time to meet your access needs.

Upcoming Board of Adjustment Meetings

Formal: August 12 / September 9 / October 14

Informal: Scheduled as needed.

STAFF REPORT

To: Board of Adjustment
Item: EXC20-07
Parcel Number(s): 1015308001,
1015307006, 1015307007,
1015307008, 1015307009,
1015307010, 1015307011,
1015307012, and 1015307013

Prepared by: Kirk Lehmann, Associate Planner
Date: July 15, 2020

GENERAL INFORMATION:

Applicant: Britni Andreassen
Kum & Go LC
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 Owner(s): Kum & Go LC
1459 Grand Avenue
Des Moines, IA 50309
(515) 547-6083

Requested Action: Special exception requesting waivers from the 3-foot parking setback behind the secondary street façade along 3rd Street and from the frontage type and related design requirements for the north façade.

Purpose: To allow for a convenience store with fuel sales

Location: 1310 South Gilbert Street & 348 Highland Avenue

Location Map:



Size: 1.15 Acres

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

Surrounding Land Use and Zoning
North: Commercial; Intensive Commercial (CI-1)
East: Commercial; Intensive Commercial (CI-1)
South: Commercial; Community Commercial (CC-2)
West: Commercial & Residential; Riverfront Crossings – South Gilbert (RFC-SG)

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

File Date: June 5, 2020

BACKGROUND:

The applicant Kum & Go, LC 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 (RFC – SG). 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 Street and reduce the number of access points along Highland Avenue to one.
2. The applicant must dedicate additional right-of-way to the City along S. Gilbert Street.

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 (Ordinance No. 19-4814) with the conditions recommended by the Planning & Zoning Commission.

Following the rezoning, Kum & Go requested a special exception (EXC19-12) to allow a quick vehicle servicing use in the RFC-SG zoning district, which the Board of Adjustment granted at its January 8, 2020 meeting (recorded January 31, 2020 in Book 6004, Page 400-403 in the Johnson County Recorder's Office).

After this approval, Kum & Go requested another special exception (EXC20-03) to waive the 2-story minimum building requirement. The Board of Adjustment granted EXC20-03 at its April 8, 2020 meeting (recorded May 1, 2020 in Book 6036, Page 313-315 in the Johnson County Recorder's Office) with the condition that the proposed convenience store be built with higher external building walls, a minimum of 22 feet in height, to give the appearance of a 2-story building.

Once EXC20-03 was approved, Kum & Go requested this special exception (EXC20-07) to waive additional requirements, including that surface parking must be set back 3 feet behind the secondary street façade along Highland Avenue; that the remaining street frontage along S. Gilbert Street have a 5-foot free-standing screen wall; and that the north face of the building meet either the Urban Flex or Storefront frontage type standards.

After receiving comments from staff, Kum & Go provided an updated site plan dated June 23, 2020, which moved the proposed building from the northwest corner of the site to the southwest corner and modified their proposed screen wall. Where a 3-foot wall was initially shown along S. Gilbert Street, the revised site plan proposed a 5-foot fence of wrought iron, or metal that faithfully imitates wrought iron, which is allowable under code with approval from the Form-Based Code committee. Kum & Go also provided updated elevations dated July 8, 2020. As such, Kum & Go's revised request only requires waivers from the parking setback on 3rd Street and frontage and related design requirements on the north building face.

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 in **Section 14-4B-4B-12**, pertaining to waivers from development standards for Quick Vehicle Servicing in Riverfront Crossings zoning district, as well as the general approval criteria in **Section 14-4B-3A**.

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-12j: Waivers from Development Standards for Quick Vehicle Servicing in RFC Zoning Districts

- 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 property is zoned RFC-SG and is in the Riverfront Crossings District. It is therefore eligible to request a waiver from standards outlined in Section 14-4B-

- 4B-12i of the zoning code, which requires that properties in the Riverfront Crossings District comply with the Riverfront Crossings Form-Based Code.
- The applicant requested waivers from the following two sets of requirements:
 - Setback and Screening Requirements. Surface parking, loading, and service areas must be set back at least 3 feet from secondary street building façades (14-2G-3A-4b-(2)). This helps create pedestrian-friendly streetscapes where building façades are aligned along public sidewalks and parking and service areas are behind buildings. The proposed parking along Highland Avenue complies with this standard, but a waiver is necessary for parking on the north portion of the site near 3rd Street.
 - Frontages and Façades. Principal buildings and façades must comply with frontage type and building type standards (14-2G-3A-3e). In addition, several building design standards also apply to street-facing façades (14-2G-7F), including requirements to divide façades vertically into 20- to 35-foot bays (1b), to provide equal architectural quality and detail at corners (1f), to provide a certain proportion of the façade as doors or transparent windows (1g), and to disallow blank façades (1h). These standards improve the quality and character of public streets and spaces by breaking up façades, creating seamless transitions around corners, and providing visual interest, which ultimately contributes to more pedestrian-friendly streets. The applicant requested these requirements be waived for the north façade of the proposed building which faces 3rd Street.
 - 3rd Street is not shown as a primary street on the Regulating Plan.
 - The intent of the code regarding parking setback, screening, frontage, and façade requirements is met because a 5-foot tall street screen is proposed on the west and north sides of the site as shown on the site plan dated June 23, 2020 and because it fronts 3rd Street, which is a non-primary street that is not shown on the Regulating Plan.
 - Staff recommends a condition that the final site plan substantially comply with the submitted site plan dated June 23, 2020 to ensure parking is visually buffered from the sidewalk on S. Gilbert Street and that the street screen to the north provides additional buffering between the sidewalk and north façade. If there are substantial changes from the submitted site plan, it must comply with the site development standards and other applicable requirements of the City Code.

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

- 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.
- The Board of Adjustment approved allowing a new convenience store with fuel sales at this site (EXC19-12 recorded January 31, 2020 in Book 6004, Page 400-403 in the Johnson County Recorder's Office) and waiving the 2-story minimum building requirement at this site with the condition that the external walls of the proposed convenience store be built at least 22 feet in height to give the appearance of a 2-story building. (EXC20-03 recorded May 1, 2020 in Book 6036, Page 313-315 in the Johnson County Recorder's Office).
- The new request will not change the use or access to site.

- The requested waivers will result in the following:
 - a view of parking from S. Gilbert Street that is not blocked by the building on the north; and
 - a building where the north face will not contain a frontage type or provide other building design features.
 - 5-foot tall street screens will buffer both results from public rights-of-way.
- 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 proposed request will not change the use or access to the site.
 - A modification of parking setbacks and frontage and design standards on the north face of the building will not injure the use and enjoyment of other property in the immediate vicinity, nor will it affect nearby property values.
- 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 are also eligible for redevelopment under the Riverfront Crossings Form-Based Code.
 - Redevelopment of this property and these requested waivers will not affect development or improvement of surrounding properties.
- 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.
 - The redevelopment will 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 S. Gilbert Street, Highland Avenue, and 3rd Street. The rezoning (Ordinance No. 19-4814) included a condition that the applicant close all access points from S. Gilbert Street and have only one access point from Highland Avenue to minimize traffic congestion at the intersection of S. Gilbert Street and Highland Avenue and on surrounding streets. As a result, the proposed redevelopment will improve traffic congestion, ingress, and egress.
- 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:

- Approval of the requested special exception will waive the following requirements:
 - That surface parking be set back 3 feet from the north building façade along 3rd Street (14-2G-3A-4b-(2));
 - That the north face of the building will not have a frontage type (14-2G-3A-3e); and
 - That the north face of the building will not comply with several related building design standards (14-2G-7F-1b, -1f, -1g, and -1h).
- Through the design review process, staff will ensure compliance with the other provisions of 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 in the Comprehensive Plan designates this area for Mixed Use Development which includes a variety of retail, office, and residential uses.
- The Comprehensive Plan supports urban infill and redevelopment in certain areas of the City, including in the Riverfront Crossings District (pp.24-25).
- The Riverfront Crossings Master Plan calls for a pedestrian scale development in this area along S. Gilbert Street, with buildings to the front of the street and parking to the rear. Some plan concepts show a gas station on the corner of S. Gilbert Street and Highland Avenue. The Plan also calls for a retail/convenience store in this area to serve local demand. This area is envisioned to be redeveloped with a commercial use (p. 100).

STAFF RECOMMENDATION:

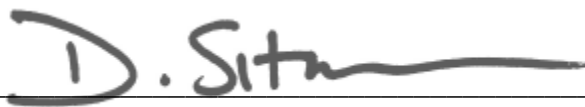
Staff recommends approval of EXC20-07, waiving the 3-foot parking setback behind the secondary street façade along 3rd Street and from frontage type and related design requirements for the north façade of the building, for the properties located at 1310 S. Gilbert Street & 348 Highland Avenue subject to the following conditions:

1. The final site plan must substantially comply with the submitted site plan, dated June 23, 2020, or any changes to it must comply with the site development standards and other applicable requirements of the City Code.

ATTACHMENTS:

1. Location Map
2. Zoning Map
3. Updated Site Plan
4. Updated Elevations
5. Application Materials

Approved by: _____



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



0 0.04 0.08 0.16 Miles

EXC20-07

1310 S Gilbert St & 348 Highland Ave



Prepared By: Joshua Engelbrecht
Date Prepared: June 2020



An application submitted by Britni Andreassen on behalf of Kum & Go, LC for a special exception to request a waiver for the 3' parking setback behind secondary street facade along 3rd Street and from the frontage type and related design requirements for the north facade, and to request that the special exception expiration be extended 6 months for approximately 1.15 acres of property located at 1310 S Gilbert St and 348 Highland Ave.



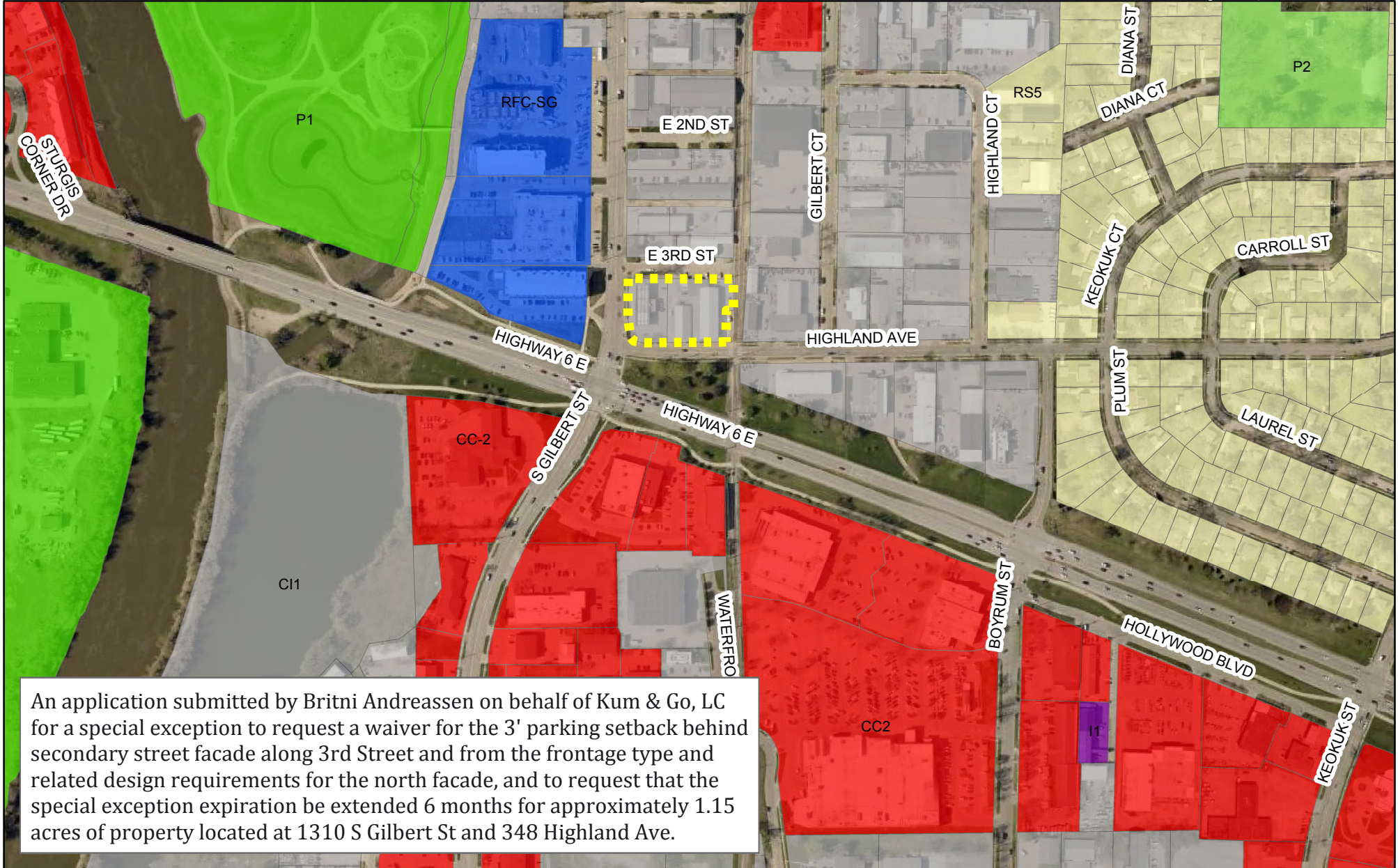
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EXC20-07

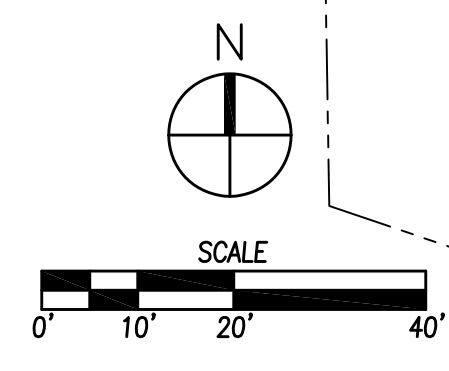
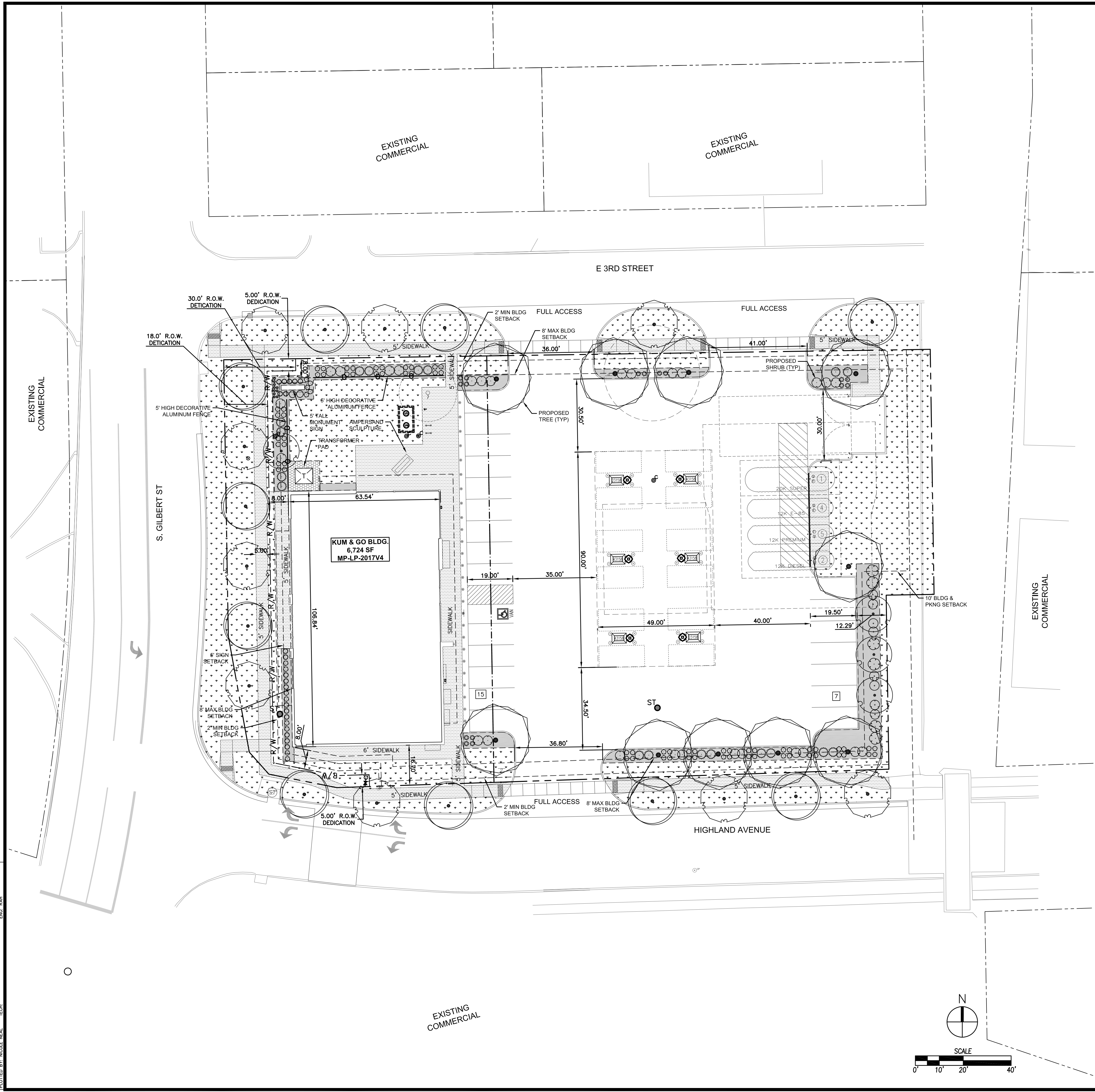
1310 S Gilbert St & 348 Highland Ave



Prepared By: Joshua Engelbrecht
Date Prepared: June 2020



FILE: H:\2019\1902078\1902078-REC SITE PLAN.DWG
 DATE: 6/23/2020 1:28 PM
 PLOT DATE: 6/23/2020 NEAL
 PLOTTER: HP DesignJet 5000



SITE DATA		
PROPOSED LOT SIZE	±50,067 S.F.	
	±1.15 ACRES	
KUM & GO BUILDING	6,724 S.F.	
STORE TYPE	MARKETPLACE	
CANOPY/DISPENSER ARRANGEMENT	6 DISPENSER (DOUBLE)	
REQUIRED PARKING	STANDARD	12
	ADA	1
	TOTAL	13
PARKING RATIO = 1 CARS/500 S.F.		
PROPOSED PARKING	STANDARD	21
	ADA	1
	TOTAL	22
PARKING RATIO = 3.3 CARS/1000 S.F.		
LANDSCAPING	NORMAL	



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 EXHIBIT

KG PROJECT TEAM:
 RDR:
 SDM:
 CPM:

REVISION DESCRIPTION	DATE

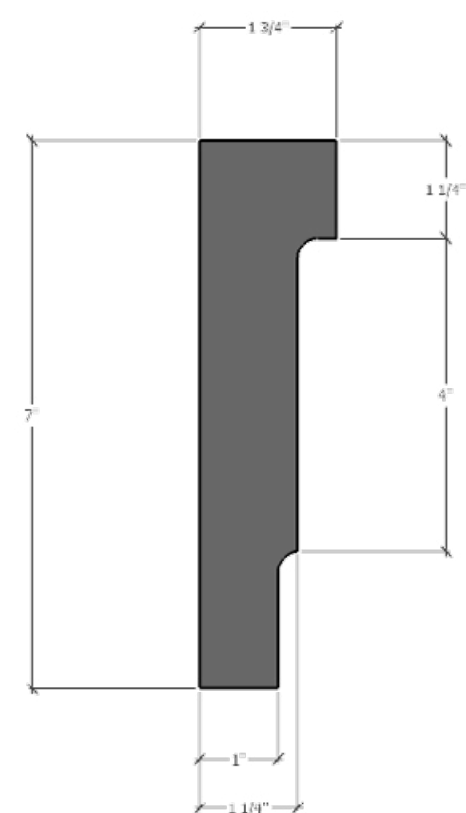
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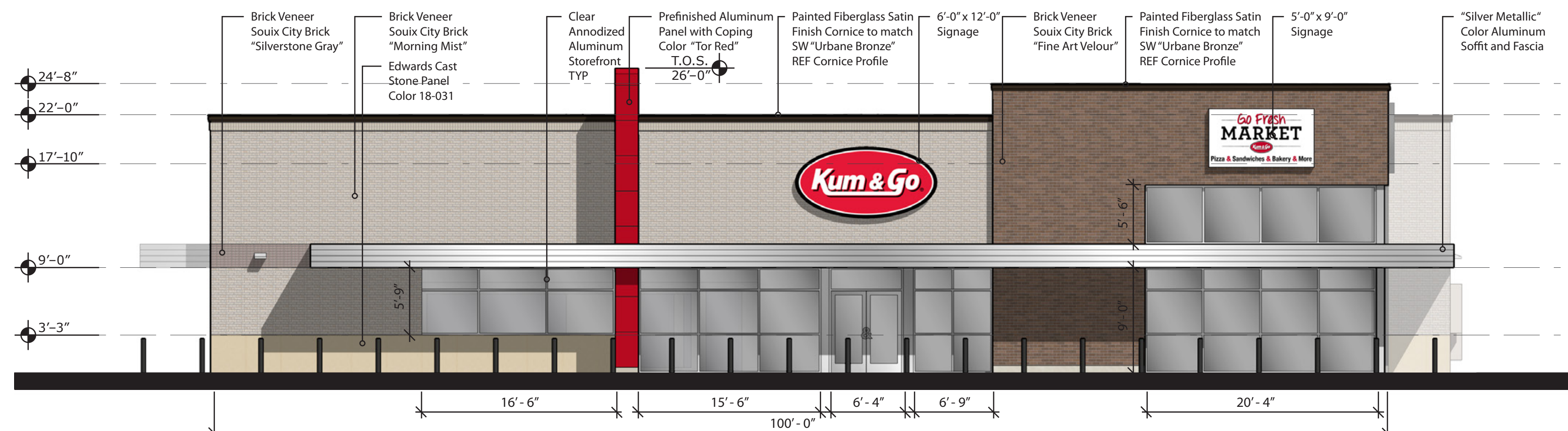
1 OF 1

Proposed Building Signage

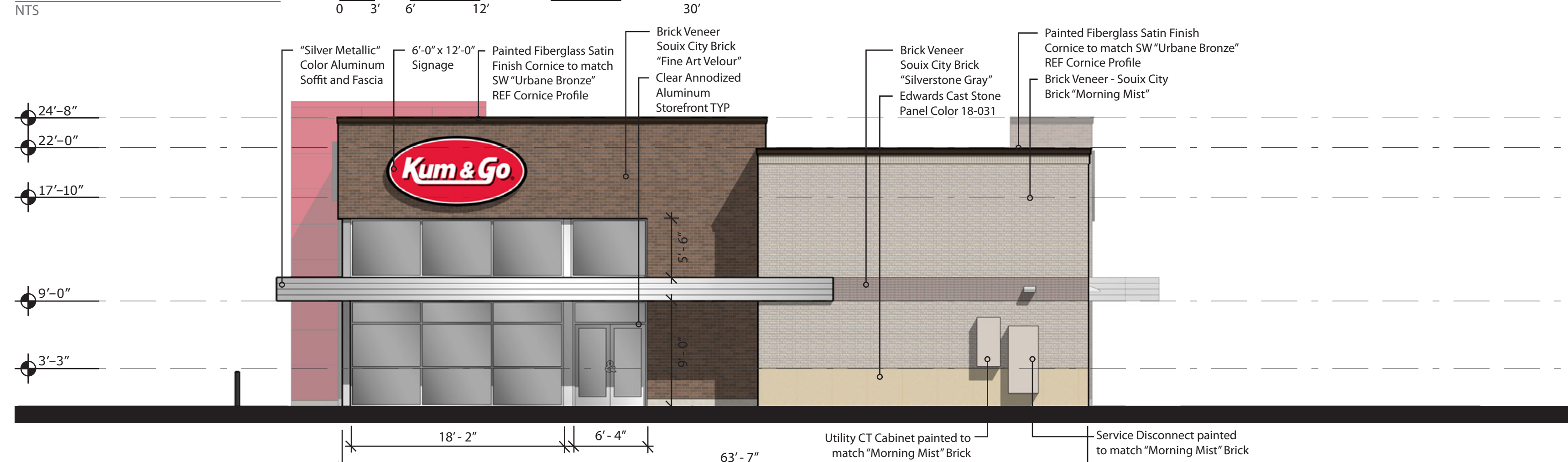
Location	Sign	Size	Area
East Elevation	"Kum & Go" Sign	6' x 12'	72 SF
	"Go Fresh Market" Sign	5' x 9'	45 SF
North Elevation	"Kum & Go" Sign	6' x 12'	72 SF
West Elevation	"Kum & Go" Sign	6' x 12'	72 SF
South Elevation	No Signage	---	0 SF
Total			261SF



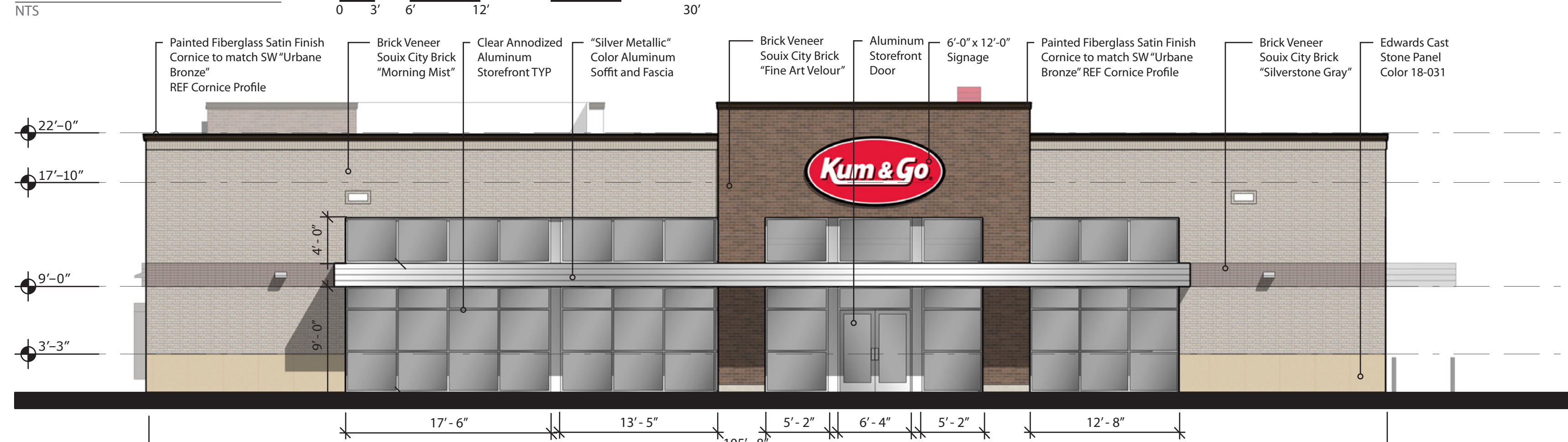
Cornice Profile
NTS



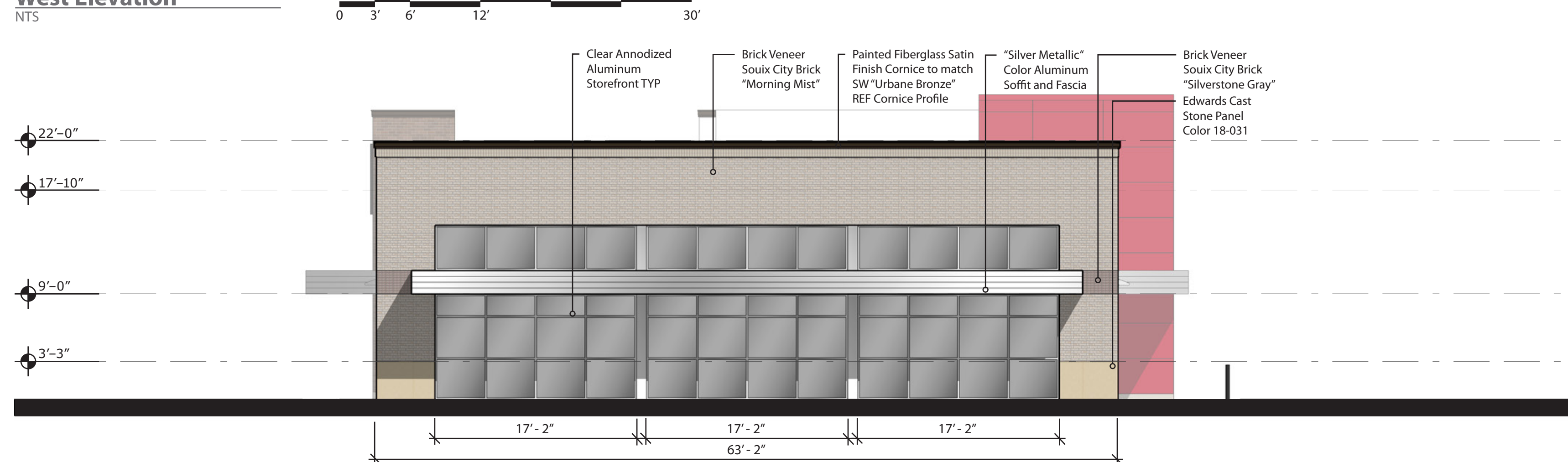
East Elevation
NTS



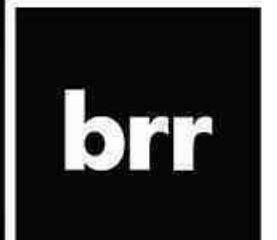
North Elevation
NTS



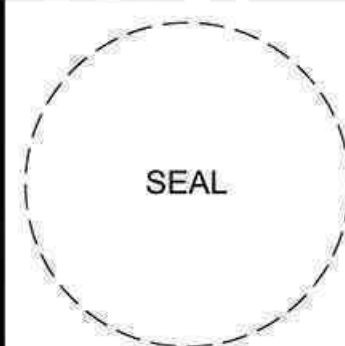
West Elevation
NTS



South Elevation
NTS



ARCHITECT OF RECORD:
BRR ARCHITECTURE, INC
8131 METCALF AVENUE
SUITE 300
OVERLAND PARK, KS 66204
www.brrarch.com
TEL: 913-262-9055
FAX: 913-262-9044



1459 Grand Avenue
Des Moines, Iowa
50309
P:515-457-6247

#3504 - IOWA CITY, IA
1310 S GILBERT STREET

EXTERIOR ELEVATIONS

KG PROJECT TEAM:
RDM:
SDM:
CPM:

REVISION DESCRIPTION	DATE

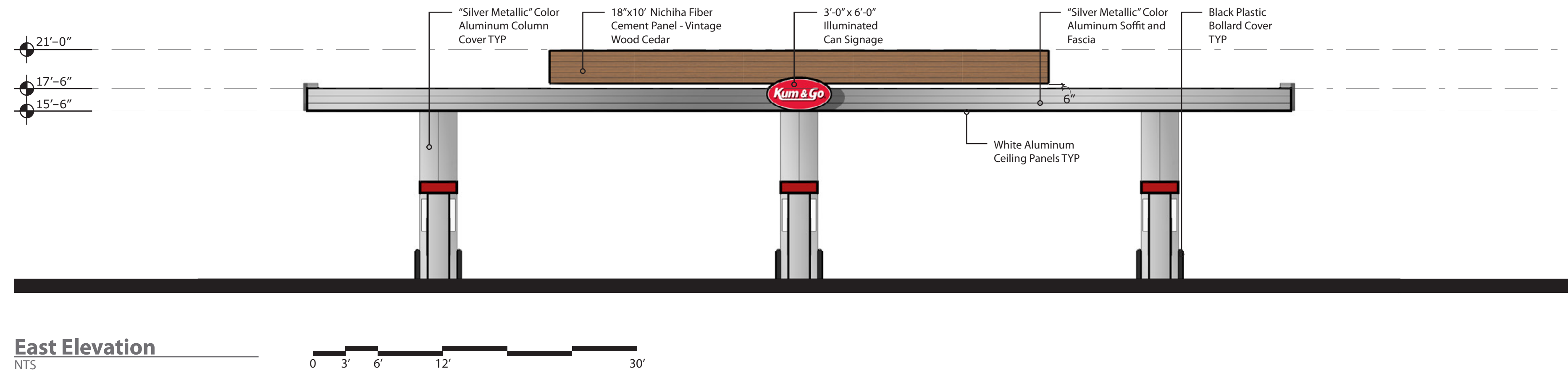
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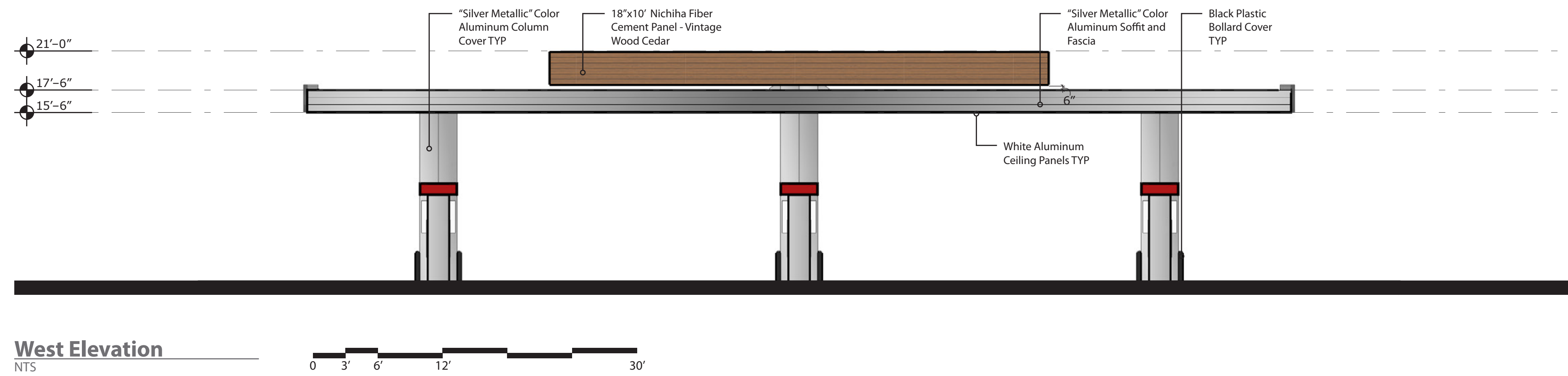
REVISIONS

Proposed Canopy Signage

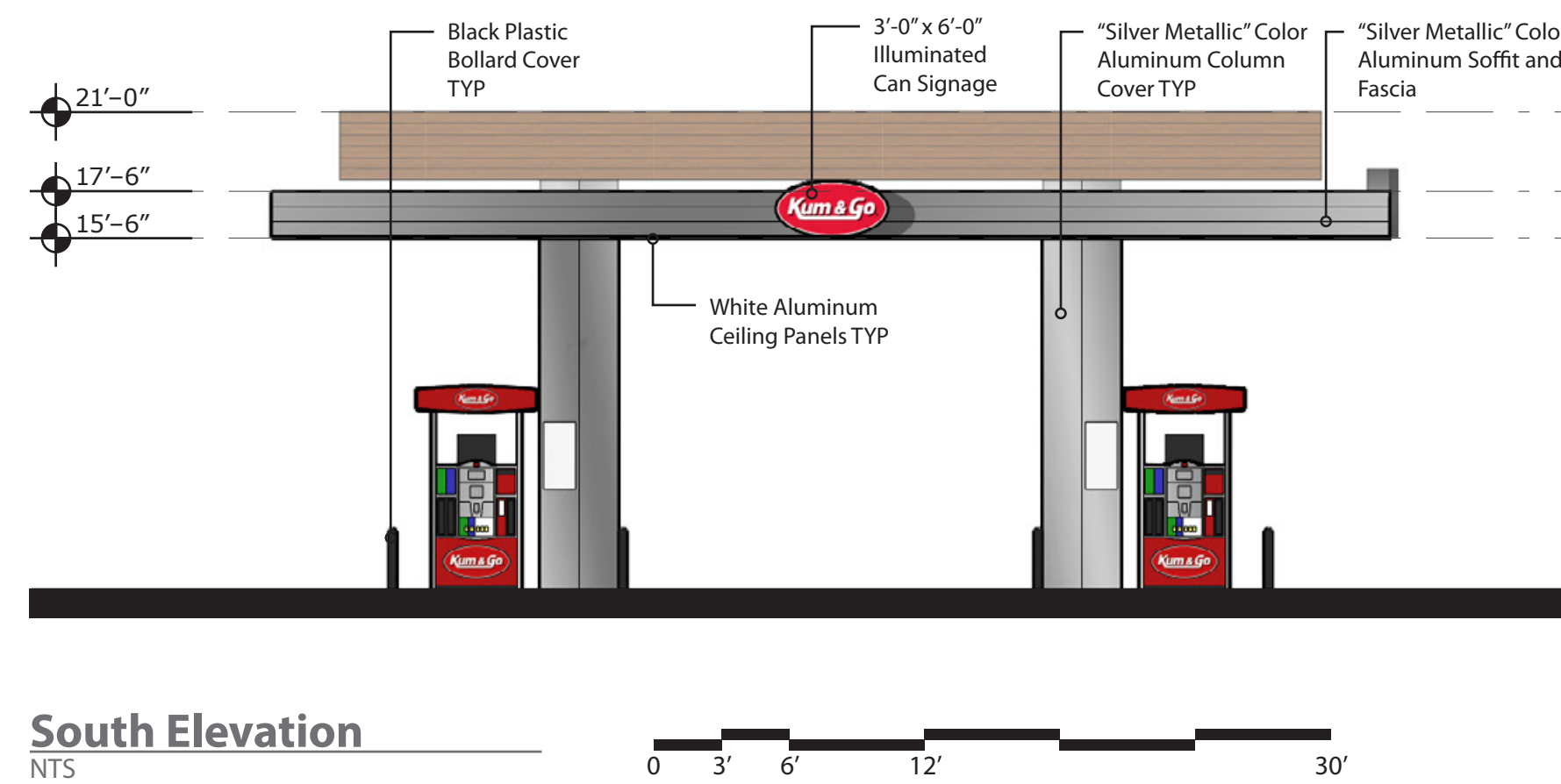
Location	Sign	Size	Area
East Elevation	"Kum & Go" Sign	3'x 6'	18 SF
West Elevation	No Signage	---	0 SF
South Elevation	"Kum & Go" Sign	3'x 6'	18 SF
North Elevation	"Kum & Go" Sign	3'x 6'	18 SF
Total			54 SF



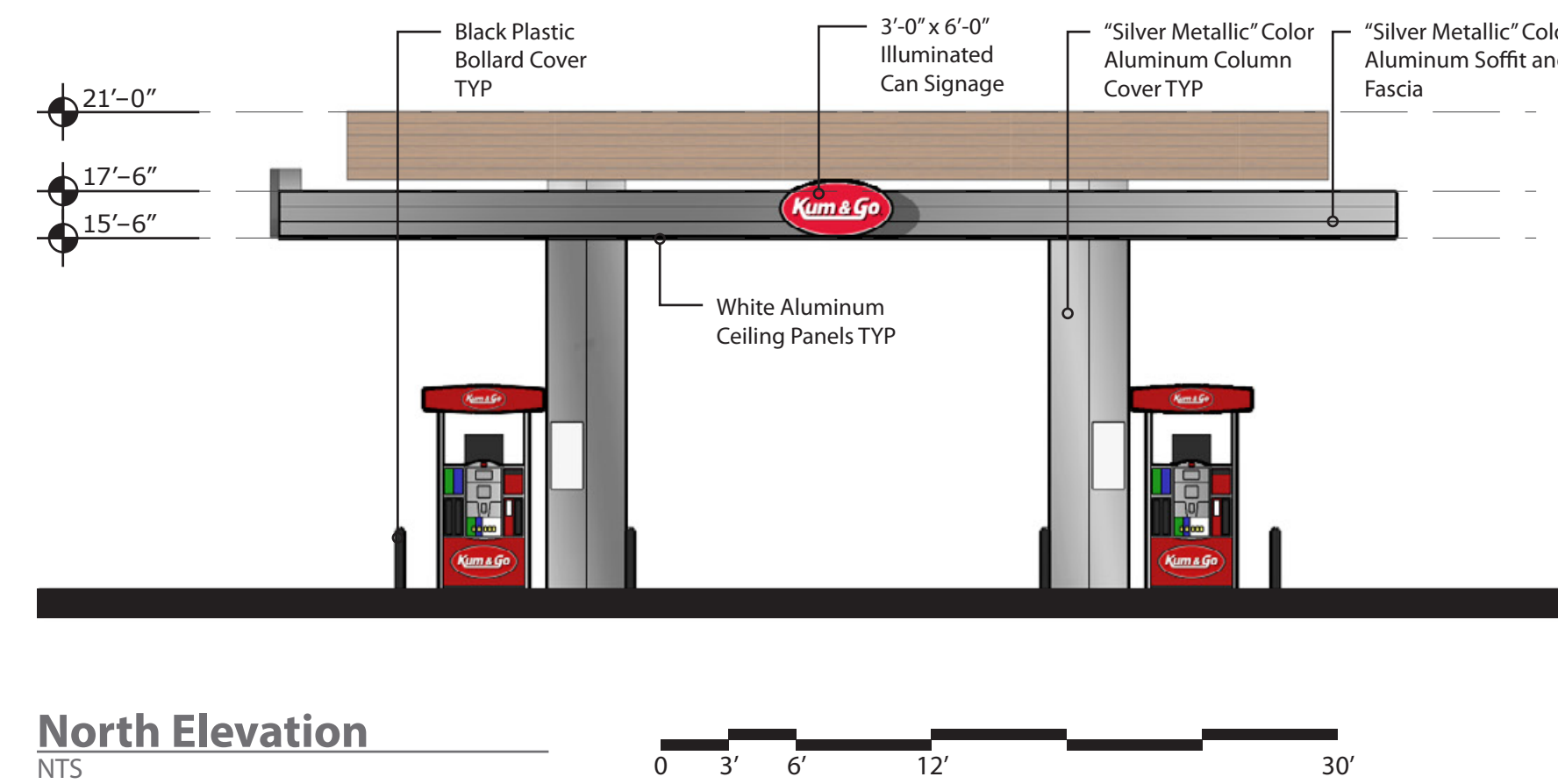
East Elevation
NTS



West Elevation
NTS



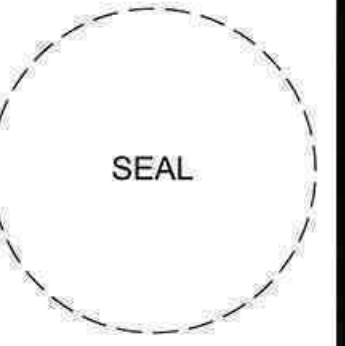
South Elevation
NTS



North Elevation
NTS

brr

ARCHITECT OF RECORD:
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1459 Grand Avenue
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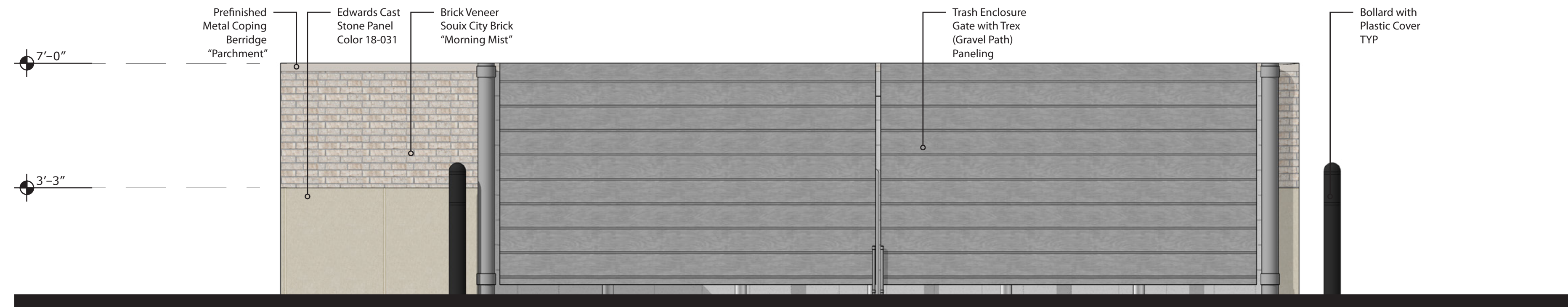
#3504 - IOWA CITY, IA
1310 S GILBERT STREET
CANOPY ELEVATIONS

KG PROJECT TEAM:
RDM:
SDM:
CPM:

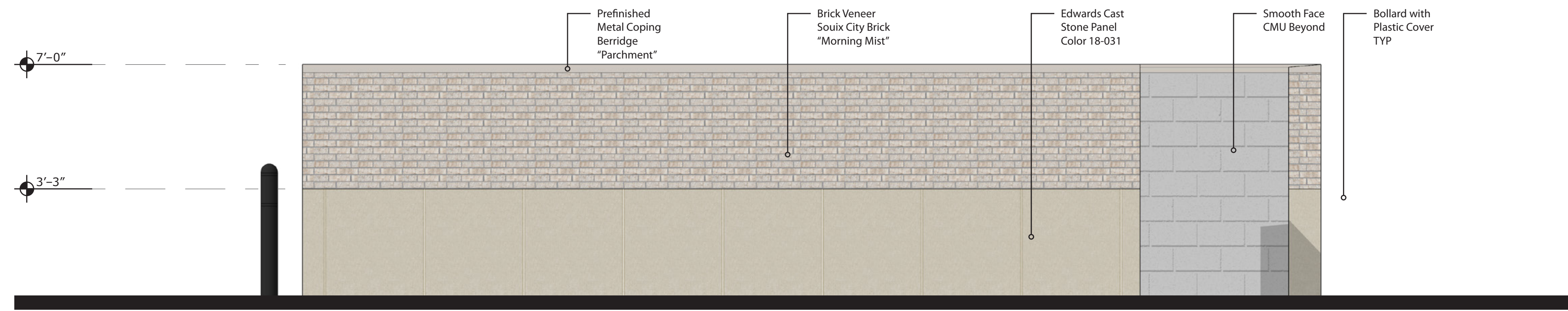
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DATE: 07/08/2020

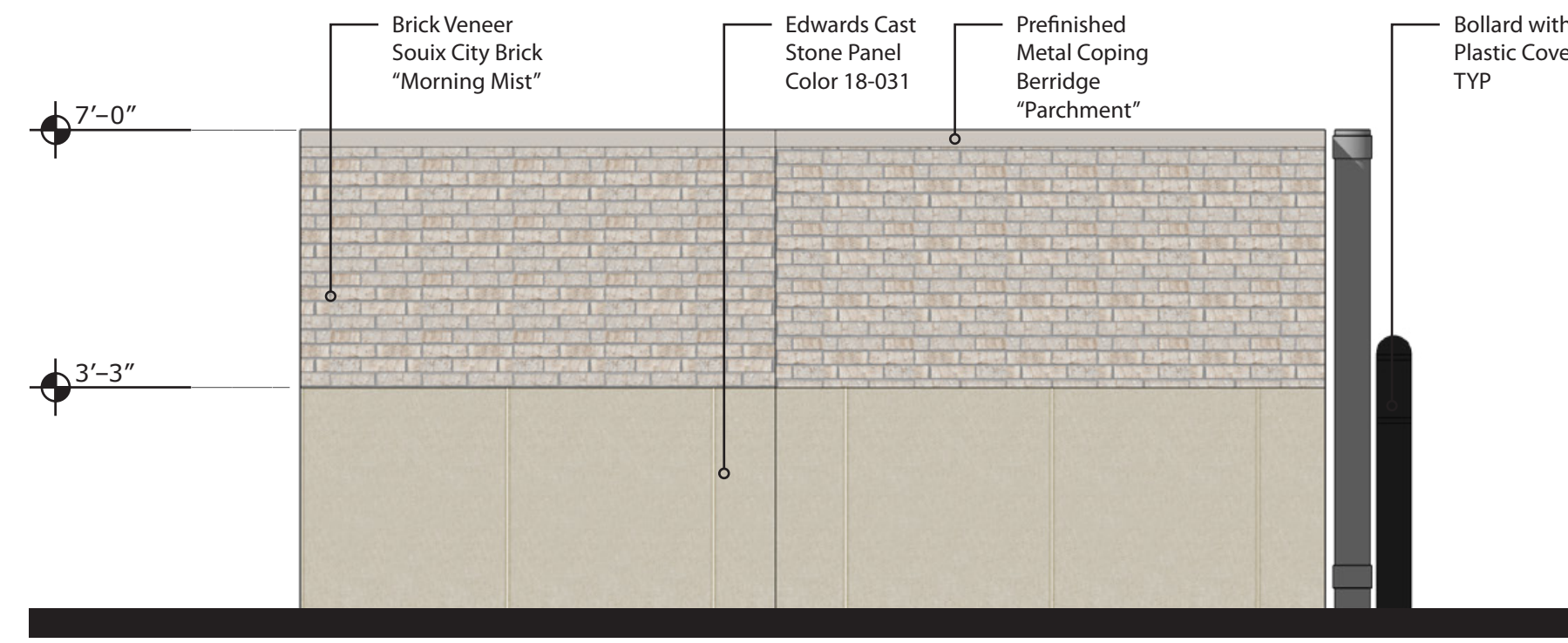
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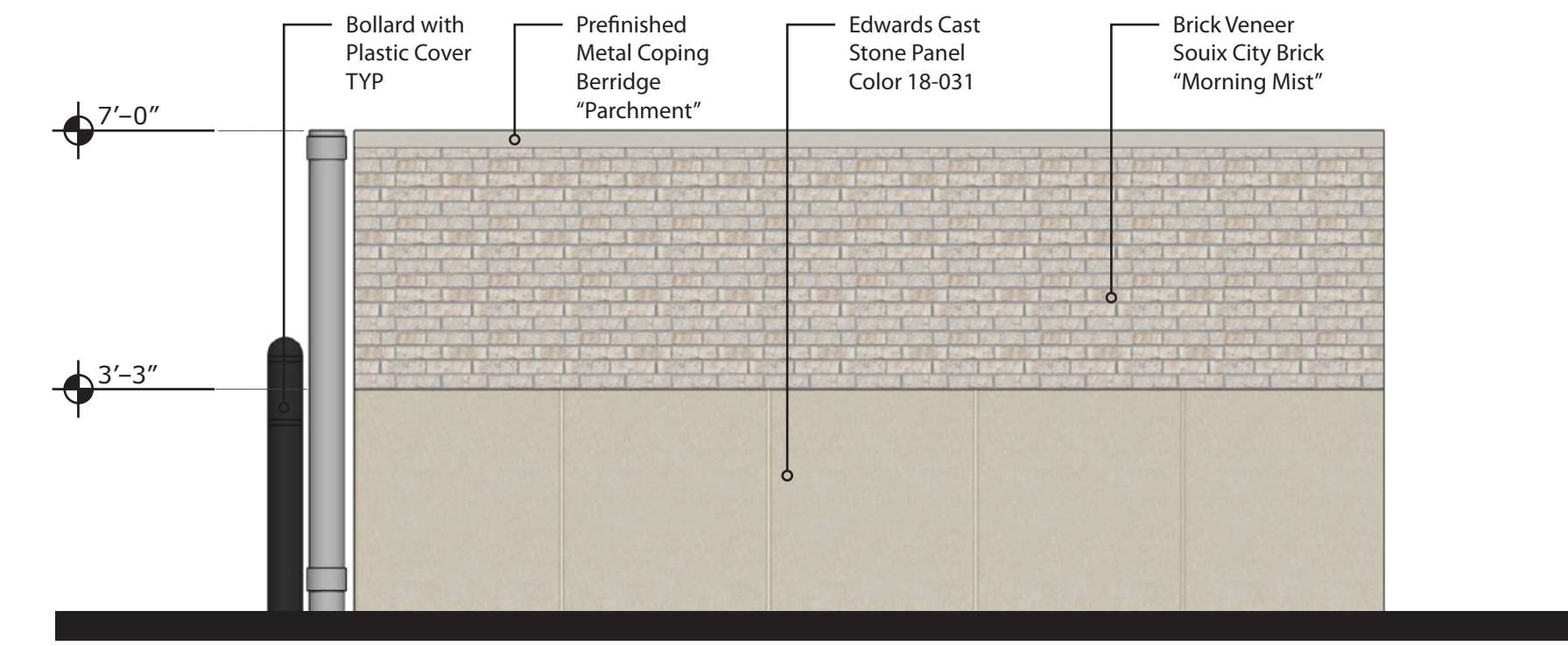
West Elevation
NTS



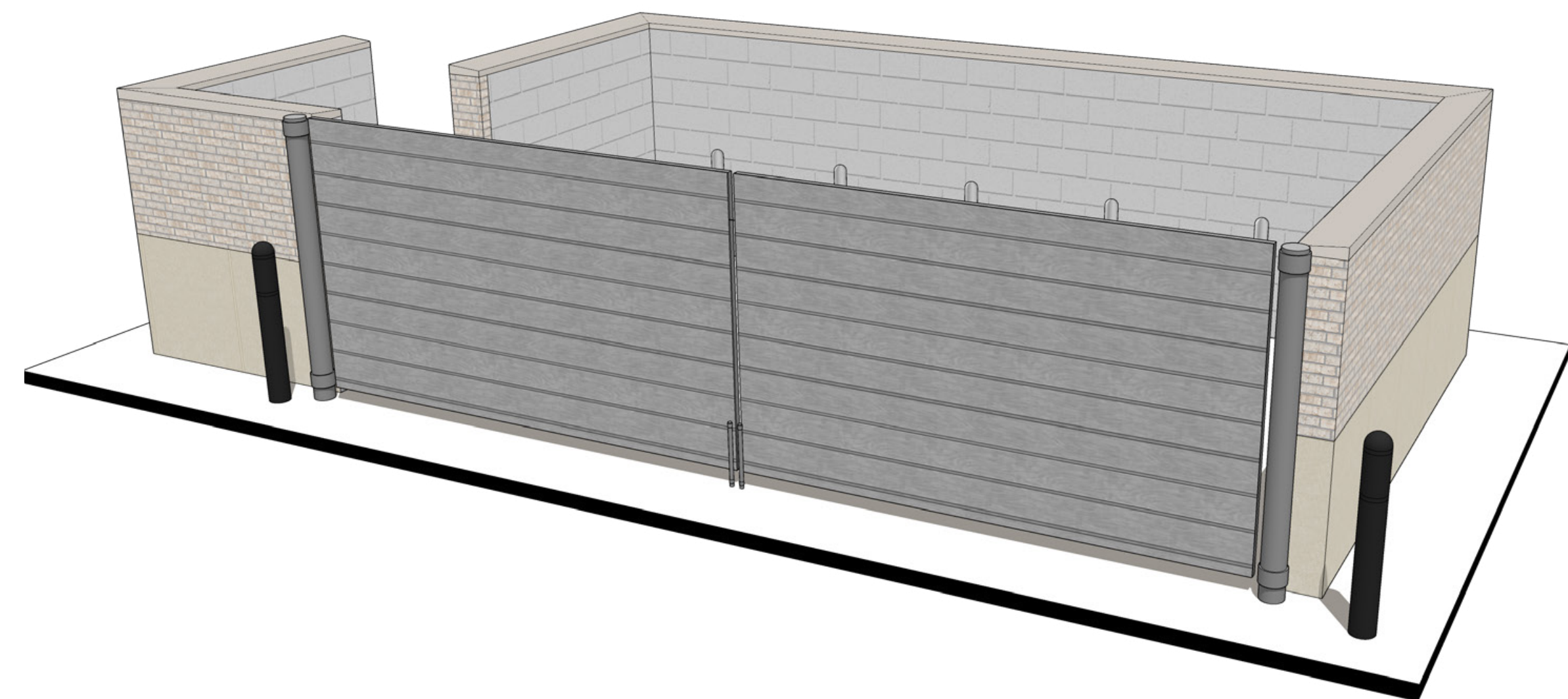
East Elevation
NTS



North Elevation
NTS

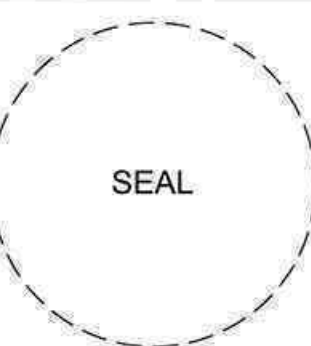


South Elevation
NTS



Perspective
NTS

brr
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FAX: 913-262-9044



1459 Grand Avenue
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P:515-457-6247

#3504 - IOWA CITY, IA
1310 S GILBERT STREET

TRASH ENCLOSURE ELEVATIONS

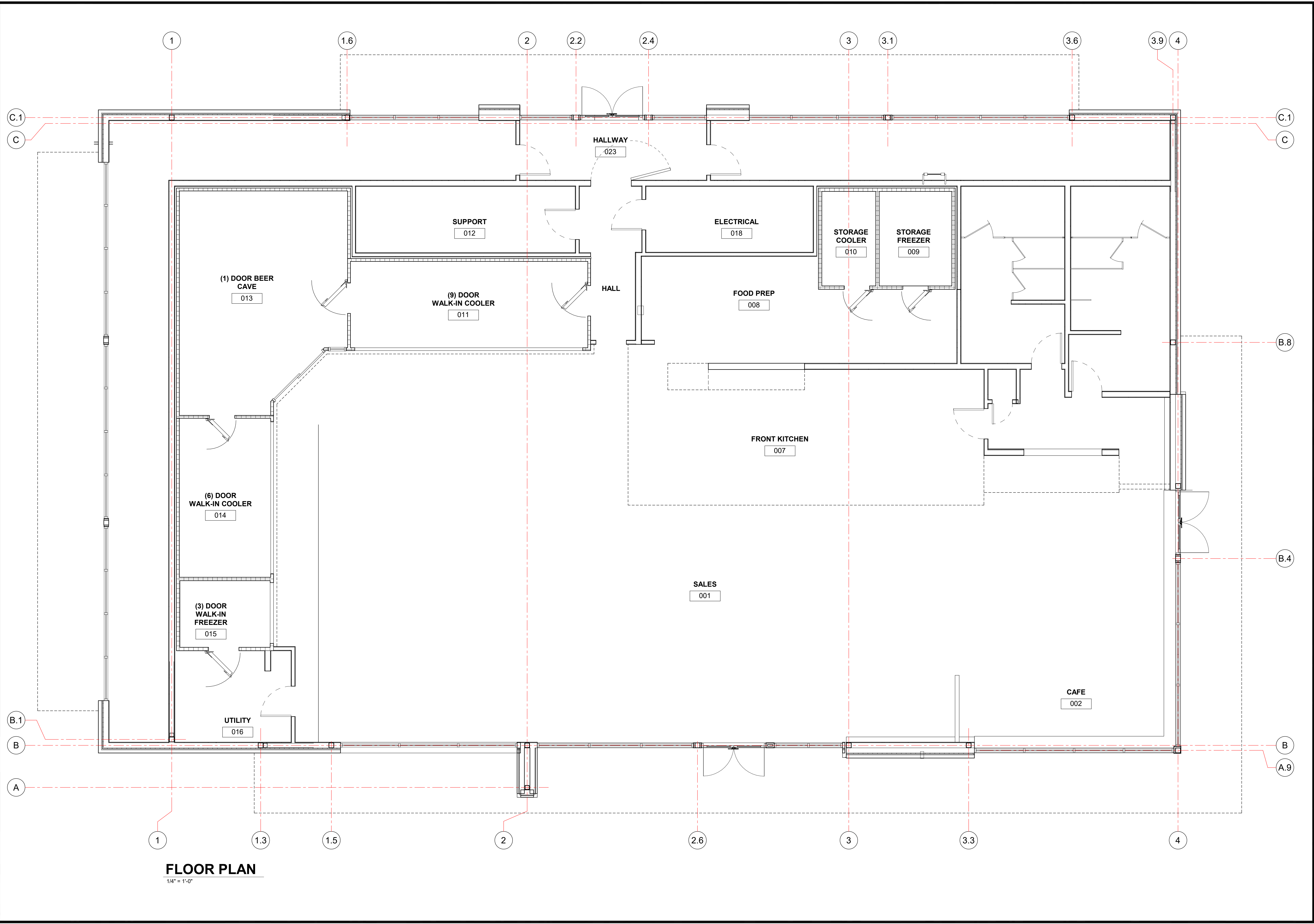
KG PROJECT TEAM:
RDM:
SDM:
CPM:

REVISION DESCRIPTION	DATE

DATE: 07/08/2020

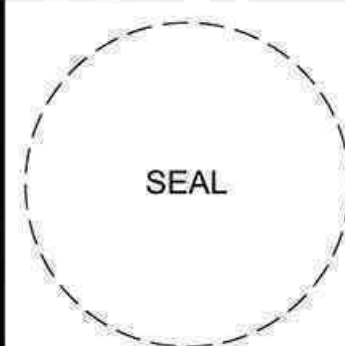
SHEET NUMBER:

REVISIONS



FLOOR PLAN
1/4" = 1'-0"

brr
ARCHITECT OF RECORD:
BRR ARCHITECTURE, INC
813 METCALF AVENUE
SUITE 300
OVERLAND PARK, KS 66204
www.brrarch.com
TEL: 913-262-9055
FAX: 913-262-9044



1459 Grand Avenue
Des Moines, Iowa
50309
P:515-457-6247

#3504 - IOWA CITY, IA
1310 S GILBERT STREET
FLOOR PLAN

KG PROJECT TEAM:
RDM:
SDM:
CPM:

REVISION DESCRIPTION	DATE

DATE: 07/08/2020
SHEET NUMBER:

REVISIONS

APPLICATION TO THE BOARD OF ADJUSTMENT SPECIAL EXCEPTION

DATE: June 3, 2020 PROPERTY PARCEL NO. See attached list
 PROPERTY ADDRESS: 1310 S Gilbert St & 348 Highland Ave
 PROPERTY ZONE: RFC-SG PROPERTY LOT SIZE: 1.15 acres

APPLICANT:	Name: <u>Kum & Go L.C. (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: _____ 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 Anne Russett at 356-5251 or e-mail anne-russett@iowa-city.org.

Purpose for special exception: See attached

Date of previous application or appeal filed, if any: 10/11/2019 & 02/26/2020

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):** See attached
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: See attached
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 Anne Russett at 356-5251 or e-mail anne-russett@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.**

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.**

This approval will not be detrimental to or endanger the public health, safety, comfort, or general welfare. The proposed 3-foot tall free-standing screen wall special exception will allow for safer and adequate visibility at entrance locations, as well as adequate pump island visibility to allow for safe and timely decisions about visiting the site. The proposed waiver of the 3' parking setback behind the secondary street facade along Highland Avenue special exception will allow the appropriate number of parking spaces to run the convenience store safely and efficiently.

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.**

Waiving the Urban Flex or Storefront frontage along 3rd Street does not substantially diminish and impair property values within the neighborhood, as 3rd Street is a dead end and allows access to only 2 other properties on the north side. With safe and appropriate visibility of the site with the reduced screen wall height, and allow the site to function safely and efficiently with an appropriate number and location of parking spaces thus improves the use/enjoyment of other property in the immediate vicinity and will not diminish neighborhood property values.

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 exceptions will improve the normal and orderly development and improvement of the surrounding property for uses permitted in the Riverfront Crossing district, as the proposed special exceptions will allow for safe and necessary visibility of the site with the screen wall height reduction, allow the site to function safely and efficiently with an appropriate number and location of parking spaces, and allow for a reduction in frontage facade with a building side facing a dead end and low-traffic street.

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

All 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. The reduction in the free-standing screen wall will allow for pump visibility which is necessary to allow for customers to see the presence of pumps and availability and allow for safe and timely decisions about visiting the site, and allow for safer and adequate visibility at entrance locations while still appropriately screen on-site parking spaces. ☒

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, pedestrian access will be provided, parking will be appropriately setback behind the secondary north facade, free-standing screen wall will be provided, and additional landscape screening 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.

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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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Kum & Go 3504 Special Exception Application Purposes for Special Exceptions Requested

1. Parking

- **Requirement:** Surface parking along secondary streets (3rd Street and Highland Avenue) is required to be set back a minimum of 10' from the property line and 3' behind the secondary street façade.
- **Special Exception Request:** Waive the 3' parking setback behind the secondary street façade along Highland Avenue.
- **Proposed Alternatives & Justification**
 - Proposing 3-foot high screen walls with landscaping for screening of the off-street parking spaces that extend beyond the secondary street building façade.
 - Kum & Go has internal company standards for parking requirements for a site to function safely and efficiently. If the requirement is met, 10 proposed parking spaces would need to be removed from the site plan. If 10 proposed parking spaces were to be removed, it brings the total proposed number of parking spaces on the site to only 12, which is less than half of the number of spaces typically required to run the convenient store safely and efficiently.
 - If the requirement is met and 10 proposed parking spaces are removed, 12 proposed parking spaces do not meet the 13 parking spaces required by Code.
 - As a convenience store with fuel sales is an allowed use within the site, convenience stores also include a fuel canopy for fuel sales. The only alternative way to accommodate additional parking would be to greatly reduce or eliminate the fuel canopy and pump islands, which is impractical and would not be feasible to redevelop as such.

2. Screen Wall

- **Requirement:** 5-foot tall free-standing screen wall.
- **Special Exception Request:** Allow a 3-foot tall free-standing screen wall.
- **Proposed Alternatives & Justification**
 - 5-foot tall free-standing wall does not allow for adequate visibility to the pump islands within the site. Pump island visibility is necessary to allow for customers to see the presence of pumps and availability and allow for safe and timely decisions about visiting the site. If pump islands are not somewhat visible, it will result in a significant loss of customers, rendering the project less desirable. A 3-foot tall free-standing wall allows for adequate visibility to the pump islands, while still appropriately screening the parking spaces.
 - Safety at entrance locations is another key component in site circulation and safety. Adding a 5-foot tall free-standing walls screening parking does not allow for safe and adequate visibility at entrance locations or for vehicles backing out of parking spaces. A 3-foot tall free-standing wall allows for safer and adequate visibility at entrance locations while still appropriately screen on-site parking spaces.

3. Urban Flex Frontage Type

- **Requirement:** Each street facing façade shall be designed with either Storefront or Urban Flex frontage type.
- **Special Exception Request:** Waive the Urban Flex and Storefront frontage type for the north façade along 3rd Street.
- **Proposed Alternatives & Justification**



- 3rd Street has little to no traffic as it provides access for only 2 other properties outside of Kum & Go.
- 3rd Street dead ends at the eastern property line which does not allow for the increase of traffic in the future along 3rd street.
- Not financially practical or feasible to design all sides of the store to the Urban Flex frontage standard.

4. Special Exception Expiration

- Requirement: Special exception expires within 6 months.
- Special Exception Request: Special exception expiration to be extended 6 months.
- Proposed Alternatives & Justification: Would like to stay consistent per previously granted special exception expirations.

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

Parcel #: 1015307007
Owner: Kum & Go LC
Address: 1459 Grand Avenue
Des Moines, Iowa 50309
Phone: (515) 457-6083 (Britni Andreassen)
Email: Britni.Andreassen@kumandgo.com

Parcel #: 1015307008
Owner: Kum & Go LC
Address: 1459 Grand Avenue
Des Moines, Iowa 50309
Phone: (515) 457-6083 (Britni Andreassen)
Email: Britni.Andreassen@kumandgo.com

Parcel #: 1015307009
Owner: Kum & Go LC
Address: 1459 Grand Avenue
Des Moines, Iowa 50309
Phone: (515) 457-6083 (Britni Andreassen)
Email: Britni.Andreassen@kumandgo.com

Parcel #: 101530710
Owner: Kum & Go LC
Address: 1459 Grand Avenue
Des Moines, Iowa 50309
Phone: (515) 457-6083 (Britni Andreassen)
Email: Britni.Andreassen@kumandgo.com

Parcel #: 1015307011
Owner: Kum & Go LC
Address: 1459 Grand Avenue
Des Moines, Iowa 50309
Phone: (515) 457-6083 (Britni Andreassen)
Email: Britni.Andreassen@kumandgo.com

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CIVIL DESIGN ADVANTAGE L.L.C.

ENGINEERS, LANDSCAPE ARCHITECTS,
PLANNERS & SURVEYORS

Parcel #: 1015307012
Owner: Kum & Go LC
Address: 1459 Grand Avenue
Des Moines, Iowa 50309
Phone: (515) 457-6083 (Britni Andreassen)
Email: Britni.Andreassen@kumandgo.com

Parcel #: 1015307013
Owner: Kum & Go LC
Address: 1459 Grand Avenue
Des Moines, Iowa 50309
Phone: (515) 457-6083 (Britni Andreassen)
Email: Britni.Andreassen@kumandgo.com

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Neighborhood Property Listing of all properties within 300' of Special Exception Site

	Name of Property Owner	Property Address	Mailing Address	Property Class	Property Parcel
1	Catherine Moore	1213 Gilbert CT Iowa City, IA 52240	4472 Cumberland Ln Iowa City IA, 52245	C - Commercial	1015430003
2	Catherine Moore	1229 Gilber CT Iowa City, IA 52240	4472 Cumberland Ln Iowa City IA, 52245	C - Commercial & M - MultiResidential	1015430004
3	Jason Scott Loughran & John F Loughran	390 Highland Ave. Iowa City, IA 52240	1023 Arlington DR. Iowa City IA, 52245	C - Commercial	1015430005
4	Michele M Welter & William M Welter	408 Highland Ave. Iowa City, IA 52240	50 White Oak Pl Iowa City IA, 52245	C - Commercial	1015431011
5	Joann Marie Schultz	391 Highland Ave. Iowa City, IA 52240	2580 E Alexis CT Green Valley AZ, 85614	C - Commercial	1015454003
6	Inspire Mex, LLC	1406 S Gilbert St. Iowa City IA, 52240	1877 N Rock Rd Wichita KS, 67206	C - Commercial	1015392002
7	EVC Iowa City, LLC	1404 S Gilbert St. Iowa City IA, 52240	12612 W Alameda Pkwy. Lakewood CO, 80228	C - Commercial	1015392003
8	Hills Bank & Trust Company	1401 S Gilbert St. Iowa City IA, 52240	131 Main St. Hills IA, 52235	C - Commercial	1015377001
9	1301 Gilbert LLC	1301 S Gilbert St. Unit 1 Iowa City IA, 52240	3855 Locust Ridge RD NE North Liberty IA, 52317	C - Commercial	1015313001
10	1301 Gilbert LLC Gilbert, LLC	N/A	3855 Locust Ridge RD NE North Liberty IA, 52317	C - Commercial	1015312004
11	1225 Gilbert, LLC	1225 S Gilbert St. Unit 1 Iowa City IA, 52240	3855 Locust Ridge RD NE North Liberty IA, 52317	C - Commercial	1015312006
12	1225 Gilbert, LLC	N/A	3855 Locust Ridge RD NE North Liberty IA, 52317	C - Commercial	1015312003
13	Paradigm Properties, LLC	N/A	3855 Locust Ridge RD NE North Liberty IA, 52317	C - Commercial	1015311007
14	South Gilbert Center LLC	1210 S Gilbert St. Iowa City IA, 52240	621 S Summit St. Iowa City IA, 52240	C - Commercial	1015306001
15	Florence M Hagen Revocable Trust	1214 S Gilbert St. Iowa City IA, 52240	2124 Hickory St. San Diego CA, 92103	C - Commercial	1015306003
16	Arie Q Kroeze & Antonia H Kroeze	1224 S Gilbert St. Iowa City IA, 52240	4274 Nursery Ln SE Iowa City IA, 52240	C - Commercial	1015306004
17	Florence M Hagen Revocable Trust	S Gilbert St. Iowa City IA, 52240	2124 Hickory St. San Diego CA, 92103	C - Commercial	1015306005
18	Veterinary Associates PLC	330 E 3rd St Iowa City IA, 52240	330 E 3rd St Iowa City IA, 52240	C - Commercial	1015303006

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: June 4, 2020

Britni Andreassen



Signature(s) of Applicant(s)

Date: _____, 2020

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

IOWA CITY, IOWA
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2020 JUN -5 AM 9:15

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Civil Design Advantage

3405 SE Crossroads Drive, Suite G
Grimes, Iowa 50111
Office 515.369.4400
Fax 515.369.4410
www.CDA-ENG.com

Transmittal

To: Kellie Fruehling or Anne Russett **From:** Keith Weggen

Company: City of Iowa City **Date:** June 4, 2020

Address: City Clerk's Office **Subject:** Kum & Go 3504 – Special Exception Application
410 East Washington Street
Iowa City, Iowa 52240

Project Number: 1902.078 **Via:** Mail

CC: File

URGENT For Your Use Please Comment For Your Approval Sign & Return

Transmitted Material:

1. Completed Special Exception Application (1 copy)
2. Special Exception Application Fee (1 check for \$460)
3. Site Plan Concept (1 copy)
4. Colored Building Elevations (1 copy)
5. Building Floor Plan (1 copy)

Comments:

Please let me know if you have any questions or need anything else.

Keith

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 CITY CLERK
 IOWA CITY, IOWA

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

011675-0009 Gerri T. 06/05/2020 09:13AM

MISCELLANEOUS

Description: OTHER
(OTHER)

Reference 1: SPECIAL

Reference 2: EXCEPTION

OTHER (OTHER)

2020 Item: OTHER

1 @ 460.00

OTHER (OTHER) 460.00

95900000-101100- 460.00D

10610620-341200- 460.00C

Payment Id: 407895

460.00

Subtotal 460.00

Total 460.00

CHECK 460.00

Check Number 6091

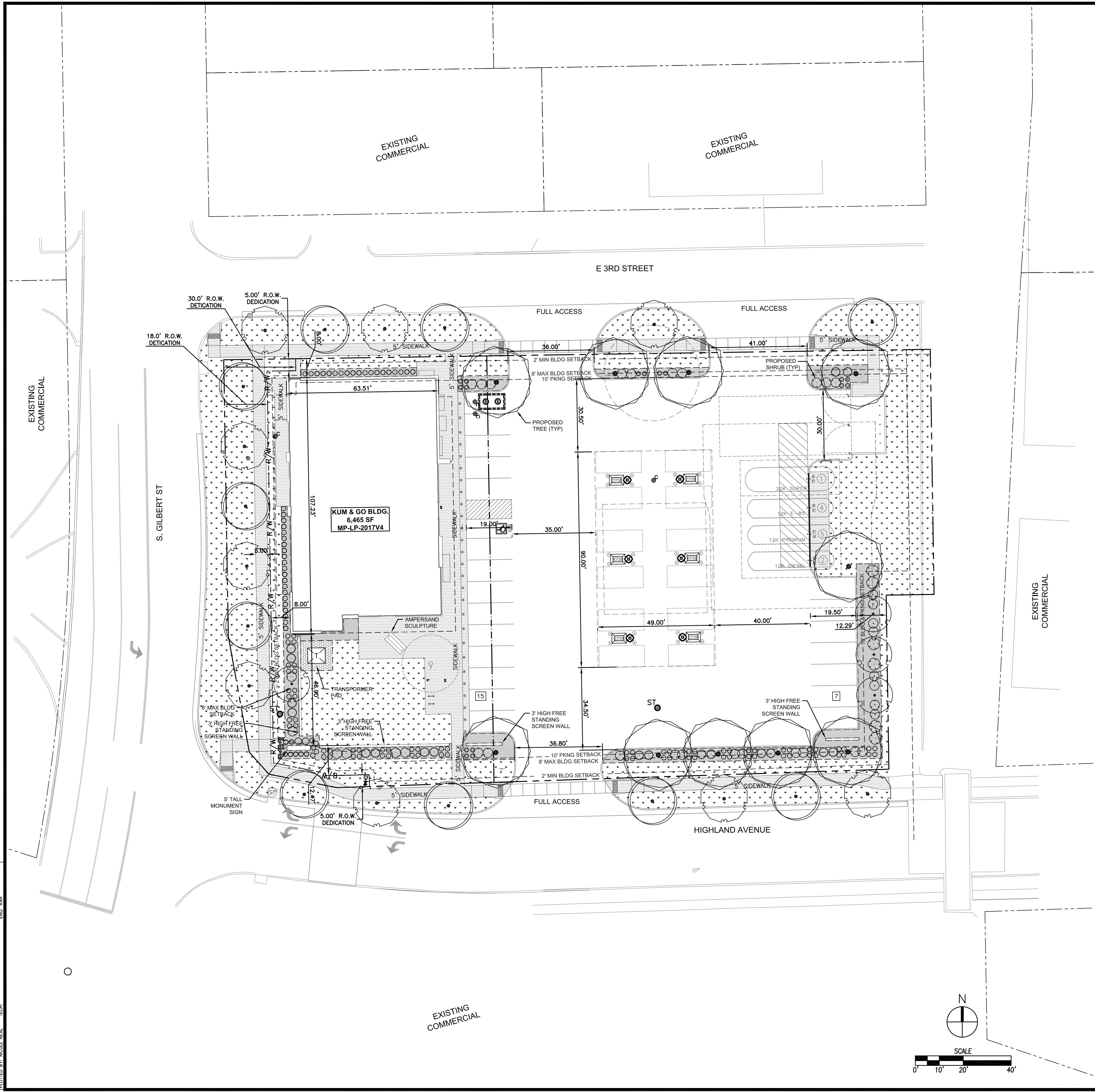
Change due 0.00

Paid by: KUM & GO

THANK YOU FOR YOUR PAYMENT

CUSTOMER COPY

FILE: H:\2019\1902078\1902078-REC SITE PLAN.DWG
 DATE: 6/17/2020
 PLOT DATE: 6/17/2020
 PLOT TIME: 5:06 PM
 PLOT BY: NEAL



SITE DATA		
PROPOSED LOT SIZE	±50,067 S.F.	
	±1.15 ACRES	
KUM & GO BUILDING	6,465 S.F.	
STORE TYPE	MARKETPLACE	
CANOPY/DISPENSER ARRANGEMENT	6 DISPENSER (DOUBLE)	
REQUIRED PARKING	STANDARD	12
	ADA	1
	TOTAL	13
PARKING RATIO = 1 CARS/500 S.F.		
PROPOSED PARKING	STANDARD	21
	ADA	1
	TOTAL	22
PARKING RATIO = 3.3 CARS/1000 S.F.		
LANDSCAPING	NORMAL	



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 EXHIBIT

KG PROJECT TEAM:
 RDR:
 SDM:
 CPM:

REVISION DESCRIPTION	DATE

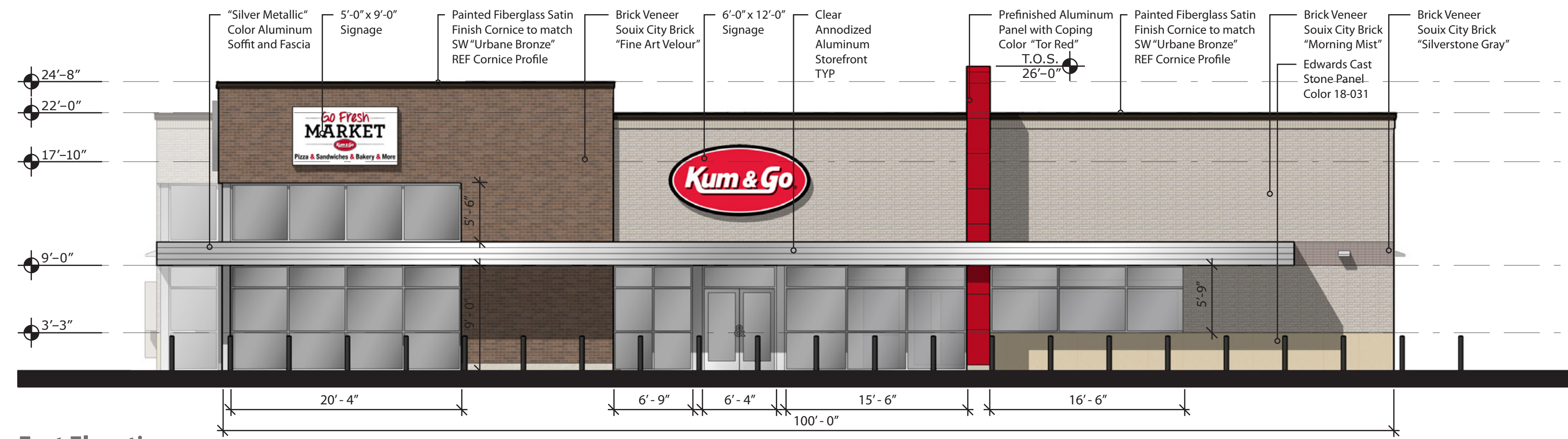
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SHEET NUMBER:

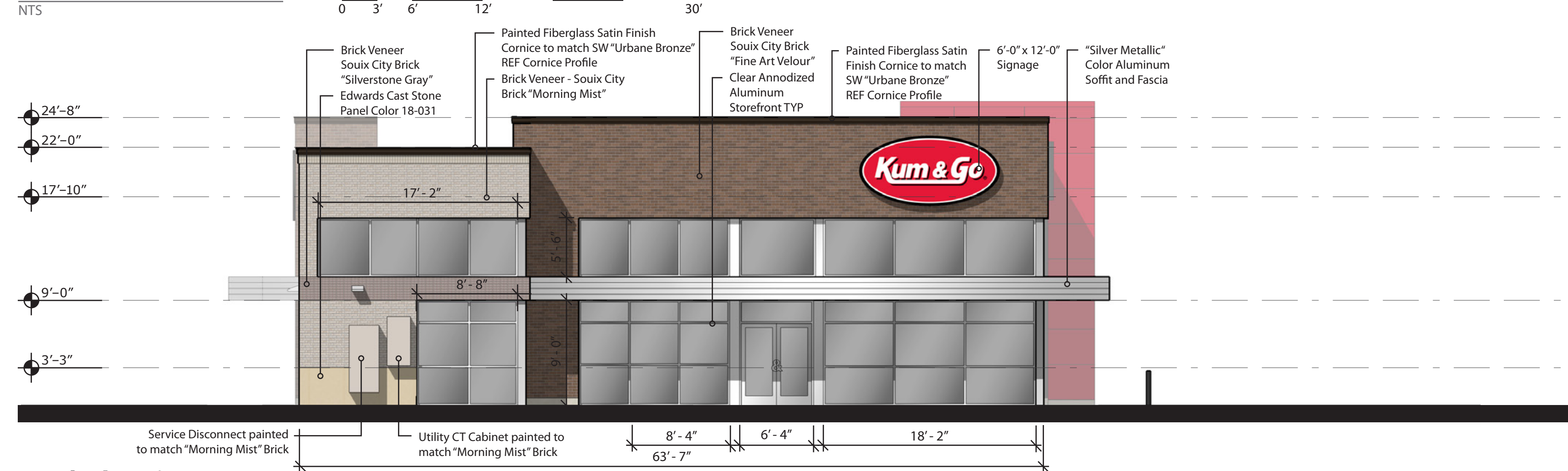
1 OF 1

Proposed Building Signage

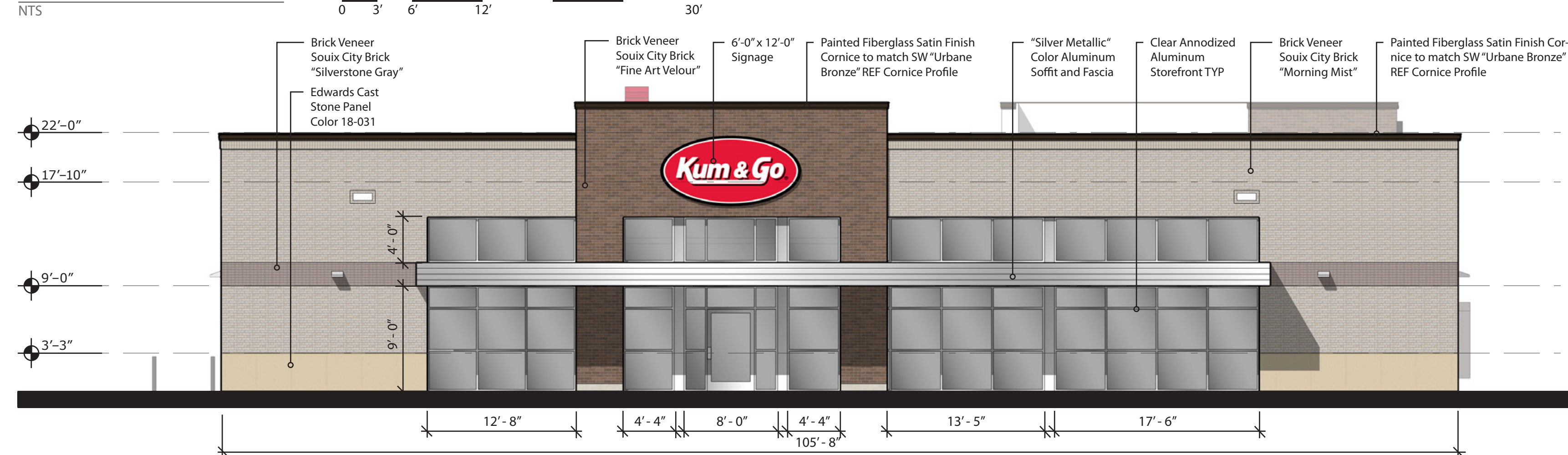
Location	Sign	Size	Area
East Elevation	"Kum & Go" Sign	6' x 12'	72 SF
	"Go Fresh Market" Sign	5' x 9'	45 SF
South Elevation	"Kum & Go" Sign	6' x 12'	72 SF
West Elevation	"Kum & Go" Sign	6' x 12'	72 SF
North Elevation	No Signage	---	0 SF
Total			261SF



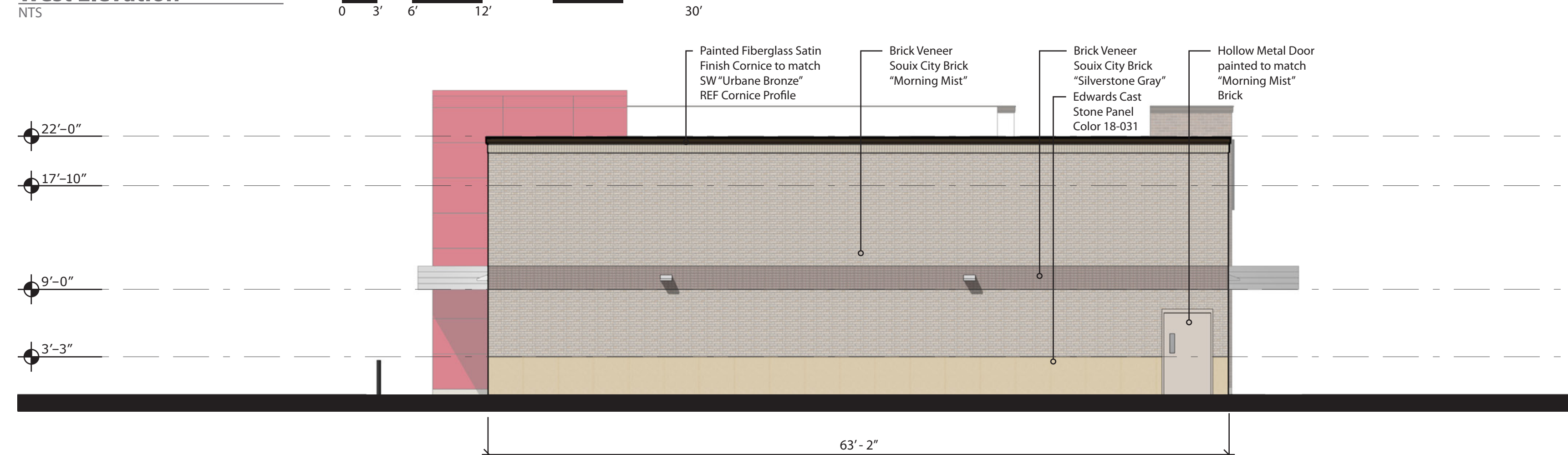
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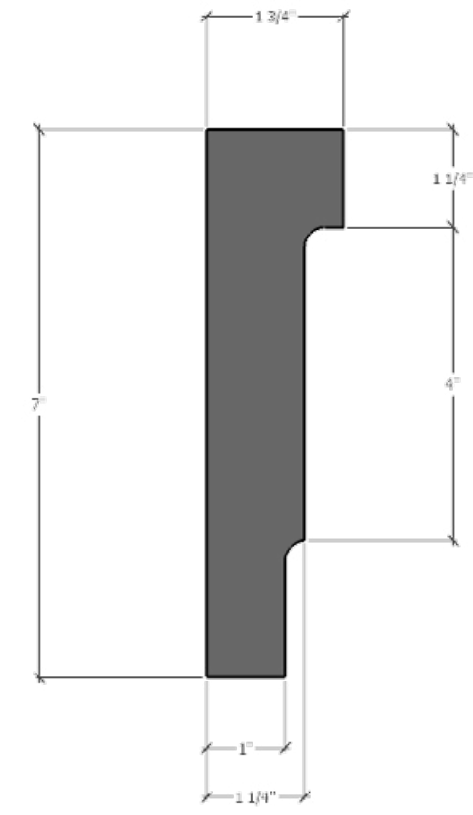
South Elevation



West Elevation



North Elevation

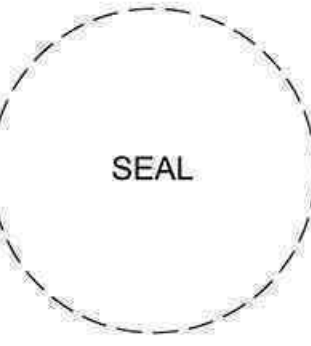


Cornice Profile

NTS



ARCHITECT OF RECORD:
BRR ARCHITECTURE, INC
813 METCALF AVENUE
SUITE 300
OVERLAND PARK, KS 66204
www.brrarch.com
TEL: 913-262-9055
FAX: 913-262-9044



1459 Grand Avenue
Des Moines, Iowa
50309
P:515-457-6247

#3504 - IOWA CITY, IA
1310 S GILBERT STREET

EXTERIOR ELEVATIONS

KG PROJECT TEAM:
RDM:
SDM:
CPM:

REVISION DESCRIPTION	DATE

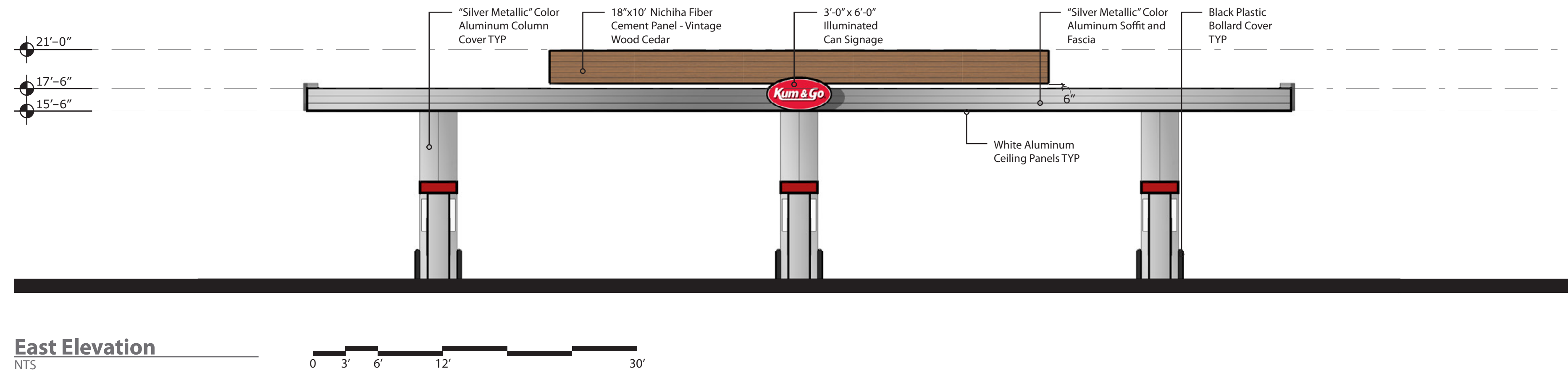
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SHEET NUMBER:

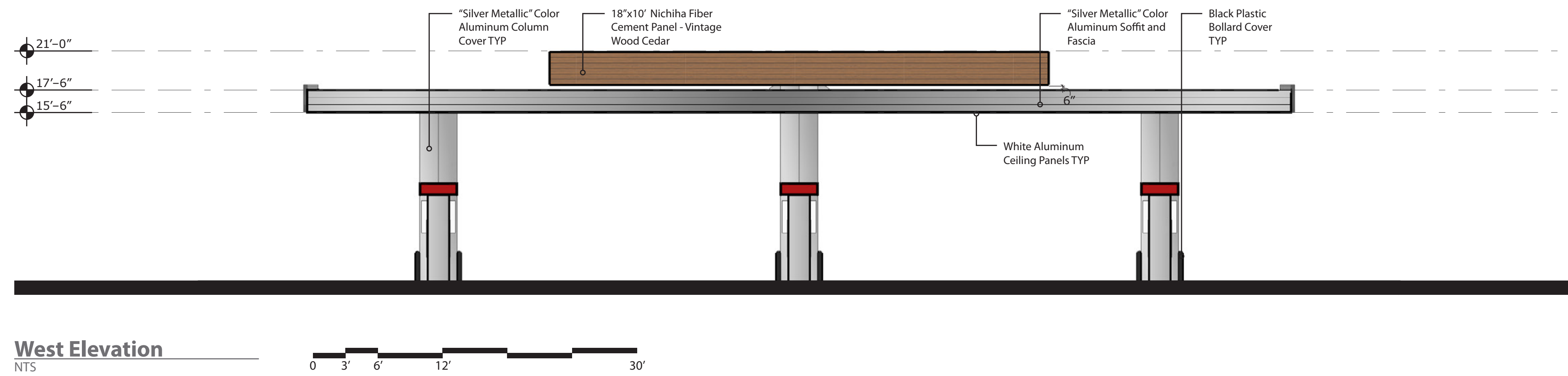
REVISIONS

Proposed Canopy Signage

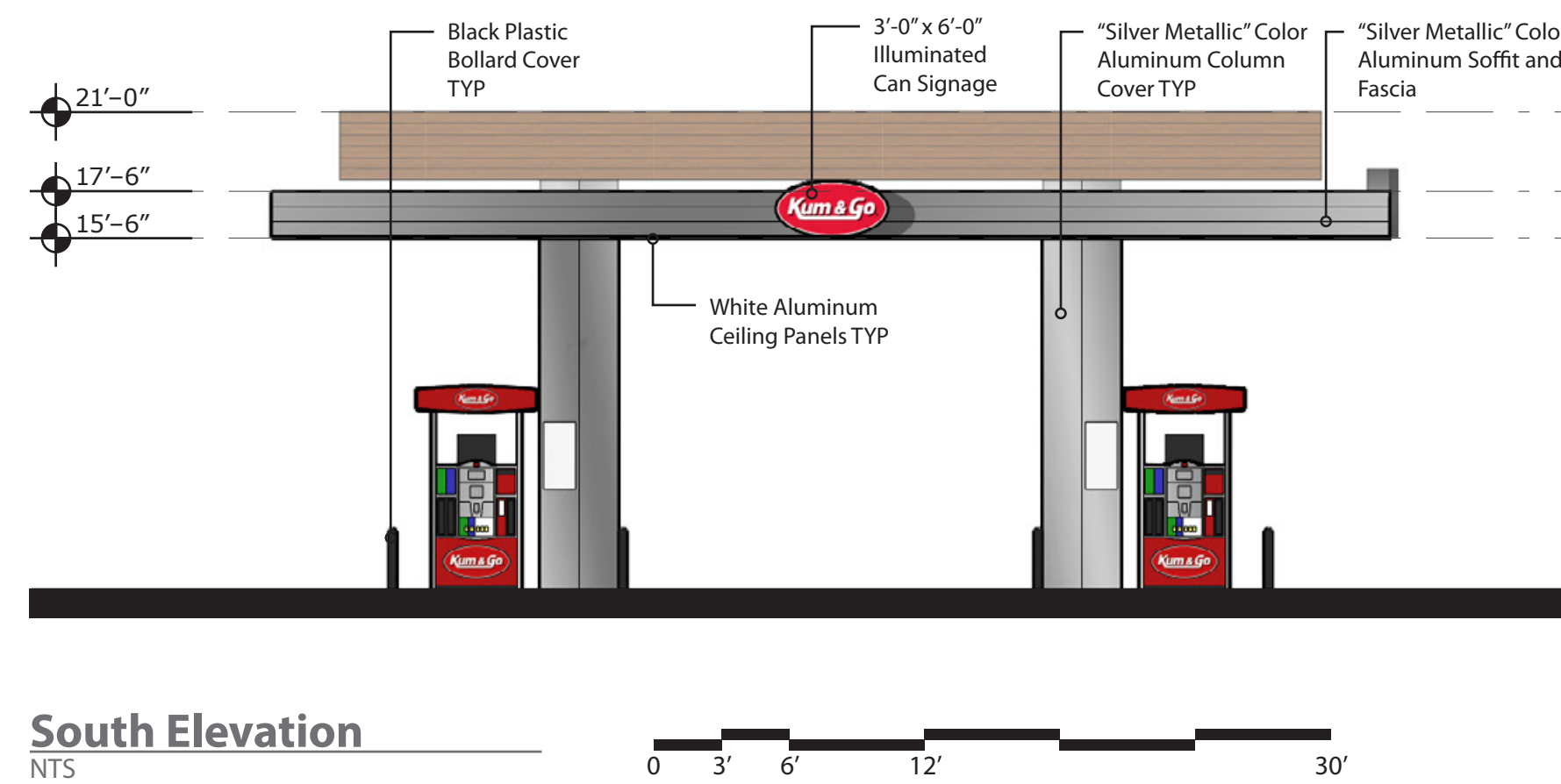
Location	Sign	Size	Area
East Elevation	"Kum & Go" Sign	3' x 6'	18 SF
West Elevation	No Signage	---	0 SF
South Elevation	"Kum & Go" Sign	3' x 6'	18 SF
North Elevation	"Kum & Go" Sign	3' x 6'	18 SF
Total			54 SF



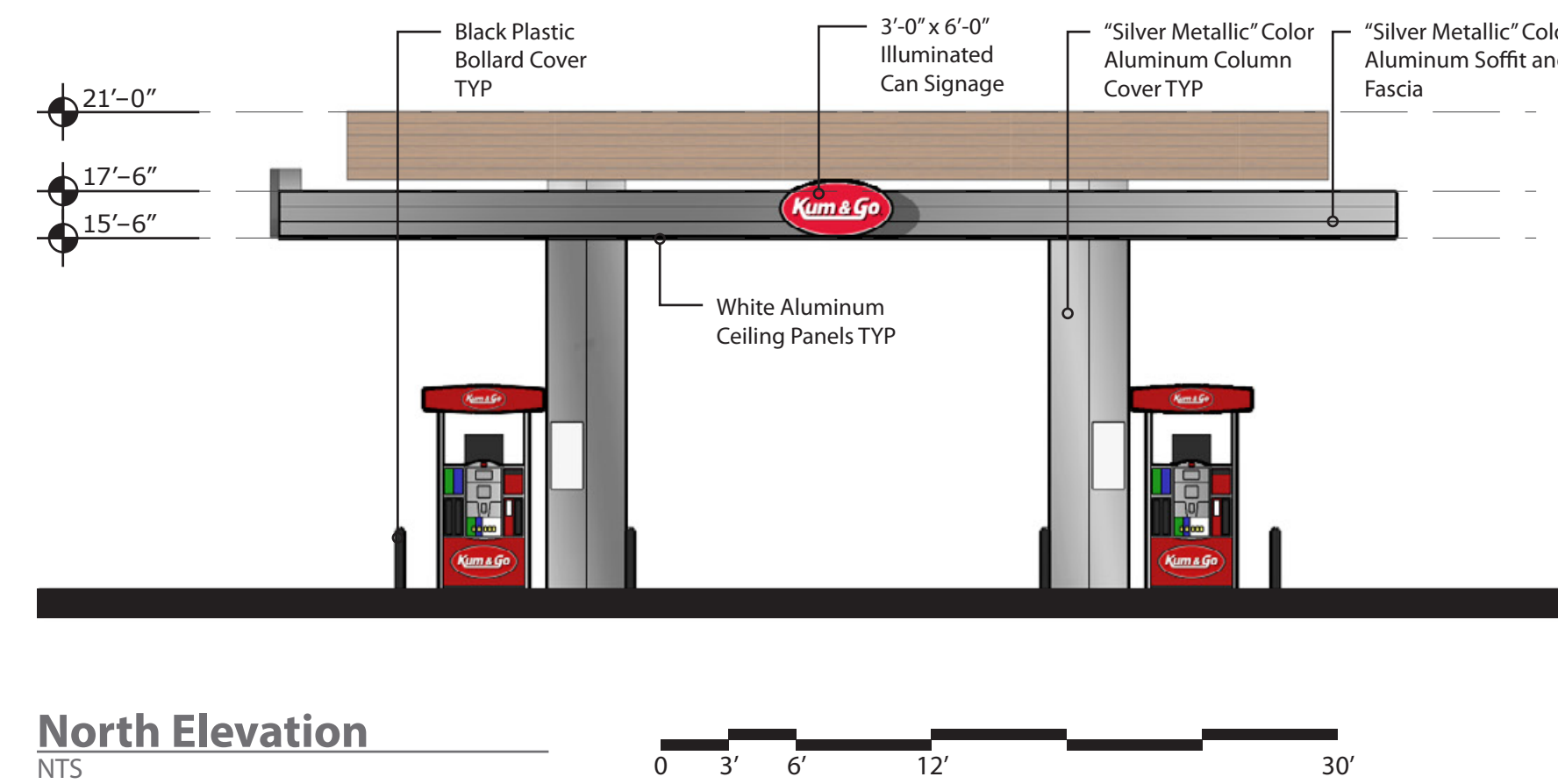
East Elevation
NTS



West Elevation
NTS



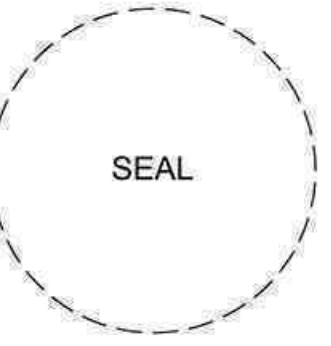
South Elevation
NTS



North Elevation
NTS

brr

ARCHITECT OF RECORD:
BRR ARCHITECTURE, INC
8131 METCALF AVENUE
SUITE 300
OVERLAND PARK, KS 66204
www.brrarch.com
TEL: 913-262-9055
FAX: 913-262-9044



1459 Grand Avenue
Des Moines, Iowa
50309
P:515-457-6247

#3504 - IOWA CITY, IA
1310 S GILBERT STREET
CANOPY ELEVATIONS

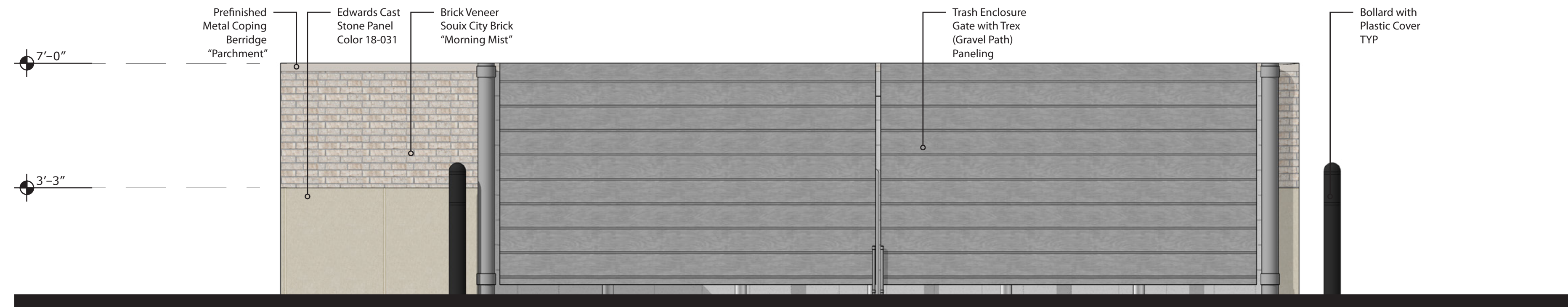
KG PROJECT TEAM:
RDM:
SDM:
CPM:

REVISION DESCRIPTION	DATE

DATE: 06/04/2020

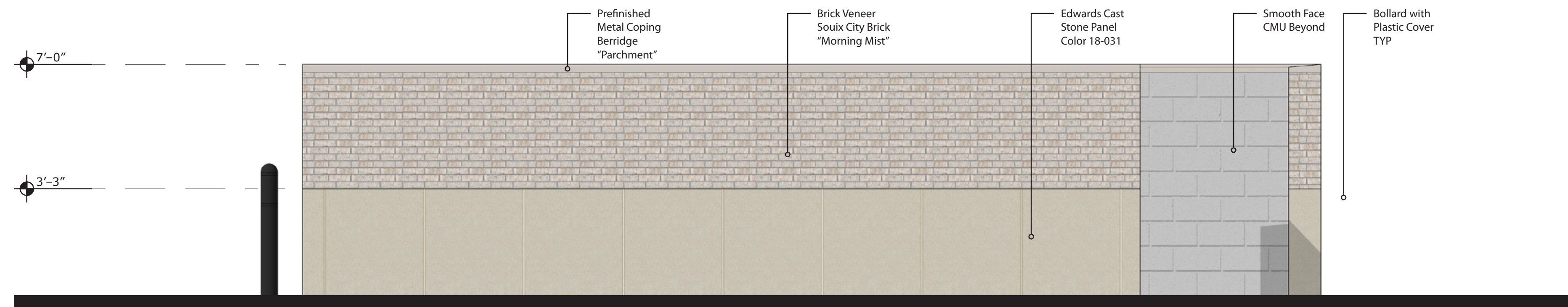
SHEET NUMBER:

REVISIONS



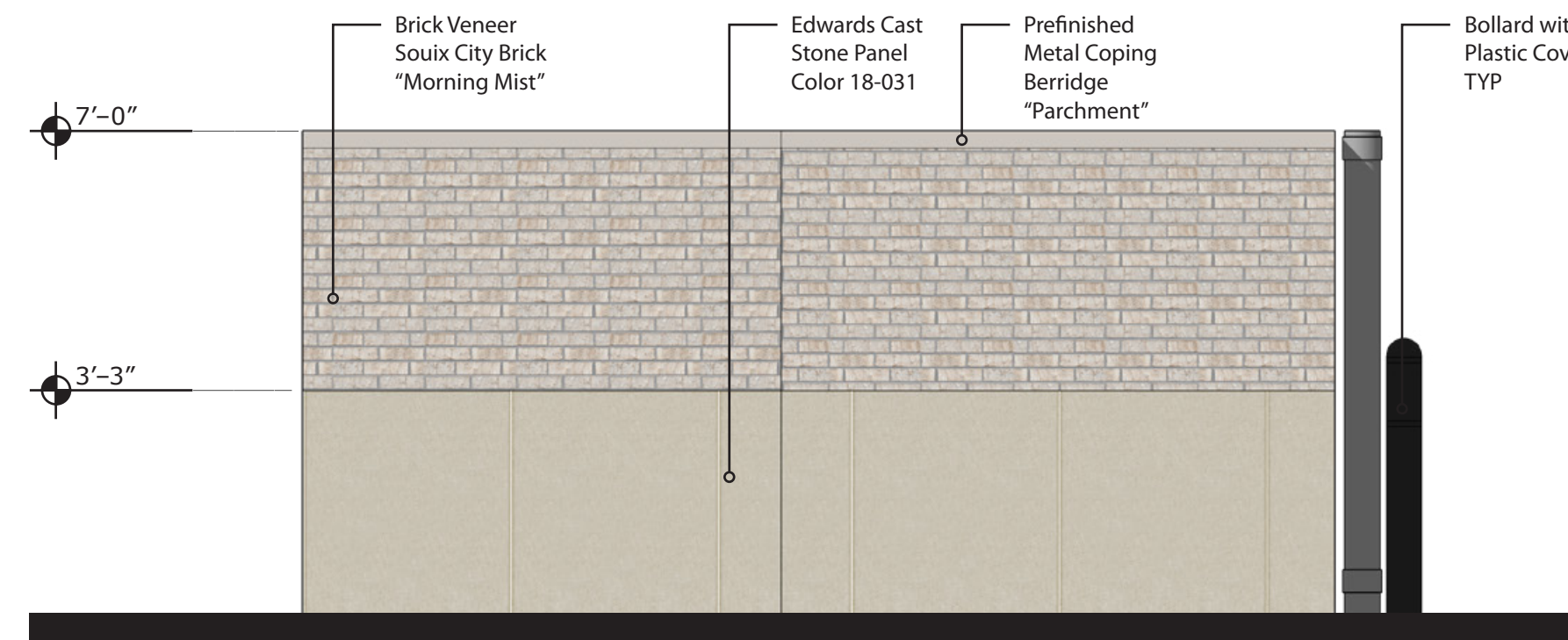
West Elevation

NTS



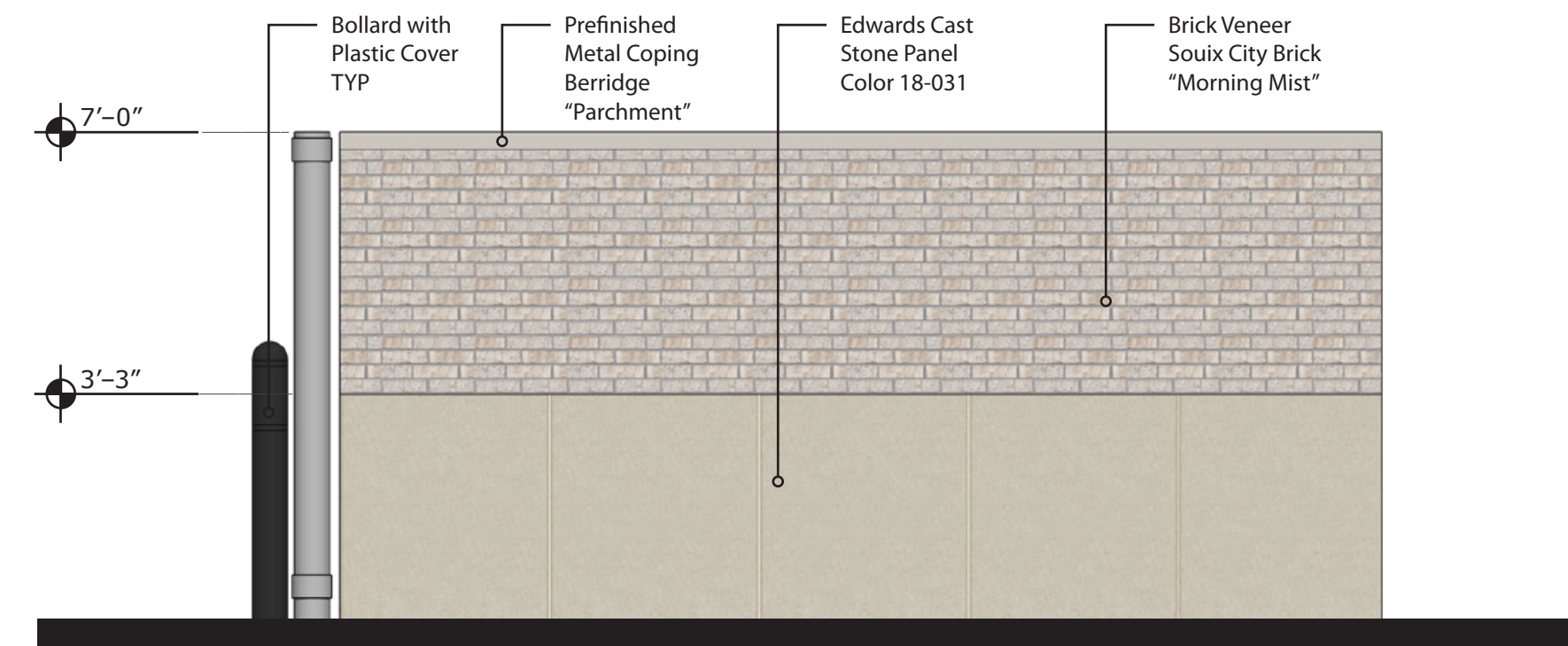
East Elevation

NTS



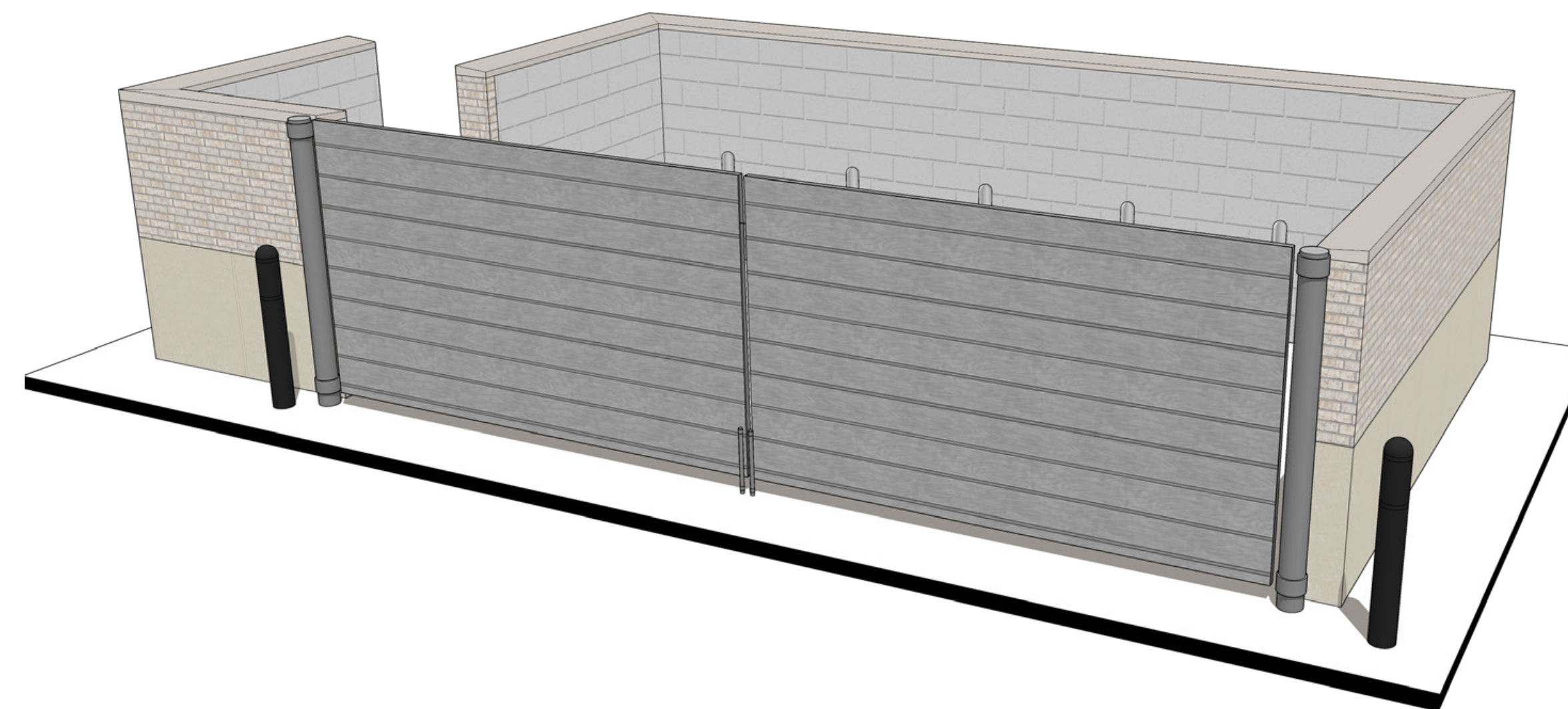
North Elevation

NTS



South Elevation

NTS

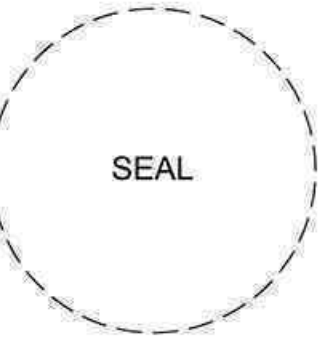


Perspective

NTS

brr

ARCHITECT OF RECORD:
BRR ARCHITECTURE, INC
813 METCALF AVENUE
SUITE 300
OVERLAND PARK, KS 66204
www.brrarch.com
TEL: 913-262-9055
FAX: 913-262-9044



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P:515-457-6247

#3504 - IOWA CITY, IA
1310 S GILBERT STREET
TRASH ENCLOSURE ELEVATIONS

KG PROJECT TEAM:
RDM:
SDM:
CPM:

REVISION DESCRIPTION	DATE

DATE: 06/04/2020

SHEET NUMBER:

REVISIONS

Installation Examples



Front



Front



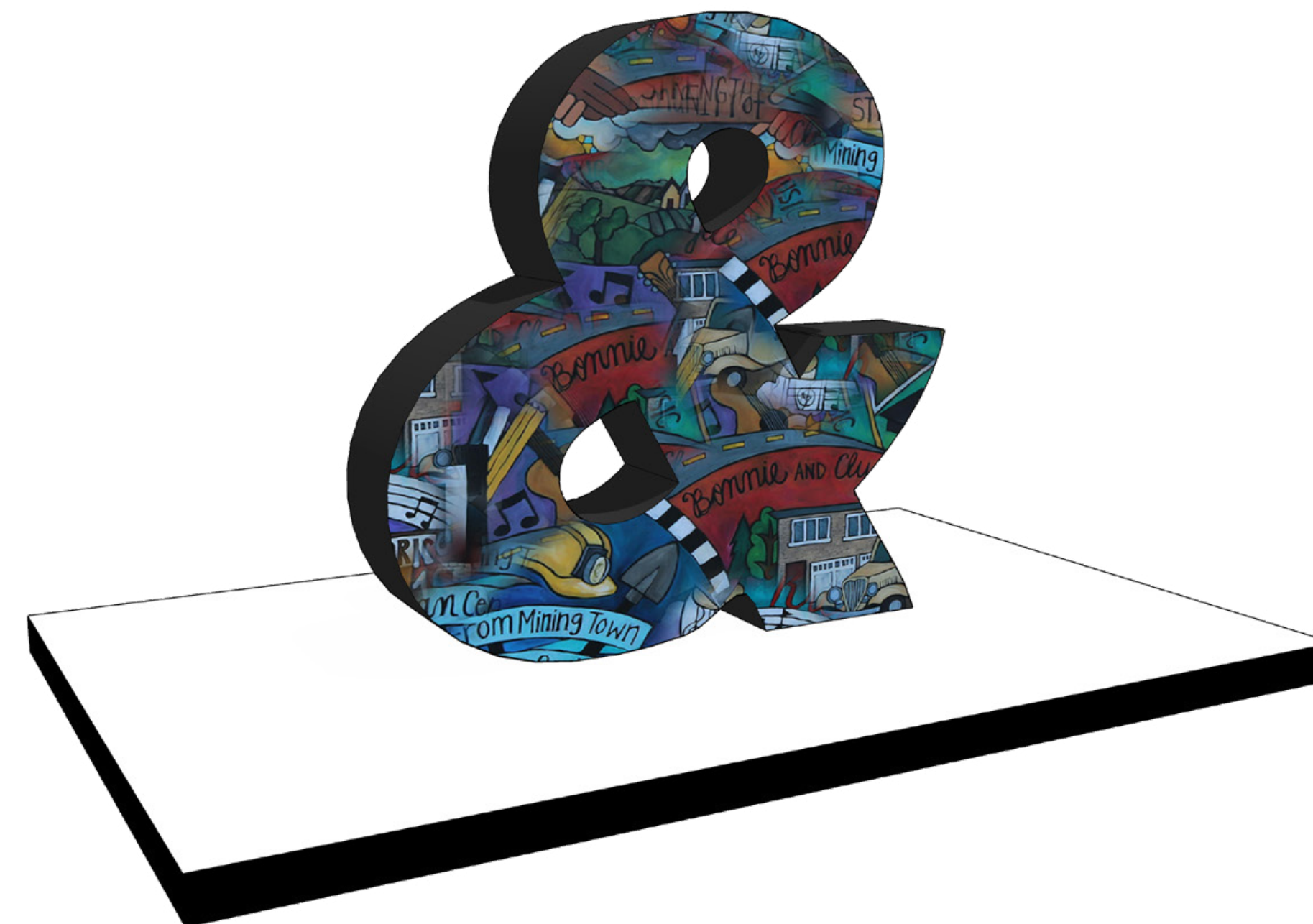
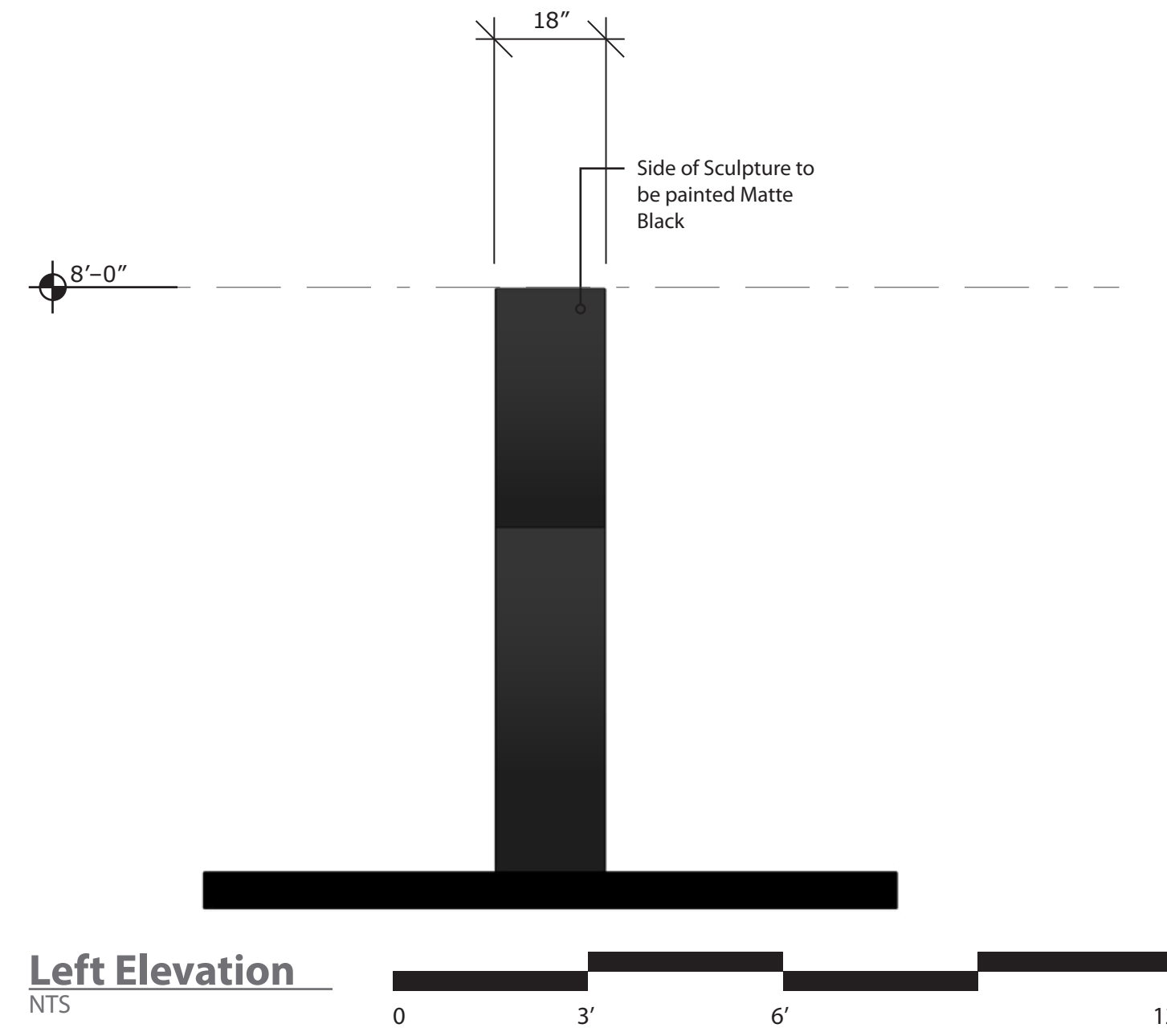
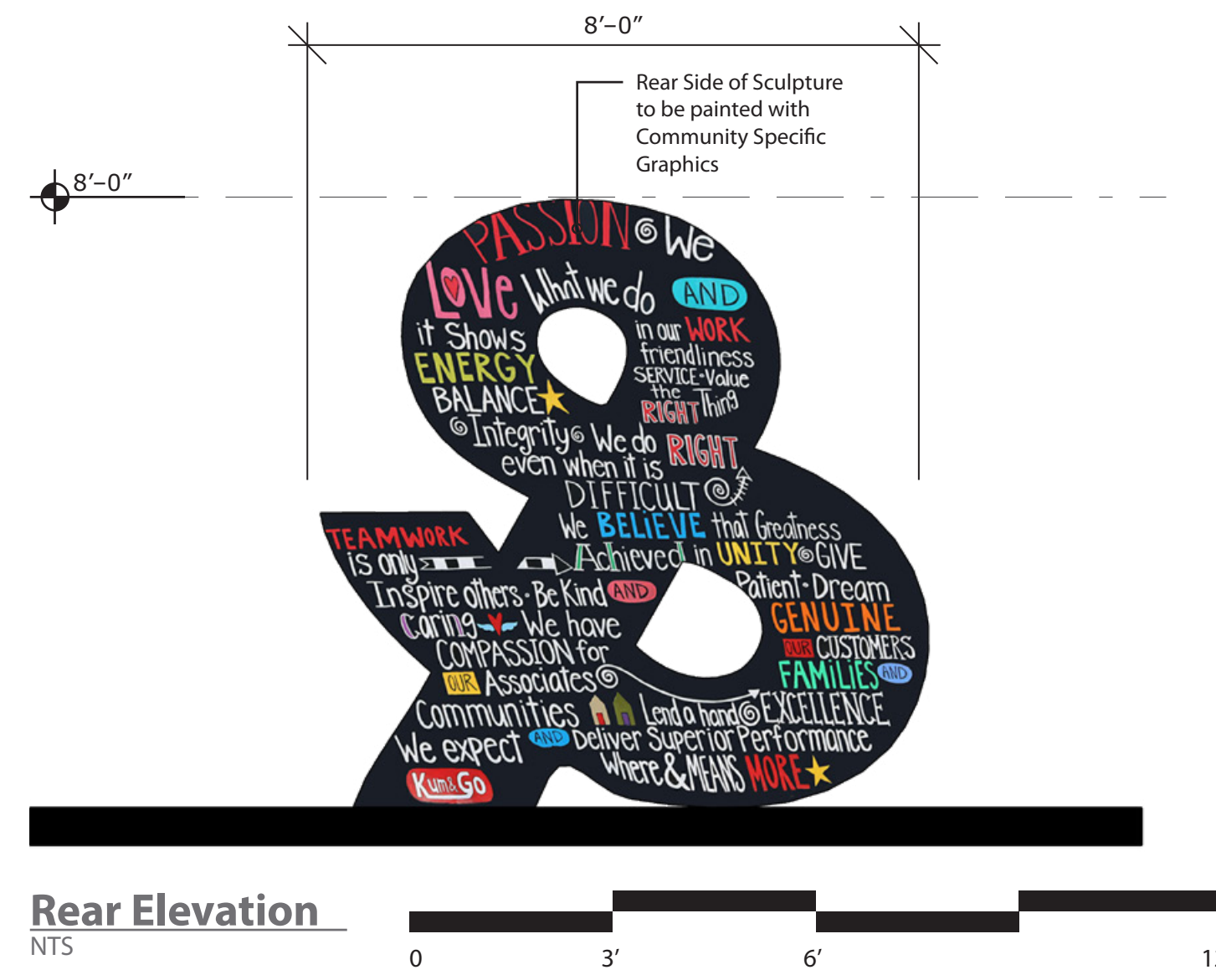
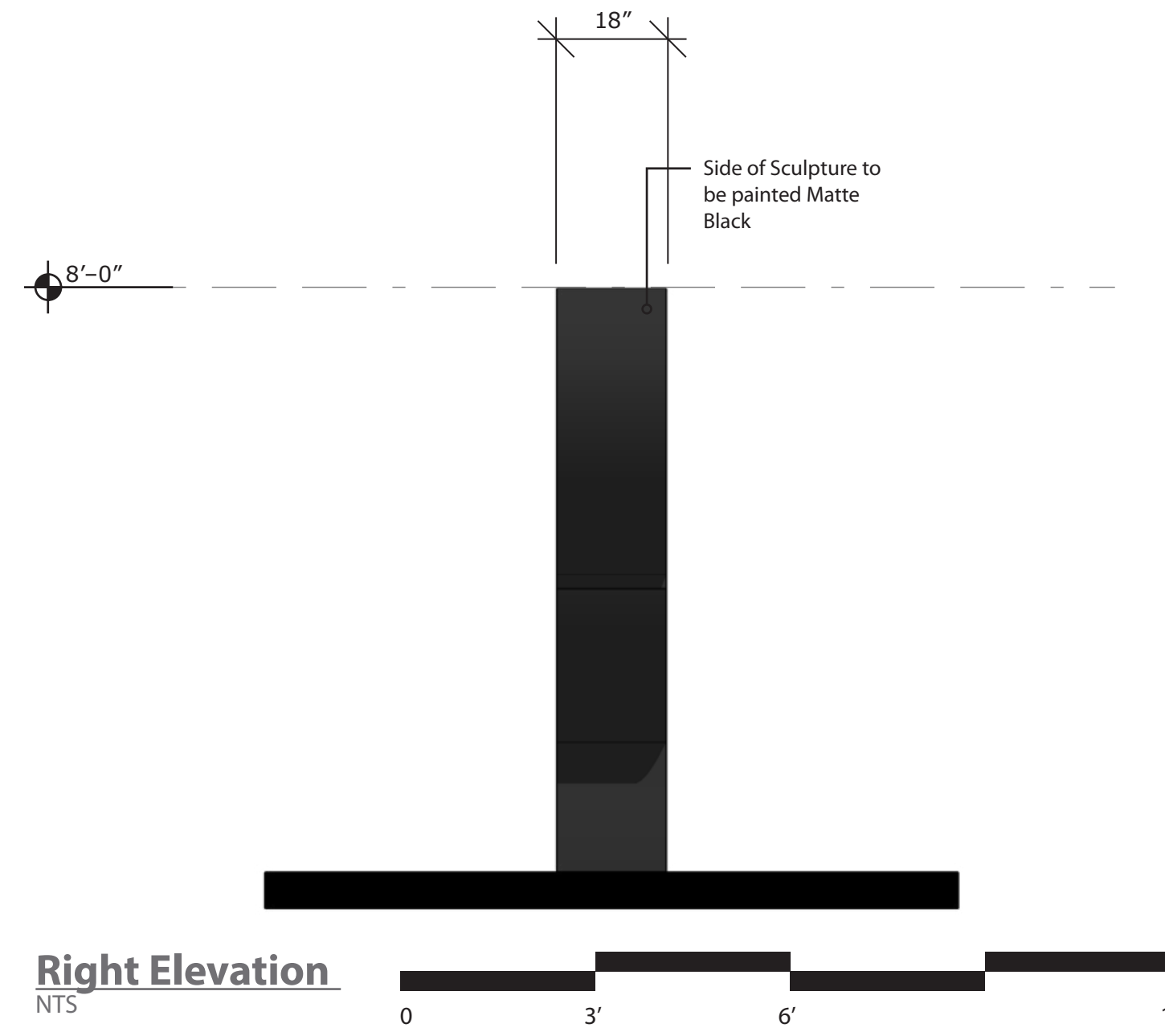
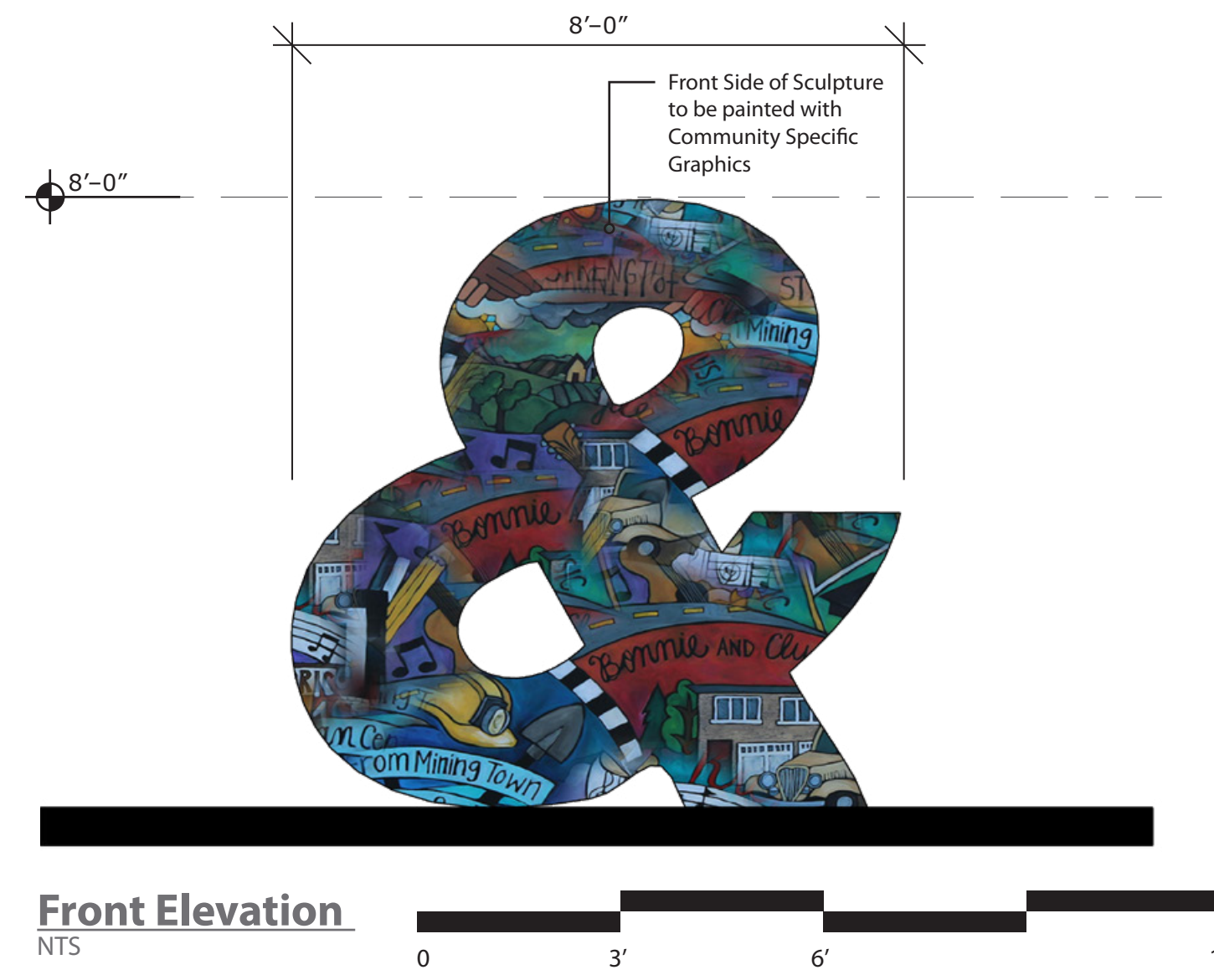
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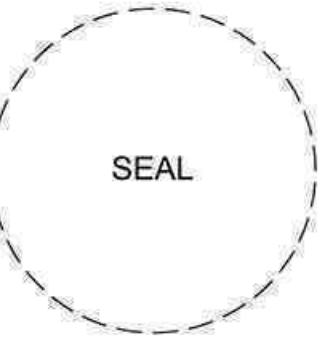


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#3504 - IOWA CITY, IA
1310 S GILBERT STREET
AMPERSAND CRITERIA DRAWING

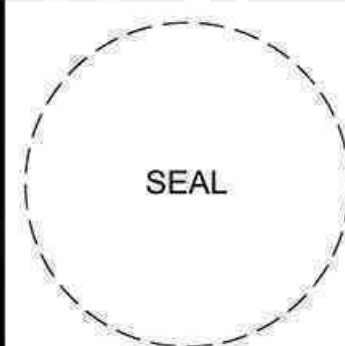
KG PROJECT TEAM:
RDM:
SDM:
CPM:

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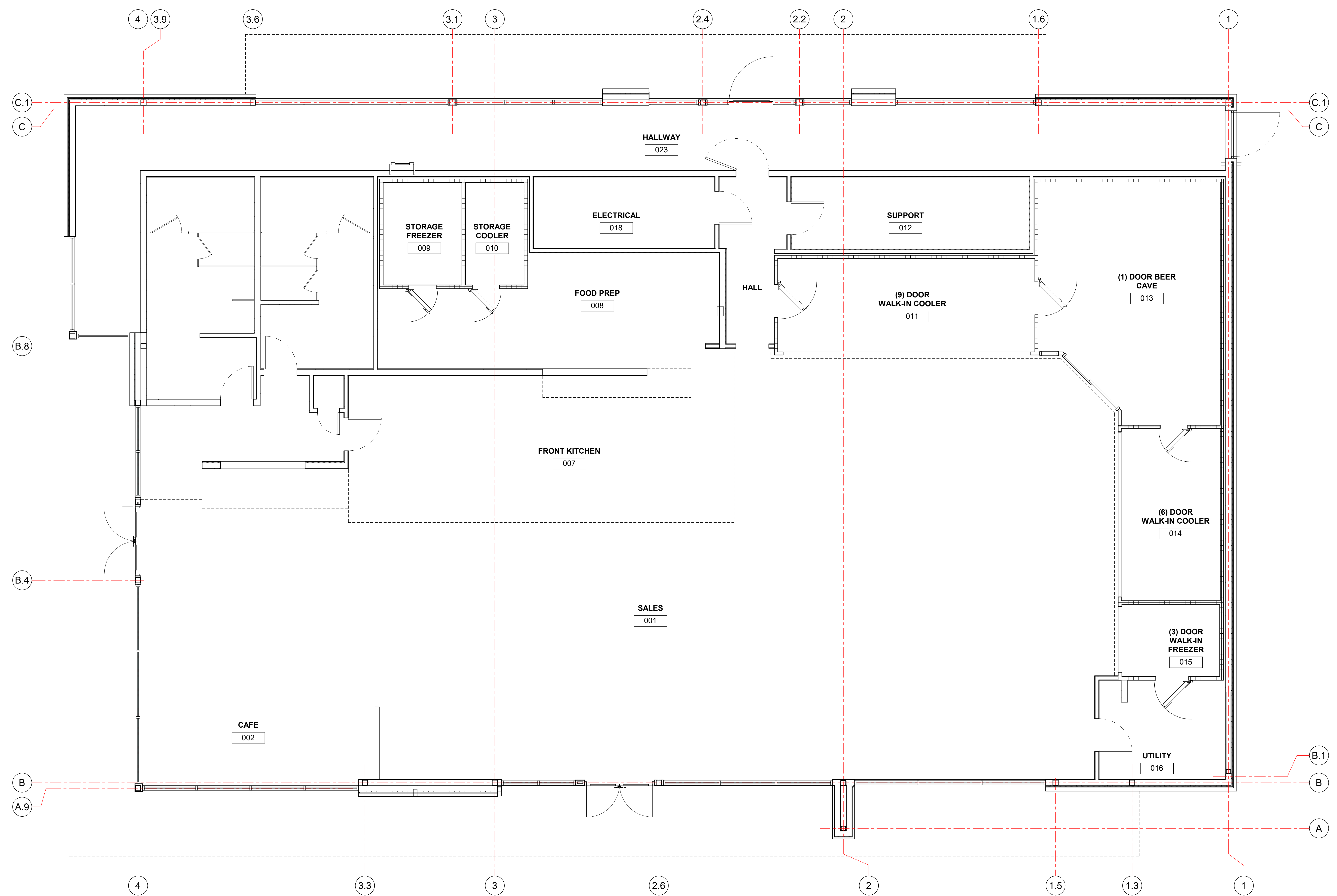
#3504 - IOWA CITY, IA
 1310 S GILBERT STREET
 FLOOR PLAN

KG PROJECT TEAM:
 RDM:
 SDM:
 CPM:

REVISION DESCRIPTION	DATE

DATE: 06/04/2020

SHEET NUMBER:



FLOOR PLAN
 1/4" = 1'-0"

REVISIONS

Electronic Meeting

(Pursuant to Iowa Code section 21.8)

An electronic meeting is being held because a meeting in person is impossible or impractical due to concerns for the health and safety of Commission members, staff and the public presented by COVID-19.

MEMBERS PRESENT: Gene Chrischilles, Ernie Cox, Bryce Parker, Amy Pretorius

MEMBERS ABSENT: Zephan Hazell

STAFF PRESENT: Susan Dulek, Kirk Lehmann, Anne Russett, David Schwindt

OTHERS PRESENT: Ed Cole, Cady Gerlach, Crissy Canganelli, Dan Broffitt, Joel Fagan, Kathleen Crawford, Kirsten Frey, Sam Alexakis, Jessica Egli, Josh Moe

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 in the meeting.

SPECIAL EXCEPTION ITEM EXC20-05:

An application submitted by Southside Developers, LC requesting a special exception to allow a Community Service - Long Term Housing use in an Intensive Commercial (CI-1) zone that is adjacent to a single-family residential zone at Parcel 1022133012 on Southgate Avenue.

Pretorius opened the public hearing.

Lehmann started the staff report with an aerial view of the property and noted the subject parcel does not yet have an address because it is currently a parking lot. The parcel is south of Southgate Ave and east of Waterfront Drive. Currently it is zoned Intensive Commercial and surrounded by Intensive Commercial except to the south, where Hilltop Mobile Home Park is zoned RS-12, high density single family. That's why this application needs a special exception.

The applicant, Southside Developers, would like to establish a permanent supportive housing facility for persons with disabilities who are chronically homeless. This use is a relatively new use in Iowa City, called Community Service – Long Term Housing. The management plan submitted by Southside Developers notes that Shelter House will operate the facility because it has to have a public or nonprofit owner or operator. Shelter House also operates a shelter for persons experiencing homelessness just to the west of this site and has case management and drop-in services there. Shelter House also owns Cross Park Place which is the only other Community Service – Long Term Housing use in Iowa City. Lehmann reiterated that because the property is adjacent to a single-family zone to the south a special exception is required.

Lehmann showed images of the site as it currently is, and showed some of the surrounding buildings, the Shelter House building is to the west and across the street is Prelude Behavioral Services, which provides housing and some public services. Looking east is some existing commercial uses. Lehmann next showed the site plan submitted by Southside Developers.

Lehmann stated the role of the Board of Adjustment is to approve, approve with conditions or deny the application based on the facts presented. To approve this special exception the Board must find that it meets all applicable approval criteria which includes both specific standards pertaining to the waiver requested and general standards for all special exceptions. In this case, Lehmann noted the specific standards are found at Iowa City Code 14 – 4B – 4D 6 for the Community Service – Long Term Housing. Five specific standards must be met.

The first specific standard is regarding maximum density in a CI-1, CO-1 and CC-2 zones. A minimum of 900 square feet of lot area per dwelling unit is required. Dwelling units must be efficiency and/or one-bedroom units. In the CB-2 and CB-5 zones the density standards for multi-family dwellings and commercial zones in Chapter 2, Article C of this title apply. This property is in an Intensive Commercial zone CI-1 so the 900 square feet applies. The property is approximately 32,420 square feet so up to 36 efficiency or one-bedroom dwelling units may be built on the site. The design includes 36 one-bedroom dwelling units, so it meets that standard.

Additionally, the applicant must submit a site plan and a management plan that addresses potential nuisances, such as loitering, noise, lighting, late night operations, odors, outdoor storage and litter. The management plan must include plans for controlling litter, loitering, and noise provisions for 24/7 on site management and/or security and a conflict resolution procedure to resolve nuisances if they occur. The site plan and management plan must be submitted concurrently to the City, or permitted as a special exception, plans must be submitted with the special exception application. Lehmann stated the site plan and management plan have been included in the application. The management plan includes provisions for 24/7 on-site management with provisions that Shelter House as the operator shall train staff to maintain a safe work and living environment for tenants. The plan includes a conflict resolution procedure for staff to resolve disputes or other nuisances should they occur. That includes ongoing communications and cooperation with the Iowa City Police Department as needed. The management plan also has provisions to address potential nuisances, including the following:

Loitering: Shelter House staff shall request individuals without at lease or not welcomed as a visitor of a current tenant, volunteer or partnering service providers to leave the premises with the support of the Iowa City Police Department where necessary. If they are a resident of the facility, they can't loiter as they have a legal right to be on that property.

Noise: tenants shall be notified of Iowa's City's Noise Ordinance with the expectation that they comply so as not to disrupt the enjoyment of other tenants and adjacent property owners. In

addition, staff is recommending a condition that the management plan be revised to require that tenants are also provided the Disorderly House Provision, which is found in Section 8-5-5 of the City Code. That section talks about disorderly conduct, loud noises and disturbances to surrounding properties, and is typically what is used to enforce noise disturbances, so that's why staff recommends this condition be included in the management plan.

Exterior Lighting: exterior lights will be at the front and rear of the property in compliance with all Code requirements to minimize glare.

Odors: Shelter House will provide regular solid waste removal, litter control, janitorial services and on-site facilities for waste removal and other waste.

Outdoor Storage: the trash and recycle enclosure is located at the rear of the property and shall comply with screening requirements of the underlying zone.

Litter: Shelter House staff and or a professional janitorial service shall survey exterior grounds, including the outdoor enclosed smoking area, and remove any litter that appears daily.

Lehmann stated the third requirement is a special exception is required if the proposed use is in a CO-1, CI-1 or CC-2 zone and is across the street from or adjacent to a single-family residential zone. This special exception is necessary because the property to the south is a single-family residential zone.

The fourth specific standard for this use is a neighborhood meeting is required prior to a building permit being issued. The owner or operators of the Community Service – Long Term Housing must hold a neighborhood meeting inviting all property owners within 200 feet the proposed use. At that neighborhood meeting the owner operator must provide copies of the management plan and contact information for the management team of the proposed use. Staff will ensure a neighborhood meeting is held prior to that building permit release. If an in-person meeting is impossible due to health and safety concerns such as COVID-19, staff can help conduct a virtual meeting. In the case of a virtual meeting, staff will require that the applicant deliver or mail all required materials to neighbors.

The final specific criterion is the site and building development standards which states if the proposed use is in the central planning district, it must comply with the multi-family site development standards as set forth in Section 14-2B-6 of this title. In the CB-2 and CB-5 zones, Community Service – Long Term Housing uses must be located above the street level of the building. The proposed facility must comply with the minimum standards as specified in the Iowa City Housing Code, as amended, and maintain a rental permit. Finally, in the CO-1 and CI-1 zones up to 50% of the first floor of the building may be occupied by residential uses. Lehmann stated in this case the first two don't apply because it's a CI-1 zone. With the other two, staff will work with the owner to ensure the proposed facility needs the requirements of the City's Housing Code and the minimum standards necessary to maintain a rental permit. Additionally, the proposed design has less than 50% of the first floor of the building occupied by residential uses based on the current plans.

Lehmann next discussed the general standards and there are seven of those (they are found at 14-4B-3: Special Exception Review Requirements). First is that the specific proposed exception will not be detrimental to or endanger the public health, safety, comfort or general welfare. Lehmann stated the proposed exception is an allowable use in the zone and complements other uses that exists nearby including both residential uses and those operated by nonprofit and public agencies. The proposed facility will be operated by Shelter House, which has experience providing permanent supportive housing in a housing first model for persons with disabilities

identified as chronically homeless. The agency partners with local health providers, law enforcement and other health and safety officials. Shelter House will provide regular support services on-site and security and management will be provided on a 24-hour basis. Staff was especially interested in public safety calls of service that affect quality of life, based on the existing other Community Service – Long Term Housing use at Cross Park Place so they asked the Iowa City Police Department how things were going and for some numbers as to how it compares to other allowable uses that could be on this site. The City's other Community Service – Long Term Housing use at Cross Park Place generated 118 total quality of life calls for service in 2019. Quality of life calls for service are those calls might impact the quality of life of surrounding properties, and can be things such as violent crimes, property crimes, nuisances, or suspicious person calls. With 24 units at Cross Park Place, it comes out to about 4.9 calls per unit and that number had decreased over time in the year that it was open (it just opened in 2019). In terms of comparable properties, other multi-family properties near Cross Park Place generated between 3.7 and 17.9 calls for service per unit in 2019. Other commercial uses that would be allowable in a CI-1 zone generated between 74 and 169 calls for service. Overall the land use seems to generate calls for service within the range of other similar and/or allowable uses within the area. Lehmann added there is also a larger scale benefit for public health, public safety, comfort and general welfare because permanent supportive housing is a proven intervention that improves the general public health. Lehmann noted there are a number of studies about this that aren't cited in the staff report, but if anyone would like more information, they can provide it later. For the calls for service there is also a map pulled from the police memo where one can see different uses near Cross Park Place. The general conclusion drawn from police is that calls to Cross Park Place generated a comparable number of quality of life calls for service to other similar multifamily and allowable commercial uses.

Regarding the second general criteria, the specific proposed exception will not be injurious to the use and enjoyment of other property in the immediate vicinity and will not substantially diminished or impair property values in the neighborhood. Lehmann reiterated tenants began moving into Cross Park Place in January 2019 and prior to its opening properties within 1/8 mile experienced 40 quality of life calls for service in 2017 and 33 in 2018. After Cross Park Place opened, these properties (excluding Cross Park Place) experienced 46 quality of life calls for service in 2019. Meanwhile, the broader neighborhood (properties within 1/4 mile) experienced 195 such calls in 2017, 205 in 2018, and 266 in 2019. Lehmann noted that both the police memo and the staff memo suggest it was a half mile, but that is a typo, it should be a quarter mile. Overall, this Community Service - Long Term Housing use has not affected quality of life calls in its immediate vicinity compared to the surrounding neighborhood. Lehmann showed a map of the area that showed the quality of life calls and noted the larger generators of calls for service tend to be on the outside of that quarter mile radius. Staff also looked at property values in surrounding areas and reached out to the Iowa City Assessor for properties within 300 feet of Cross Park Place. In that correspondence, the Assessor noted that a lot of the properties have not been reassessed since that property was fully leased, but the most recent Iowa City assessment data indicates that property values have increased or remain stable during the time knowledge about the project was public. Additionally, the proposed use is also similar to those found at nearby properties, including residential and institutional uses, and is of similar scale to nearby buildings. Lehmann showed the proposed elevations compared to the building across the street and to the east and west, it's about the same height as the Shelter House building.

The third general criteria is that the establishment of specific proposed exception will not impede the normal and orderly development and improvement of the surrounding property for uses as

permitted in the district in which such property is located. The proposed project will not affect development and/or improvement of surrounding properties for uses permitted in the district. Lehmann noted the area is relatively well developed already. Additionally, other properties near the proposed use that are within the same zoning district, and contain institutional uses such as nonprofits that provide housing and or social services.

The fourth criteria is that adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided. Lehmann stated surrounding properties are already developed with utilities, access roads, drainage, and necessary facilities established. Also, there is pedestrian and transit access available near the proposed facility. The proposed facility will need to comply with relevant City Codes including codes pertaining to utility hookups, access and site drainage, so staff will work with the owner to ensure the proposed facility meets all relevant City Codes prior to issuance of a building permit.

Criterion five states adequate measures have been or will be taken to provide ingress or egress designed to minimize traffic congestion on public streets. Lehmann noted the proposed use would be serving persons experiencing chronic homelessness and therefore the vehicle ownership for the target population is lower than average and current street access is adequate to carry additional traffic. The site plan indicates adequate parking spaces for the use and underlying zone as well. As stated the proposed project is serve by nearby transit and pedestrian facilities, and the proposed facility will need to comply with all relevant City Codes including those pertaining to ingress and egress and staff will work with the owner to ensure proposed facility meets all prior to issuing that building permit.

The sixth criteria states except for the specific regulations and standards applicable to the exception being considered, the specific proposed exception, in all the respects, conforms to the applicable regulations or standards in the zone which is located. Staff finds that the proposed facility will need to comply with all relevant Codes including those pertaining to zoning setbacks and other site development standards. Staff will work with the owner to ensure the proposed facility meets all relevant Codes prior to issuance of a building permit. Lehmann noted based on the preliminary site review it looks like it's adequate but with a detailed site review any issues will be addressed at that time.

The seventh criteria states that the proposed exception will be consistent with the Comprehensive Plan of the City as amended. So for findings, staff notes the Comprehensive Plan's vision supports compatible infill development, diversity of housing types and affordable housing. This application contains strategies ensuring the infill development is compatible and complimentary to the surrounding neighborhood and supporting in infill development in areas where services and infrastructure are already in place. The Comprehensive Plan's Future Land Use Map designates the area for intensive commercial and the Future Land Use Map in the South District Plan designates the area for commercial zoning and the Zoning Code includes this as appropriate use within commercial zones. The South District Plan further specifies that there is an opportunity in commercial areas to "explore the potential for mixed use, residential or institutional uses" as long as it "contributes to the overall health of the surrounding neighborhood". Lehmann added the Comprehensive Plan also has a goal to encourage diversity of housing types of neighborhoods by ensuring a mix of housing types and the Plan continues that by allowing for a mix of housing types, moderately priced housing can be incorporated into a neighborhood rather than segregated in one or two areas community. The South District Plan also notes as the demand for affordable housing had led to a concentration of poverty. That

has implications for the community as a whole, as well as the school district, and the City has adopted an affordable housing location model to help guide affordable housing assistance away from neighborhoods and elementary schools that already have a concentration of property. There is an exemption for projects that house persons with disabilities, such as in this case, and so for that reason staff finds that this proposed project is consistent with the City's plans, and for those relevant policies that help address the goals and strategies in the City's plans.

Based on the findings, staff recommends approval of EXC20-05, to allow the establishment of a Community Service – Long Term Housing use in a CI-1 Zone that is adjacent to a single-family residential zone at Parcel 1022133012, subject to the following conditions:

1. If the tenant, not the owner, is the operator of the Community Service - Long Term Housing use, there must be a written lease between the owner and tenant, and a copy must be made available to the City upon request.
2. The final site plan must substantially comply with the submitted site plan, or any changes to it must comply with the site development standards and other applicable requirements of the City Code.
3. Prior to the issuance of a building permit, the management plan must be revised to require that tenants are provided a copy of the Disorderly House Ordinance (Iowa City Code Section 8-5-5) in addition to the Noise Control Ordinance (Iowa City Code Section 6-4) and be signed by the operator.

Chrischilles asked if the tenant is the operator of the community service, what does that mean? Lehmann replied the way that it currently is being structured is Southside Developer owns the property so they would be the ones who have the land and would develop the property and then they would lease it to Shelter House as a partner. Based on what staff has seen in the management plan, Southside Developer would partner with Shelter House as the operator.

Kirsten Frey (Shuttleworth and Ingersoll, 327 Second Street, Coralville, Iowa) stated she is the attorney representing Southside Developers who's the owner of the property at issue here and the applicant for the special exception to permit the use of the property as a Community Service - Long Term Housing use in a CI-1 zone. Specifically, her client is seeking to obtain the special exception to permit the property to be used as a long term, permanent housing facility to be operated and managed by Shelter House. As noted in the conditions set forth in the staff report, the client owns the property but the property will operated and managed by Shelter House and there is in fact an existing written lease agreement in place between Southside Developers and the Shelter House which she is happy to provide the City if necessary upon request. So they don't have any concern about that condition. Frey noted the special exception is necessary as her client's property is adjacent to a single-family residential zone as the City quite correctly pointed out that the applicant, her client, must establish that the proposed use will not endanger or be detrimental to the public health, safety and welfare or injurious to the surrounding property owners use or enjoyment of their properties or the value of their properties. They must also establish that there's adequate infrastructure to support the proposed use, and that the use is consistent with the Comprehensive Plan. Finally, the proposed use must comply with the applicable development standards regarding the size, the setback and other types of development standards. In this case, there's 900 square feet of lot area per dwelling unit as required. The proposed use complies with multifamily development standards and they will continue to work with the City of Iowa City through the development of that site plan. Less than 50% of the first floor is intended to be used for residential purposes as required and there's

adequate infrastructure available in the surrounding area.

Frey noted Southside Developers has a lease and a management agreement with Shelter House to manage and operate the proposed housing first facility and that plan addresses potential nuisances including loitering, noise, exterior lighting, odors, outdoor storage, litter, and provides for 24/7 on-site maintenance and a conflict resolution procedure as required by the ordinances. Frey added the proposed use will not endanger or be detrimental to the public's health, safety and welfare or adversely impact its neighbors. The proposed exception is an allowable use in the zone and compliments the other uses in the surrounding area. The housing first model is a permanent supportive housing facility for persons with disabilities who have been identified as chronically homeless. Research and experience has shown in fact, this type of permanent supportive housing facility actually advances the public health, safety and welfare by decreasing medical interventions, police interventions, psychiatric interventions, and the like for residents of this type of facility. This benefits not only the residents themselves, but also the public generally. In fact, her client believes that not only will this use not adversely impact the surrounding property owners, it may in fact be of benefit. This facility will provide permanent housing for folks who've been identified as chronically homeless. It gives them a place to go and a place to be, a place that is their own. In other words, it gets them off the street and into a home. It is important to note that it does so without invert adversely impacting the rights of the surrounding property owners. The best evidence of that fact is to examine the impact of Cross Park Place, another housing first facility operated by Shelter House in the Iowa City area. The empirical data shows that Cross Park Place has not had an adverse impact on its neighborhood either in terms of police presence or crime or property values. The proposed use is similar in scale and design to other buildings in the neighborhood and is compatible with the existing uses of the neighborhood. In fact, the owner of the single-family residential area to the south, which is the reason why a special exception is required, is in support of the project and in fact is a member of the application.

Frey noted Cady Gerlach with Shelter House is here to provide more detail regarding this type of facility and the actual benefits it provides as well as to any answer any questions the Board may have regarding the operation of a permanent supportive housing first type of facility.

In summary Frey would respectfully request that the Board grant her clients application for a special exception for the use of its property on Southgate Avenue, and is happy to answer any questions.

Cady Gerlach (Director of Strategic Operations and Resource Management, Shelter House) is here because they are the proposed operator of the applicant facility and parcel number that's referenced in the application. They developed Cross Park Place a couple of years ago and now have significant experience in operating Community Service - Long Term Housing programs for persons with disabilities. They're seeing really incredible outcomes from Cross Park Place and they know there is unmet need, just by way of example, and some of the outcomes they are seeing is that they're seeing psychiatric stays for the 24 tenants decreasing by 90% from 714 nights down to 70. They've seen hospital stays decreased by 79% from 135 days down to 28 days. They're seeing ER visits decreased by 90% from 67 visits for those tenants down to seven. They're seeing inpatient treatment and prison stays and jail stays and costs of services across the community decreasing so they're seeing really incredible outcomes for the cost of housing, and for the cost of the services that they provide. Additionally, their staff are well trained and equipped with significant experience in the field providing these services. Gerlach

thinks their management plan outlines the comprehensive ideas they have and that they've been agreed to with the applicant as to how they're going to operate the facility. She'd be happy to take any questions about that or how it will operate. She would also be happy to refer any questions to the architect, Dan Broffit, who's here as well. They are all open to the conversation and seeing how they can make this work. Gerlach reiterated they've had really great outcomes with Cross Park Place and they're hopeful they can continue to see that in the next facility.

Ed Cole (620 Foster Road) stated he owns the mobile home park to the south of this property and feels it's a really good thing for the community that there are so many people trying to help out the homeless and the chronic homeless. He stated this development won't affect them at all.

Joel Fagan (505 Southgate) noted he and his wife are owners of the lot directly to the east of the parcel they're talking about today. He has operated a business in that building for about 18 years, most of that time he was a renter but then they then bought the property and they now rent it to other businesses.

Fagan stated to summarize from all the details they heard from Lehmann, the purpose is to ensure that projects requiring a special exception do not negatively affect surrounding properties. That's a direct quote, which is in the sheet that accompanied the letter that announced this meeting, which he saw a few days ago. To ensure that they do not negatively affect surrounding properties. Knowing the location of Fagan's business, one shouldn't be surprised to hear that he experiences loitering around his business, and he feels everybody can accept that loitering does affect a property negatively. The loitering he is talking about happens on or near the property they own that's east of the parking lot and east of the Shelter House. The individuals involved in the loitering as far as he's been able to determine when he talks to them are most often connected in one way or another to the Shelter House. People hang around for extended periods of time, people sleep behind the building or on the grass west of the building, leaving personal items behind, littering. People spend the afternoon smoking and drinking and leaving litter behind. He has also found drug taking equipment nearby.

Fagan acknowledged the application for the special exception does address the issue of loitering but the proposed safeguards as he's been able to see them, are really not adequate to eliminate the kind of loitering that they have experienced repeatedly since Shelter House opened. Their experiences with the Shelter House is a good indicator of likely events related to the proposed project because the new facility would be operated by the same organization that operates the Shelter House. For example, one of the safeguards to take care of loitering is that the staff of the facility will be on hand 24 hours a day, seven days a week. Fagan stated they'll ask individuals that are loitering to leave and contact City Police if they don't cooperate, but experience shows that it's not enough. It's not enough to check periodically to see if there's somebody in the entryway that shouldn't be there. It's not enough even to look outside to see if somebody is in the parking lot or around the corner of the building that shouldn't be there. The reason it's not adequate is because the loitering that's happening is on a neighboring property, not on the property of the facility.

Fagan mentioned another item in the application is that the residents of the facility by the very definition of them being a resident can't be loitering since the facilities their home. No question about that, residents can't be loitering on the facility's property but if they're hanging out on a neighboring property, they may very well be loitering, and that loitering has a negative effect on the neighboring property. An example is people standing, sitting, leaning against the building in

the shade outside of 505 Southgate, one of Fagan's buildings. When he talked to one of the adults they said they were staying at the Shelter House. When he walked over to the Shelter House and described the situation to them it was a friendly exchange and they acknowledged that this group of people was staying at the Shelter House. However, Fagan learned then that the residents of the Shelter House are required to leave during the day, so they leave the Shelter House and loiter around the area. Fagan stated the people in the Shelter House very kindly and helpfully said that they'll talk to the people, but it happens quite frequently.

Fagan stated if the goal of the Board of Adjustment is to ensure that a proposed project does not negatively affect the surrounding property his experience with regard to loitering is that this application for special exception fails to reach that goal. He doesn't have any misgivings about providing the kinds of services that the Shelter House provides and agrees they are needed. The same can be said of the services that the proposed project provides. Nevertheless, his experience indicates that if the goal of the Board of Adjustment is to ensure that a proposed project does not negatively affect surrounding property, experience shows that this application for a special exception fails to reach the goal and therefore this application should be rejected. Fagan added he is not trying to be a bad hearted mean guy and acknowledged the Shelter House has made it clear that they want to be a good neighbor and he appreciates that, but this is a bigger problem that has not yet been solved.

Chrischilles asked how many businesses Fagan currently has in that building. Fagan stated there are currently two, an auto accessories business and an auto detailing business. Chrischilles stated then these are not walk-in retail businesses. Fagan replied that actually the auto accessories business frequently has visitors coming in and the front half of the space is a showroom where they have a variety of really cool stuff for cars and trucks. They have significant walk-in traffic. Chrischilles asked if the owners of that business have made comments about the fact that the loitering affects their walk-in business. Fagan noted they frequently see people out there and he reiterated it's pretty clear why loitering is not attractive to a business or any place when there's a group of people sitting on the bricks around the planting area outside the building, it's not a welcoming context when a customer approaches the building. It is problematic to them, for the people to be there, certainly the businesses that are in there now are not in a position to keep statistical records of whether their business falls off when there's a certain number of instances of loitering but they have indeed expressed to him that having people there and making the effort to contact the Shelter House to do something about it is problematic. It takes time out of one's day and means you have to leave the business. The fact that it happens is the problem. The more often it happens, the more problematic it is.

Ed Cole said they are in the process putting a fence up because a lady called from the park and said some guy was urinating out back behind her home. So he agrees that the loitering is bad, but thinks they can reduce it with a fence.

Frey stated she would be the last person to argue that loitering isn't a problem but that's something that her client and the Shelter House are cognizant of and working hard to try and make sure that they're addressing. She would encourage Mr. Fagan to continue to contact Shelter House because Shelter House is very invested in making sure that they're a good neighbor and that they do everything they can do about loitering. She added the issue before the Board today is not whether the Shelter House results in loitering or if the Shelter House has a loitering problem. The issue in front of the Board today is whether or not a special exception should be permitted to allow this long term Housing First facility to be built on the vacant lot next

to the Shelter House, and she would posit to the Board of Adjustment members that just as Mr. Fagan indicated, part of the loitering is caused because while one can stay at the Shelter House overnight during the day they have to leave. The Housing First facility that her client is proposing for this site doesn't do that. These are apartments that chronically homeless individuals will have access to, it is their home, they aren't kicked out every morning and forced to spend their day on the streets. So she would argue that if the question is if this proposed use is likely to cause a loitering problem the experience of the Shelter House next door is not really the best measure of that. A much better resolution would be to look at Cross Park Place and loitering has not been an issue there. Therefore, she believes this proposed use satisfies the requirements of a special exception.

Pretorius asked about the fence Mr. Cole and Mr. Fagan were discussing and if that fence was on the current site plan. Lehmann noted the site plan does not currently show a fence.

Cady Gerlech said with Cross Park Place they were able to establish fences in creative ways to deter activities and the architect can speak to the screening they will put up in the front to hide any kind of loitering or perceived loitering when people were smoking out front. They can do a lot of creative architecture and design work that will push the flow of humans to where they want them to be rather than where they're gravitating to. Regarding the trees on that edge of that property, extending a fence to ensure it's very clear that that's a neighboring property line is important. However, also just the understanding that this is an apartment complex, not a shelter it will be much easier to enforce loitering against people than the people who are staying at Shelter House one night. They will know who the 36 tenants are, and any registered guests and they can enforce loitering much more easily and make sure that they're clearing the property and keeping it clear.

Fagan reiterated it's not a matter of loitering or the appearance of loitering on the property in question, it's a matter of loitering on adjoining property. So whether it's a resident or an undesired visitor to the residence, if they're loitering not on the facility property but on an adjacent property, that's where the issue comes into play for a property like his.

Chrischilles asked if there is a sidewalk there in front. Lehmann replied yes there is, it runs all the way down Southgate on that side of the street. Chrischilles noted then a fence could be run out to the sidewalk between the new facility and Mr. Fagan's building.

Dan Broffitt (architect, Neuman Monson) stated there's not a whole lot of clearance between the adjacent property building and the property line but one of the things that they did at Cross Park Place, which is something they could certainly entertain here, is with other property owners permissions they actually closed off some of their fence lines to adjacent buildings and that would allow access for maintenance to be easier, but it effectively cut off pedestrian routes to prevent people from cutting through and essentially forces pedestrians to use the public right-of-way to get from one property to another.

Fagan noted certainly fences may be helpful but there could be a situation where a fence may have a negative effect and such as if you could completely see through a fence, if it's opaque, and it made it so that, for example, staff at the new facility can't see what's on the other side of the fence. There could be people loitering on the other side of the fence that couldn't be seen by the management of the facility, which would make it harder to identify loitering. He is not saying that fences are a bad idea, but that's something to keep in mind in the process of planning.

Frey had one other comment she forgot to mention earlier and wanted to specifically note for the record that the City of Iowa City has suggested three conditions, the written lease, the site plan compliance, and the disorderly house ordinance be included and distributed within the management plan. Her client and she believes the Shelter House also have no objection to any of those conditions. A written lease already exists and they will certainly work with the City to ensure site plan compliance and they can include in that discussion, appropriate landscaping or fencing to address some of the concerns raised here today. They are also more than willing to include the disorderly house ordinance in the management plan and to provide that to residents.

Pretorius closed the public hearing.

Cox moved approval of EXC20-05, a special exception to allow the establishment of a Community Service – Long Term Housing use in a CI-1 Zone that is adjacent to a single-family residential zone at Parcel 1022133012, subject to the following conditions:

- 1. If the tenant, not the owner, is the operator of the Community Service - Long Term Housing use, there must be a written lease between the owner and tenant, and a copy must be made available to the City upon request.**
- 2. The final site plan must substantially comply with the submitted site plan, or any changes to it must comply with the site development standards and other applicable requirements of the City Code.**
- 3. Prior to the issuance of a building permit, the management plan must be revised to require that tenants are provided a copy of the Disorderly House Ordinance (Iowa City Code Section 8-5-5) in addition to the Noise Control Ordinance (Iowa City Code Section 6-4) and be signed by the operator.**

Chrischilles seconded the motion.

Chrischilles stated he thinks the applicant has outlined everything to his satisfaction, as far as the loitering issue he feels the addition of the requirement for fencing would do a great deal and Ms. Frey's assertion that the issue before the Board is not whether the Shelter House causes a loitering problem it's whether or not this current facility would do the same thing and he thinks it's been shown by the data that was provided. It has been shown that Cross Park Place has not had those kinds of problems.

Pretorius stated in regard to what Mr. Fagan was speaking about she can sympathize with the plight with the current loitering; however, this project isn't going to reverse what's maybe currently happening. Additionally, it's hard to know if it will increase, or maybe it could decrease by creating a barrier between the current property that's related to the potential loitering and Mr. Fagan's property. This application is about another building, another place with more staff members that could be more attentive to what's going on outside. Regarding the fence at first she thought maybe it was going in, now it sounds like it's not yet planned 100%. She agrees with Mr. Fagan that it could be problematic. What she knows about fences is either person can put up a fence so Shelter House can put up a fence at some point if it's necessary, or Mr. Fagan can in fact put the fence on the property line. It's something that can happen down the road versus mandating it not knowing exactly if it would be helpful. All in all, there's really good intentions here, the Shelter House is an admirable project, it's very welcomed and appreciated in our community, and she doesn't really see another place for it. This seems like the perfect storm and though she feels for the commercial aspects, truly when she thinks about these kinds of developments, these buildings, these projects, it's more related to how is it going to affect the

single family and the residential nearby and if the residential is on board with this and in support of it, then this project is moving in the right direction and she supports it.

Parker agrees with Pretorius's comments and also looks at the impact to residential neighbors.

Cox noted he appreciates the staff report and it shows some really encouraging things about the existing model at Cross Park Place, the property values have increased or are very stable, so not affected in a negative way at all. Architecturally it's a beautiful building, it's quite an investment, and fits in well with that street. When they think about a project that is going to ensure public welfare and public good, the statistics make a really clear argument for why they need to continue to build this kind of infrastructure, particularly the ongoing relationship with the Iowa City Police Department, this is the kind of community policing that people want to see and it's producing great results for people that live in Iowa City. He is really supportive of this project.

Pretorius noted there has been a mention of a fence and asked does anyone think they need to make any adjustments to what the City is currently proposing as the three conditions with the recommendation.

Chrischilles stated any recommendation of including fencing should be the responsibility of the applicant and not of Mr. Fagan. So he is in favor of attaching a recommendation regarding adding the fence.

Pretorius asked if they attach it as a recommendation as an agreed upon item, that if Mr. Fagan agrees to the fence, it is at the expense of the applicant.

Parker noted however, Mr. Fagan may not be in favor of a fence, and he did comment he wasn't clearly on board with fencing, not opaque or being opaque, not clear. He is not sure if it should be added.

Pretorius agreed and said they could add it if it becomes an item that's mutually agreed upon by both parties. If Mr. Fagan decides he doesn't want a fence after all, then it's a moot point.

Parker noted they could probably pass it unconditional on the two parties and maybe in the future they can work it out.

Cox stated he doesn't see the fence needing to be a condition. It's an existing issue and it's not one that will be exacerbated by the new property, particularly because it's a residence, they don't have to leave. If there is an instance of loitering by someone who's living there, the third condition provides an avenue for that to be dealt with. The historic loitering is not part of this application. He also didn't hear a unanimous want for a fence.

Chrischilles is not saying he thinks there must be a fence, he thought it would just make everyone happy and it might be more difficult to do it later.

Pretorius said fencing is not complicated, it is just additional screening, and could possibly shield but also may not help with the current loitering problem.

Dulek stated the owners can agree at any time to share costs for the fence, but the Board cannot put a condition on this that states if at any time (say 10 years from now) Mr. Fagan

wants a fence he can get a fence at the applicant's expense.

Chrischilles stated regarding agenda item EXC20-05 he concurs with the findings set forth in the staff report of this meeting date, June 10, 2020 and concludes that the general and specific criteria are satisfied unless amended or opposed by another board member. He recommends that the Board adopt the findings in the staff report for the approval of this proposal. Parker seconded the findings.

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 EXC20-06:

An application submitted by The Englert Theatre requesting a special exception to allow changes to a nonconforming sign at 221 E. Washington Street.

Pretorius opened the public hearing.

Lehmann noted The Englert Theatre is on the south side of East Washington Street downtown, between Dubuque and Linn Streets. The property is in a Central Business Zone, CB-10. It's surrounded by Central Business zones as well, however to the south is the public library and that is a neighborhood public zone.

For background the applicant, Englert Theatre, has a marquee which is an existing non-conforming sign, the building was originally constructed in 1912. The theater is in the downtown of Iowa City and is on the National Register of Historic Places. The marquee was constructed in the 1950s and according to the National Registry Registration form it's an outstanding midcentury marquee with high integrity. The applicant wishes to repair and improve aspects of the marquee, including replacing interior components, improving stormwater drainage, updating the signs electrical components.

The Board of Adjustment is charged with approving, approving with conditions or denying the application based on the facts presented. To approve the special exception the Board must find that it meets all applicable approval criteria including specific standards pertaining to the waiver requested and general standards for all special exceptions. In this case that specific standard is located at 14-4E-8C-4, which states that the Board of Adjustment may grant a special exception to allow changes to a non-conforming sign provided the following are met.

Lehmann noted there are three specific standards. The first is that the sign must be located on a property designated as a historic landmark, property registered on the National Register of Historic Places or property listed as a key or contributing property in an historic preservation or historic conservation overlay zone. Staff findings state the Englert Theatre is located on the National Register of Historic Places, identification number is 1000911.

The second criterion states the sign must fall into one of the following categories: must keep

with the architectural character of historic structure and is appropriate to a particular period in the structure history; has to be an integral part of the properties historic identity; or the sign must make a significant artistic or historic contribution to the community and neighborhood which is located. Staff finds the sign falls into multiple categories but the most notable one is the proposed rehabilitation involves appropriate repair to elements of the sign that maintains its architectural character and it is specifically identified as a key historic feature being installed in the 1950s within the period of significance identified in its registration form with the National Register of Historic Places.

The third criterion is at the time of application for the special exception changes to the subject site must be approved by the Historic Preservation Commission through a certificate of appropriateness. If the Board of Adjustment grants a special exception for the sign any subsequent changes to the sign do not have to be approved by the Board of Adjustment but do require a certificate of appropriateness from the Historic Preservation Commission. Lehmann noted the Historic Preservation Commission granted a certificate of appropriateness at their May 14 meeting with a single condition that the special exception be granted by the Board of Adjustment, and that document was included in the agenda packet.

Lehmann noted there are also seven general standards (14-4B-3) to be reviewed. First is that it can't endanger or be detrimental to the public health, safety, comfort or general welfare. Staff finds that the Englert's existing marquee is a non-compliant sign that will be rehabilitated to replace deteriorated outdated parts, it'll improve the roof drainage system. Also the plans for the site include repair of parts that have been damaged or have deteriorated over the years, which will improve public safety for pedestrians underneath the sign.

Criterion two is the proposed exception will not be injurious to the use and enjoyment of other property in the immediate vicinity and will not substantially diminished or impair property values in the neighborhood. Staff finds the proposed rehab will maintain the approximate size, shape, color and illumination of the existing marquee. The proposed exception will not affect the use or enjoyment of surrounding properties nor will diminish property values in the neighborhood.

Criterion three states the establishment of a specific proposed exception will not impede the normal and orderly development and improvement of property for uses permitted in the district in which such property is located. The marquee will continue to project over the public sidewalk on the south side of East Washington Street. The surrounding area is fully developed already with a mix of commercial, residential and institutional uses and the proposed rehab will not impact future development.

The fourth criterion is that adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided. Lehmann noted the subject property is already developed and all utilities, access roads, drainage and necessary facilities are established for the area. The rehabilitation will reduce electrical consumption with the use of more energy efficient technologies and the rehab will improve stormwater drainage by adding a secondary overflow drain to reduce the risk of a stopped drain.

Criterion five states adequate measures have been or will be taken to provide ingress or egress designed to minimize traffic congestion on public streets. No changes are being proposed to ingress or egress and the use and intensity of property will remain the same. Temporary measures will affect pedestrian circulation on the sidewalk below the marquee during

construction, but the project will have no long-term effects.

Criterion six states except for the specific regulations and standards applicable to the exception being considered, the proposed exception in all the respects conforms to the applicable regulations or standards of the zone in which it is located. Staff finds the Englert's marquee is a non-conforming sign because it is not an allowed sign type. Additionally, it exceeds illumination requirements, it exceeds the allowed distance a sign can project, and it exceeds the maximum sign area for all types of allowed signs in this zone. However, because it is "historic", this is allowable with a special exception and a certificate of appropriateness. Staff will work with the applicant to ensure that all work conforms with other standards of this zone, including compliance with plans as approved by the Historic Preservation Commission.

Finally the seventh criterion is the exception will be consistent with the Comprehensive Plan. The Future Land Use Map in the Comprehensive Plan designates the area for general commercial. The Downtown and Riverfront Crossings District Plan identifies the Englert as a key historic building and notes the City should take measures to preserve and actively protect these buildings. The Comprehensive Plan's vision includes preserving historic resources by supporting the goals of the Historic Preservation Commission, and the Historic Preservation Commission has approved a certificate of appropriateness for the project subject to this special exception.

Based on these findings, staff recommends approval of EXC20-06, to allow the proposed changes to the nonconforming sign at the property located at 221 East Washington Street.

Josh Moe (OPN Architects) is representing the Englert Theatre in the application. He noted everyone's familiar with the current sign. He noted this is a historic tax credit project, so in addition to the regular due diligence this has been reviewed by the State Historic Preservation Office. The sign will look very much like it would have looked when it was new in 1958, and while they're replacing it with some newer technologies, it will look very much like the original, specifically the little light bulbs that look like incandescent light bulbs. They aren't putting an LED signage board like one might see in other theaters, but rather just LED lights behind the existing signage board that everyone is used to. They are replacing neon with neon light to retain all the historic character that they can and then they will retain as many parts as possible. However, they understand that some parts are not repairable and do need to be replaced specifically electrical components and the roof need to be repaired and the drainage on the roof needs to be repaired which actually should enhance public safety because if that were to fill with water that's a lot of water over the public right-of-way.

Parker asked if they are going up in lumens or down. Moe replied the goal is to retain the same lumen quantity. The current sign has a mixture of 25-watt and 40-watt light bulbs and they think they haven't been fully functional for many years. It was their recommendation to go with a 25-watt equivalent in an LED and the illumination behind the signage board should be the same and the neon lights should be very much the same. Moe noted that is a tough question because they're currently not all functional because of electrical problems. Parker asked if the color of any of the neon lighting will change or will the color scheme remain the same. Moe replied it will be pretty similar to what it is now, the color scheme will remain the same as the original intent. He did note neon tends to shift color over time so they anticipate that the reds will be a little bit redder, but the colors should be the same. There is a small component on the bottom of the changeable signage board, that's the yellow part with the letters, and there used to be neon

down there, a red line of neon, but it's easy for people to get on other people's shoulders and tear that off so they're not replacing that, even though it would have historically been there. They see that as a risk to public safety.

Pretorius closed the public hearing.

Cox moved approval of EXC20-06, a special exception submitted by The Englert Theatre to allow changes to a nonconforming sign at 221 E. Washington Street.

Chrischilles seconded the motion.

Cox noted it looks very straight forward and it is very exciting that Englert's doing so well, last year's numbers in that report are really encouraging and he is really happy they're to a place they can invest in continuing to preserve that landmark and offer a great venue.

Chrischilles stated regarding agenda item EXC20-06 he concurs with the findings set forth in the staff report of this meeting date, June 10, 2020 and concludes that the general and specific criteria are satisfied unless amended or opposed by another board member. He recommends that the Board adopt the findings in the staff report for the approval of this proposal. Cox seconded the findings.

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.

CONSIDER THE MAY 27, 2020 MINUTES:

Parker moved to approve the minutes of May 27, 2020. Chrischilles seconded the motion.

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

ADJOURNMENT:

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

**BOARD OF ADJUSTMENT
 ATTENDANCE RECORD
 2020**

NAME	TERM EXP.	1/8	2/12	4/8	5/13	5/27	6/10								
CHRISCHILLES, GENE	12/31/2022	X	X	X	X	X	X								
COX, ERNIE	12/31/2020	X	O/E	X	X	X	X								
HAZELL, ZEPHAN	12/31/2021	X	O/E	X	X	X	O/E								
PARKER, BRYCE	12/31/2024	O/E	X	X	X	X	X								
PRETORIUS, AMY	12/31/2023	X	X	X	X	X	X								

Key: X = Present
 O = Absent
 O/E = Absent/Excused
 -- -- = Not a Member