

CITY OF IOWA CITY

IOWA CITY BOARD OF ADJUSTMENT

March 9, 2016

5:15 p.m.

Emma Harvat Hall

STAFF REPORT

CITY OF IOWA CITY

Department of Neighborhood & Development Services

IOWA CITY BOARD OF ADJUSTMENT MEETING

Wednesday, March 9, 2016 – 5:15 PM

City Hall –Emma Harvat Hall

AGENDA

A. Call to Order

B. Roll Call

C. Consider the February 17, 2016 Minutes

D. Special Exception Item

EXC16-00001: Discussion of an application submitted by SSC, agent for Verizon Wireless, to allow a communications tower to be located in the Community Commercial (CC-2) zone at 845 Pepperwood Lane.

E. Other

F. Board of Adjustment Information

G. Adjourn

NEXT BOARD OF ADJUSTMENT MEETING:

Wednesday, April 13

Emma Harvat Hall, City Hall



CITY OF IOWA CITY MEMORANDUM

DATE: 3/4/2016
TO: BOARD OF ADJUSTMNET
FROM: SUSAN DULEK, ASSISTANT CITY ATTORNEY
RE: EXC16-0001/NEW LAW AND REGULATIONS ON CELL TOWERS

Introduction

On the agenda for the March 9 meeting is an application by Verizon Wireless for a special exception for placement of a cell tower at 845 Pepperwood Lane. In June of 2015, the Iowa Legislature passed a law (House File 655 codified at Chapter 8C of the Iowa Code) that limits what cities can require of cell tower applicants, which went into effect July 1, 2015. Additionally, in October 2014 the Federal Communications Commission issued an Order and Report on cell towers, *In the Matter of Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket No. 13-238, and then adopted new regulations that went into effect in April in order to implement the order. 80 FR 5, 1238-1271 (Jan. 8, 2015).

The Zoning Code has not yet been amended to reflect the new state law or new federal regulations. Nonetheless, consideration of Verizon Wireless' application must be made consistent with Iowa law and federal regulations, regardless of what the City Code currently provides. This memo is to explain how those changes potentially affect this application.

Discussion

Specific Criteria

The specific criteria are set forth in Section 14-4B-4E4(5)(b). The criterion in Subsection (b)(2) ("The proposed tower serve an area that cannot be served by an existing tower or industrial property or by locating antennas on existing structures in the area.") is preempted by Iowa Code Section 8C.3(2)(a) (the municipality "shall not... [e]valuate an application based on the availability of other potential locations...."). As a result, the staff report does not discuss this criterion, and the Board cannot consider it.

General Criteria

Two of the general criteria read as follows:

- The specific proposed exception will not be detrimental to or endanger the public health, safety, comfort, or general welfare.
- The specific proposed exception will not be injurious to the use and enjoyment of other property in the immediate vicinity....

Section 8C.5 provides that the Board may not "[i]mpose environmental testing, sampling, or monitoring requirements, or other compliance measures, for radio frequency emissions from transmission equipment that are categorically excluded" from the FCC's rules.

Section 8C.6 provides that the Board may not "[r]eject an application, in whole or part, based on perceived or alleged environmental effects of radio frequency emissions...."

Thus, the issue of radio frequency or emissions cannot be taken into consideration by the Board.

Conclusion

If you have a question about whether you may consider "X" during the hearing, please ask, and I will advise the Board accordingly. Likewise, I will interject if a matter is being discussed, and Chapter 8C does not allow the Board to consider that matter.

Copy to:

Sarah Walz

Justin Anderson, SCC (applicant)

STAFF REPORT

To: Board of Adjustment
Item: EXC16-00001
825 Pepperwood Lane

Prepared by: Sarah Walz
Date: March 9, 2016

GENERAL INFORMATION:

Applicant: SSC, Agent for Verizon Wireless LLC
9900 West 109th Street
Overland Park, KS 66210
913-438-7700

Contact: Justin Anderson

Property Owner: Good News Bible Church
845 Pepperwood Lane
Iowa City, IA
319-541-3986

Requested Action: Special exception to allow installation of a privately-owned communication transmission facility in Community Commercial (CC-2) zone

Location: 845 Pepperwood Lane

Size: 1 acre (approximately 127 x 143 feet)

Existing Land Use and Zoning: Institutional (CC-2)

Surrounding Land Use and Zoning: North: Commercial (CC-2)
South: Residential (RM-12)
East: Commercial (CC-2)
West: Commercial (CC-2 and CO-1)

Applicable code sections: Specific criteria related to the location of communication transmission facilities in the commercial zones (14-4B-4E-5b); general criteria for special exceptions (14-4B-3A).

File Date: February 11, 2016

BACKGROUND INFORMATION

The applicant, SSC, proposes to construct a 62-foot stealth monopole cell phone tower and accompanying ground equipment on property owned by the Good News Bible Church located in the Community Commercial (CC-2) zone at 845 Pepperwood Lane. (Lightning rods mounted to the top of the structure will extend up to 70'.) The property is a double-fronting lot between Pepperwood Lane and Cross Park Avenue. The tower and associated equipment will be located at on the south side of the building, facing onto Cross Park Avenue.

At the request of the church that occupies the building, the facility will be disguised to appear similar to a bell tower structure. Such structures are allowed in the zone and are exempt from the height standards, however cell towers are limited to no more than 120 feet in height and must be set back from adjacent residential zones a distance equivalent to the height of the structure. The subject property is located adjacent to a residential zone. The cell tower will be set back 63' 3" from the residential zone, which begins at the centerline of Cross Park Avenue.

The tower base and its associate equipment would be located within a 22' 6" x 43'square foot fenced area to be leased by Verizon. Antennas are to be mounted at a height of 57 feet. The monopole would be situated within a modern structure designed to look like bell tower with the antenna hidden behind decorative screens. The proposed block enclosure would match the color of the church building.

The proposed cell tower is intended to provide improved coverage and capacity for the surrounding neighborhoods, especially residential zones to the south and east of the site. There is an existing 100-foot cell tower located at the back of the U.S. Post Office, which is approximately 200 feet to the east of the church. The property owner is unwilling to lease additional ground space to support additional communications antenna. Another tower, 60 feet in height is located approximately 1,100 feet to the northwest at Olympic Court. Colocation at this structure would be at a much lower height and thus cannot provide the needed coverage.

ANALYSIS

The purpose of the Zoning Ordinance is to promote the public health, safety and general welfare, to conserve and protect the value of property throughout the city, and to encourage the most appropriate use of land. It is the intent of the Ordinance to permit the full use and enjoyment of property in a manner that does not intrude upon adjacent property. The Board may grant the requested special exception if the requested action is found to be in accordance with the specific criteria included for **Section 14-4B-4E-5b** pertaining to specific standards for communications transmission facilities in the P-1 zone, in addition to the general approval criteria for special exceptions as set forth in **Section 14-4B-3A**.

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

Specific Standards (14-4B-4E-5b)

- 1. The proposed tower serves an area that cannot be served by an existing tower or industrial property or by locating antennas on existing structures in the area. The applicant must document attempts to utilize existing structures, towers, and industrial properties within one-half ($1/2$) mile of the proposed tower. Such documentation must include maps illustrating the location of existing towers and potential alternative sites for antenna and towers that have been explored by the applicant and the applicant must state the reasons that these locations were not feasible.**

FINDINGS:

A law recently adopted by the State of Iowa regarding the approval of cell tower facilities, precludes local authorities from evaluating cell tower applications based on the availability of other potential locations for the placement or construction of a tower or transmission equipment. The laws also precludes local authorities from requiring an applicant to establish other options for collocation instead of the construction of a new tower.

(2) The proposed tower will be constructed in a manner that will camouflage the structure and reduce its visual impact on the surrounding area. Examples of camouflage design include monopoles, which do not have guywires or support trusses and that are painted to blend in with the sky or surroundings, towers camouflaged as flagpoles, monuments, steeples, or the integration of rooftop towers onto existing buildings, water towers, etc. Rooftop towers must use materials similar to or that blend in with the structure to which it is attached. Other camouflaged tower structures must be of similar height and appearance as other similar structures allowed in the zone, e.g., towers camouflaged as light poles or utility poles must be of similar height and appearance as other such poles. The applicant must include an illustration of how the tower would appear in the proposed location.

FINDINGS:

- At the request of the property owner, the proposed tower is designed to be similar in appearance to a modern church bell tower.
- The applicant has provided a simulation of the how the tower would appear in the proposed location.
- The antennas will be mounted at 57 feet and would be surrounded by a decorative screen to reflect the religious use of the property. Antenna will not be visible from the street.
- The structure will not have guywires or support trusses.
- If strobe lighting is required by the FAA it would be a flashing white light during the day changing to a red light at night. The change minimizes disturbance to the surrounding neighborhood.

(3) The proposed tower will be no taller than is necessary to provide the service intended. Evidence presented should include coverage maps illustrating current gaps in coverage and changes to coverage with the proposed tower. In the ID-C (except areas intended for CN-1), CH-1, CC-2, CI-1, CB-2, CB-5 and CB-10 zones, communications towers are exempt from the maximum height standards of the base zone, but under no circumstance may the tower be taller than one hundred twenty feet (120') from grade.

FINDINGS:

- The applicant has stated that the monopole height of 62 feet is the minimum necessary to provide the increased coverage.
- The applicant has provided maps illustrating coverage before installation and after to help visualize the increased coverage afforded by the proposed tower site.
- The maps indicate existing gaps in coverage and improvements in coverage created by the proposed tower.

(4) The proposed tower will be set back at least a distance equal to the height of the tower from any residential zone, ID-RS zone, and ID-RM zone.

FINDINGS:

- The height of the proposed tower will be 62 feet.
- The pole is set back just over 63 feet from the residential zone, which begins at the centerline of Cross Park Avenue.

(5) Any equipment associated with the tower facility will be enclosed in an equipment shed, cabinet, or building, which must be adequately screened from view of the public right of way and any adjacent residential or commercial property.

FINDINGS:

- The proposed shelter used to store ground equipment will be located within a 7- to 8- foot high block wall enclosure that will match the color of the church building.
- Staff recommends that landscaping be provided to the south side of the enclosure to reduce the appearance of the blank wall along the street frontage.

(6) The proposed tower will not utilize a backup generator as a principal power source. Backup generators may only be used in the event of a power outage.

FINDINGS:

- The cell tower will not rely on a generator as its principal power source. A generator may only be used for backup/emergency purposes.

(7) The proposed tower must be designed and constructed to accommodate at least one additional user, unless in doing so the tower will exceed the one hundred twenty foot (120') height limitation or if the board of adjustment determines that allowing the additional height needed to accommodate another user will detract from the area to the extent that it will prevent future development intended in the zone. The applicant shall provide a certification by a professional engineer licensed in this state that the proposed tower will be designed to permit a second antenna system of comparable size to be added to the tower above or immediately below the original antenna system.

FINDING:

- It is somewhat unlikely that an additional provider will be able to locate on the given its limited height.
- An additional user would require additional ground space, which may reduce the amount of parking available on the site, which has the potential to detract from the continued use of the property.
- Given that the limited size of the property its proximity to a residential zone, staff believe that there is a greater benefit in keeping the tower at the proposed height.

(8) If use of the tower is discontinued, the tower and any associated equipment must be removed by the owner of the tower, the operator, or the owner of the property within one year of discontinuance of use and the land graded and replanted to prevent erosion. The applicant shall present a signed lease agreement, a recorded declaration of covenants, or other satisfactory evidence acknowledging this obligation.

- Staff recommends that an abandonment letter be provided as part of the building permit application in order to indicate that the applicant is committed to removing the tower if its use is discontinued.
- Staff recommends that the tower be designed so that if at some future date the property is no longer occupied by a church, the decorative screens can be changed out to reflect the change in use. The screens may not be used for commercial signage as the height and size would violate the City's sign ordinance.

General Standards (14-4B-3)

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

FINDINGS:

- The structure must meet all applicable building, mechanical and fire codes, including wind and ice loading requirements for the structure.
- Ground equipment will be housed in a shed surrounded by an enclosure and screened from view of other properties. The enclosure will match the the color of the building
- The pole is located more than 60 feet from the adjacent residential zone, which is located at the centerline of Cross Park Avenue.

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.**

- See # 1 above.

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

FINDINGS:

- The use meets all required setbacks for the zone.
- The church more than meets its parking requirement and thus the amount of parking displaced by the enclosure does impede the normal use of the property.

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

FINDING:

- Adequate utilities are provided to serve the site. Access to this portion of the church property is through the south parking area located off Cross Park Avenue. No drainage issues are present.

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

FINDING:

- The proposed use does not generate vehicle traffic and will have no impact on ingress or egress from the church property onto Cross Park Avenue.

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:

- All other aspects of the site must be compliance with the zoning code. The applicant must secure a building permit before constructing the tower. All other applicable zoning code standards must be in compliance.

- The church more than meets its parking requirement and thus the amount of parking displaced by the enclosure does not impede the normal use of the property.
- The rear parking area currently lacks required landscape screening. Required S2 screening must be provided along the parking area and enclosure.

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

FINDING:

- The zoning code does not speak directly to the issue of communication transmission facilities.

STAFF RECOMMENDATION:

Staff recommends approval of special exception EXC16-00001, to allow installation of a privately-owned communication transmission facility in the Community Commercial (CC-2) zone at 845 Pepperwood Lane, subject to the following conditions:

- The applicant must submit a letter, at the time of application for a building permit, indicating that all equipment will be removed if the use is discontinued.
- Substantial compliance of the submitted site plan and elevations.
- The tower structure must be designed so that if at some future date the property is no longer occupied by a church, the decorative screens can be changed out to reflect the change in use. The screens may not be used for commercial signage.
- Installation of required S2 landscape screening along the south side of the parking area and enclosure.
- A generator may not be used as the principal power source.
- Any illumination of the bell tower structure must meet the City's lighting standards.

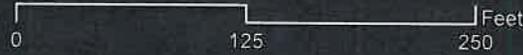
ATTACHMENTS:

1. Location map
2. Site Plan
3. Photo simulation of the tower
4. Coverage maps
5. Application materials

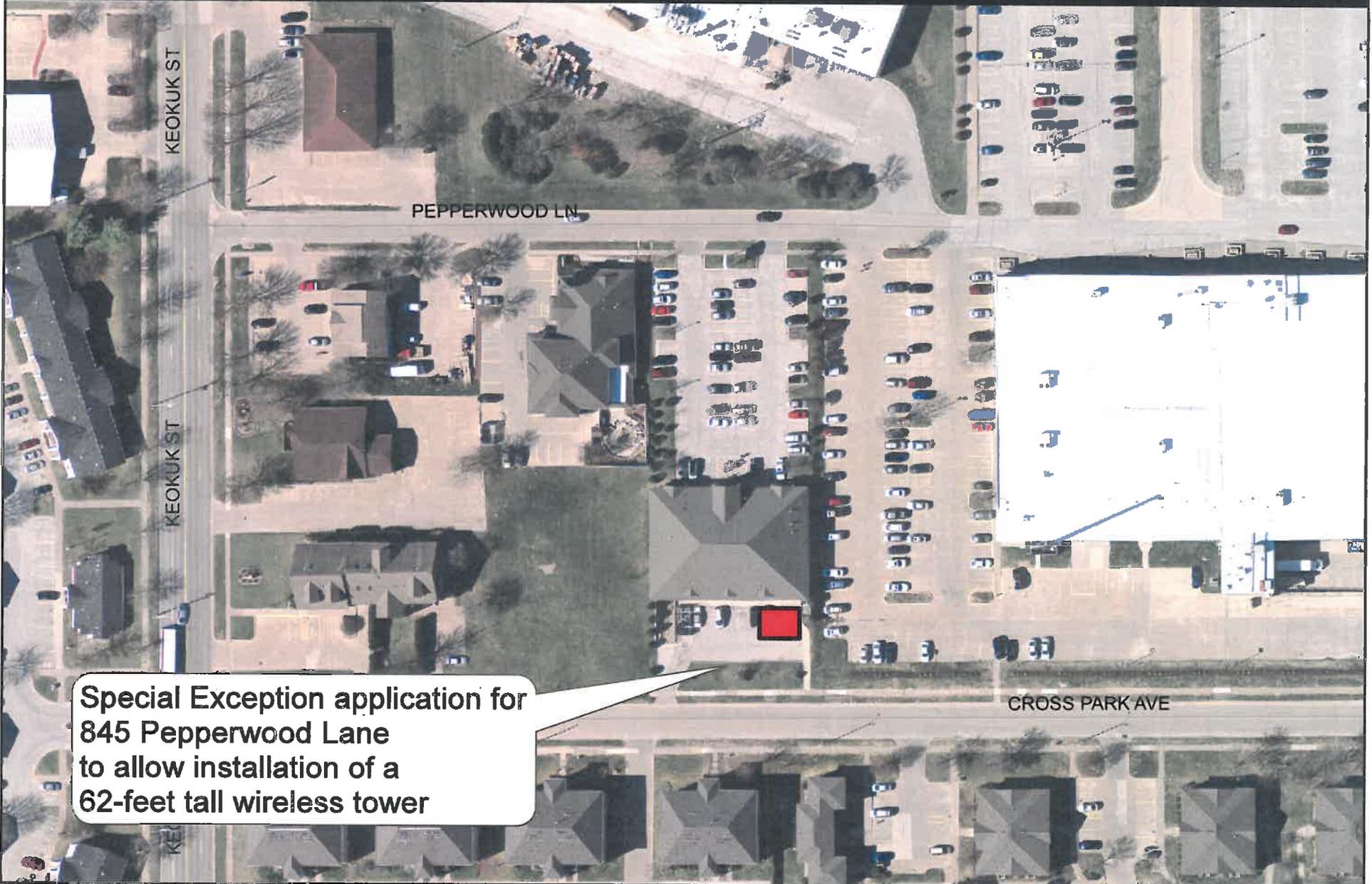
Approved by: 
 John Yapp, Coordinator
 Department Neighborhood and Development Services



EXC16-00001 845 Pepperwood Lane



Prepared by: Marti Wolf
Date Prepared: February 2016



**Special Exception application for
845 Pepperwood Lane
to allow installation of a
62-foot tall wireless tower**

SURVEY MONUMENTS

- ◆ BENCH MARK
- FOUND CIM
- ⊕ FOUND CPNT.
- ⊕ FOUND J.M.
- ✕ FOUND LATH
- FOUND PIPE
- ✕ FOUND READING
- ⊕ STAKED CIM
- ⊕ STAKED CPNT.
- ⊕ STAKED J.M.
- STAKED PIPE

EXISTING TOP-O SYMBOLS

- ⊕ AC UNIT
- ⊕ FENCE POST
- ⊕ FLAG POLE
- ⊕ GUARD POST
- ⊕ GUY ANCHOR
- ⊕ GUY POLE
- ⊕ HANDICAP SYMBOL
- ⊕ MAILBOX
- ⊕ SHRUB
- ⊕ SIGN DOUBLE POST
- ⊕ SIGN SINGLE POST
- ⊕ TREE CONIFER
- ⊕ TREE DECIDUOUS
- ⊕ TREE STUMP
- ⊕ TV DSH
- ⊕ WETLAND SYMBOL
- ⊕ YARD LIGHT

EXISTING UTILITY MUNICIPAL SYMBOLS

- ⊕ APRON
- ⊕ LIFT STATION
- ⊕ SANITARY CLEANOUT
- ⊕ SANITARY MANHOLE
- ⊕ STORM CATCH BASIN
- ⊕ STORM INLET

EXISTING UTILITY MUNICIPAL SYMBOLS (cont.)

- ⊕ STORM MANHOLE
- ⊕ WATER CURB STOP
- ⊕ WATER HANDHOLE
- ⊕ WATER HYDRANT
- ⊕ WATER MANHOLE
- ⊕ WATER METER
- ⊕ WATER VALVE
- ⊕ WATER WELL
- UTILITY SIZE & TYPE

EXISTING UTILITY PRIVATE SYMBOLS

- ⊕ ELEC GROUND LIGHT
- ⊕ ELEC HANDHOLE
- ⊕ ELEC LIGHT POLE
- ⊕ ELEC MANHOLE
- ⊕ ELEC METER
- ⊕ ELEC PEDESTAL
- ⊕ ELEC POLE
- ⊕ ELEC SIGNAL
- ⊕ ELEC TRANSFORMER BOX
- ⊕ GAS METER
- ⊕ GAS VALVE
- ⊕ LP TANK
- ⊕ TELE HANDHOLE
- ⊕ TELE MANHOLE
- ⊕ TELE PEDESTAL
- ⊕ TELE POLE
- ⊕ TV HANDHOLE
- ⊕ TV PEDESTAL

SOIL BORING SYMBOLS

- ⊕ LASER-INDUCED FLUORESCENCE BORING
- ⊕ LYSIMETER
- ⊕ MONITOR WELL
- ⊕ PERC TEST
- ⊕ PIEZOMETER
- ⊕ RECOVERY WELL
- ⊕ SOIL BORING
- ⊕ SOIL VAPOR POINT
- ⊕ VAPOR SURVEY POINT

PROPOSED UTILITY MUNICIPAL SYMBOLS

- ⊕ APRON PROPOSED
- ⊕ SANITARY CLEANOUT PROPOSED
- ⊕ SANITARY LIFT STATION PROPOSED
- ⊕ SANITARY LIFT STATION VALVE MANHOLE PROPOSED
- ⊕ SANITARY MANHOLE PROPOSED
- ⊕ SANITARY PLUG PROPOSED
- ⊕ STORM CATCH BASIN PROPOSED
- ⊕ STORM MANHOLE PROPOSED
- ⊕ WATER 11 1/4" BEND PROPOSED
- ⊕ WATER 22 1/2" BEND PROPOSED
- ⊕ WATER 48" BEND PROPOSED
- ⊕ WATER 90° BEND PROPOSED
- ⊕ WATER CAP PROPOSED
- ⊕ WATER CROSS PROPOSED
- ⊕ WATER CURB STOP PROPOSED
- ⊕ WATER HYDRANT PROPOSED
- ⊕ WATER REDUCER PROPOSED
- ⊕ WATER SLEEVE PROPOSED
- ⊕ WATER TEE PROPOSED
- ⊕ WATER VALVE PROPOSED

PROPOSED UTILITY PRIVATE SYMBOLS

- ⊕ ELEC LIGHT POLE PROPOSED

EROSION CONTROL SYMBOLS

- ⊕ SURFACE DRAINAGE ARROW
- ⊕ STORM DRAIN INLET PROTECTION

TRAFFIC CONTROL DEVICES & SYMBOLS

- ⊕ TRAFFIC CONTROL SIGN (1 POST)
- ⊕ TRAFFIC CONTROL SIGN (2 POST)
- ⊕ TYPE II BARRICADE
- ⊕ DRUM CHANNELIZER
- ⊕ FLASHING ARROW OR MESSAGE BOARD

EXISTING TOPOGRAPHIC LINES

- CENTER LINE
- ⋯ EDGE OF WOODS
- FENCE BARB WIRE
- FENCE CHAIN LINK
- FENCE WOOD
- FORDEMAN
- OVERHEAD CABLE TV
- OVERHEAD ELECTRIC
- OVERHEAD TELE
- ++++ RAILROAD
- RETAINING WALL
- SANITARY SEWER
- SANITARY SEWER SERVICE
- STORM SEWER
- STORM SEWER DRAIN TILE
- UNDERGROUND CABLE TV
- UNDERGROUND ELECTRIC
- UNDERGROUND FIBER OPTIC
- UNDERGROUND GAS
- UNDERGROUND TELE
- WATERMAIN
- WATERMAIN SERVICE
- WETLAND EDGE

R/W, LOT & EASEMENTS LINES

- BUILDING SETBACK LINE
- LOT LINE PROPOSED
- EASEMENT LINE
- EASEMENT LINE PROPOSED
- LOT LINE
- MNDOT CONTROLLED ACCESS LINE
- RIGHT OF WAY EXISTING
- RIGHT OF WAY PROPOSED

PROPOSED CONSTRUCTION LINES

- FENCE CHAIN LINK PROPOSED
- FENCE WOOD PROPOSED
- FENCE BARB WIRE PROPOSED
- FORCEMAIN PROPOSED
- SANITARY SEWER PROPOSED
- SANITARY SERVICE PROPOSED
- STORM SEWER PROPOSED
- STORM SEWER DRAIN TILE PROPOSED
- WATERMAIN PROPOSED
- WATERMAIN SERVICE PROPOSED

EROSION CONTROL LINES

- BALE CHECK
- BLD ROLL
- SILT FENCE
- SILT FENCE TYPE HEAVY DUTY
- SILT FENCE TYPE MACHINE SLICED
- SILT FENCE TYPE PREASSEMBLED
- FLOTATION SILT CURTAIN

HATCH PATTERN AND SHADING LEGEND

- ⊕ RANDOM RIPRAP
- ⊕ SOO
- ⊕ SEED
- ⊕ HYDRAULIC STABILIZER
- ⊕ EROSION CONTROL BLANKET
- ⊕ TEMP. ROCK CONSTRUCTION ENTRANCE
- ⊕ BUILDING WALL HATCH
- ⊕ BITUMINOUS SURFACE
- ⊕ CONCRETE SURFACE
- ⊕ GRAVEL SURFACE
- ⊕ EASEMENT PATTERN

DOCUMENTATION SYMBOLS

- ⊕ SECTION ARROW - SECTION NUMBER TOP, PAGE OF SECTION BOTTOM

WIDSETH SMITH NOLTING

Engineering
Architecture
Surveying
Structural

DATE: 10/15/2014
DRAWN BY: JLN
CHECKED BY: JLN
PROJECT: 14-00000
SHEET: 001

14-00000-001

SITE SURVEY

A LOT 15

PROPERTY DESCRIPTION: (per U.S. 1836 Subdivision File No. 47242-14142-002, dated February 28, 2014.)

Lots 13 and 19 in "A" Portion of Block 1, Braverman Center, Iowa City, Iowa, according to the plat thereof recorded in Book 21, Page 130, Plat Records of Johnson County, Iowa.

SCHEDULE "A" EXCEPTIONS: (per U.S. 1836 Subdivision File No. 47242-14142-002, dated February 28, 2014.)

- 1-8) Not related to the survey.
- 9) Property owner is granted a nonexclusive easement as described in Warranty Deed made by Tom D. Stambold et/for Thomas D. Stambold and Mary B. Stambold, Husband and Wife, to Good News Bible Church dated 1/13/2007 recorded on 1/24/2007 in Book 4123 Page 222. This document mentions a Nonexclusive Access Easement over Proposed Lot 15, said document does not provide any specific descriptions. Therefore, it is not shown on the survey.
- 10) Easement by Parthasar, Inc., on less acreage appurtenant to Good News Bible Church, on less acreage appurtenant, dated 2/5/2014 recorded 2/21/2014 in Book 2829 Page 711. This document grants the use of 7 parking spaces on a Parking Easement and document does not establish which specific parking spaces are reserved in said Parking Easement. Therefore, this document is not shown in the survey.
- 11) Map recorded 0/18/1980 in Book 7 Page 8. This plot has since been replatted.
- 12) Plat filed - a Portion of Block 1, Braverman Center, Iowa City, Iowa recorded 10/6/1980 in Book 21 Page 27. Plat is as shown on the survey.
- 13) Resolution dated 10/2/1980 recorded 10/6/1980 in Book 1176 Page 16. Not related to the survey.

LAND SPACE DESCRIPTION:

That part of Lot 15, A PORTION OF BLOCK 1, BRAVERMAN CENTER, according to the recorded plat thereof, Johnson County, Iowa, described as follows:

Commencing at the southwest corner of said Lot 15; thence South 89 degrees 02 minutes 10 seconds East, along the South line of said Lot 15, a distance of 14.02 feet; thence North 0 degrees 59 minutes 59 seconds West, a distance of 22.22 feet to the Point of Beginning of the land space to be described; thence North 89 degrees 02 minutes 01 seconds West, a distance of 22.22 feet; thence North 1 degree 29 minutes 59 seconds West, a distance of 42.42 feet; thence North 89 degrees 02 minutes 00 seconds East, a distance of 42.42 feet; thence South 1 degree 29 minutes 59 seconds East, a distance of 22.22 feet; thence South 89 degrees 02 minutes 01 seconds West, a distance of 22.22 feet to the Point of Beginning.

ACCESS RIGHT OF WAY DESCRIPTION:

A 10.00 foot wide right of way for ingress and egress purposes over and across Lot 15, A PORTION OF BLOCK 1, BRAVERMAN CENTER, according to the recorded plat thereof, Johnson County, Iowa, the certificate of said right of way is described as follows:

Commencing at the southeast corner of said Lot 15; thence South 89 degrees 02 minutes 10 seconds East, along the South line of said Lot 15, a distance of 2.00 feet; thence North 0 degrees 59 minutes 59 seconds West, a distance of 22.22 feet; thence North 1 degree 29 minutes 59 seconds West, a distance of 22.22 feet; thence North 1 degree 29 minutes 59 seconds West, a distance of 18.18 feet to the Point of Beginning of the certificate to be described; thence South 89 degrees 02 minutes 01 seconds East, a distance of 17.21 feet; thence South 89 degrees 02 minutes 01 seconds West, a distance of 7.24 feet; thence South 0 degrees 59 minutes 59 seconds East, a distance of 17.21 feet to said South line of Lot 15 and said certificate there terminating.

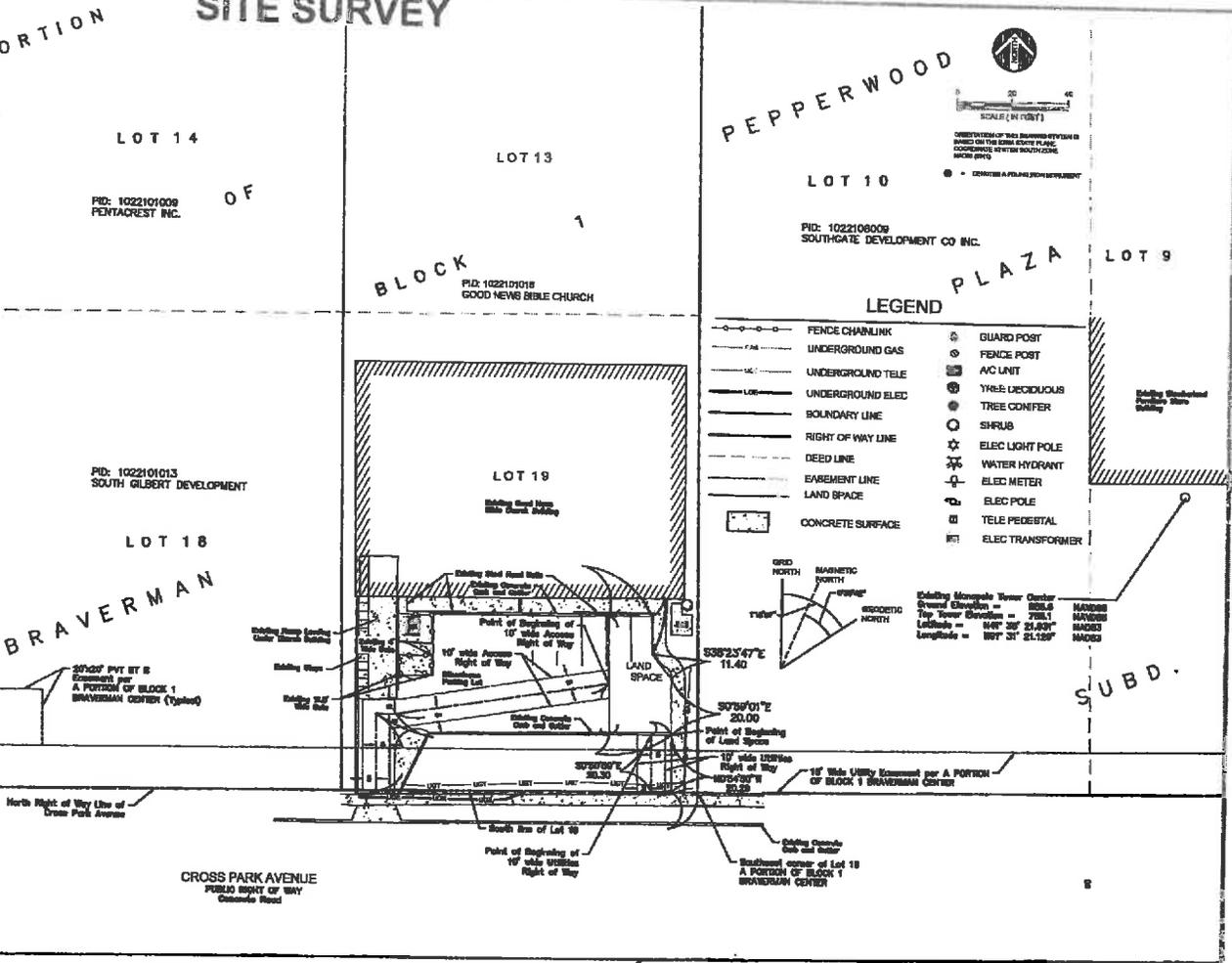
The width of said right of way shall be narrowed or lengthened to terminate at said South line of Lot 15 and of line bearing North 1 degree 29 minutes 59 seconds West and South 1 degree 29 minutes 59 seconds East from the Point of Beginning.

UTILITIES RIGHT OF WAY DESCRIPTION:

A 10.00 foot wide right of way for utility purposes over, under and across Lot 15, A PORTION OF BLOCK 1, BRAVERMAN CENTER, according to the recorded plat thereof, Johnson County, Iowa, the certificate of said right of way is described as follows:

Commencing at the southeast corner of said Lot 15; thence South 89 degrees 02 minutes 10 seconds East, along the South line of said Lot 15, a distance of 2.00 feet; thence North 0 degrees 59 minutes 59 seconds West, a distance of 22.22 feet; thence North 1 degree 29 minutes 59 seconds West, a distance of 22.22 feet; thence North 1 degree 29 minutes 59 seconds West, a distance of 7.24 feet to the Point of Beginning of the certificate to be described; thence South 89 degrees 02 minutes 01 seconds East, a distance of 22.22 feet to said South line of Lot 15 and said certificate there terminating.

The width of said right of way shall be narrowed or lengthened to terminate at said South line of Lot 15.



LEGEND

- FENCE CHAINLINK
- UNDERGROUND GAS
- UNDERGROUND TELE
- UNDERGROUND ELEC
- BOUNDARY LINE
- RIGHT OF WAY LINE
- DEED LINE
- EASEMENT LINE
- LAND SPACE
- CONCRETE SURFACE
- ⊙ GUARD POST
- ⊙ FENCE POST
- ⊙ AC UNIT
- ⊙ TREE DECIDUOUS
- ⊙ TREE CONIFER
- ⊙ SHRUB
- ⊙ ELEC LIGHT POLE
- ⊙ WATER HYDRANT
- ⊙ ELEC METER
- ⊙ ELEC POLE
- ⊙ TELE PEDESTAL
- ⊙ ELEC TRANSFORMER

- SURVEYOR NOTES:**
- Utilities are per observed addresses and from markings per IAC ONE CALL, Local Design Information Request Ticket No. 2017-00026, dated February 8, 2014.
 - This drawing has been scaled from Iowa State Plane Cartesian System South Zone 9th edition to ground distance by a scale factor of 1.0000489915.
 - The Proposed Land Space together with all Access and Utilities Rights of Way are within the area described in the Property Description contained herein.

<p>SITE NAME: IAC PEPPERWOOD</p> <p>Johnson County, IA</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>No.</th> <th>Date</th> <th>Description</th> <th>BY</th> <th>CHK</th> <th>APPD</th> </tr> <tr> <td>1</td> <td>2/23/14</td> <td>REVISED TOWER LOCATION/LAND SPACE REVISION ACCESS & UTILITIES RIGHTS OF WAY ADDED 10' WIDE UTILITIES RIGHTS OF WAY</td> <td>BNK</td> <td>THD</td> <td>BNK</td> </tr> <tr> <td>2</td> <td>1/20/18</td> <td>REVISED TOWER LOCATION/LAND SPACE REVISION ACCESS & UTILITIES RIGHTS OF WAY ADDED 10' WIDE UTILITIES RIGHTS OF WAY</td> <td>BNK</td> <td>THD</td> <td>BNK</td> </tr> <tr> <td>3</td> <td>2/13/18</td> <td>REVISED TOWER LOCATION/LAND SPACE REVISION ACCESS & UTILITIES RIGHTS OF WAY ADDED 10' WIDE UTILITIES RIGHTS OF WAY</td> <td>BNK</td> <td>THD</td> <td>BNK</td> </tr> </table>	No.	Date	Description	BY	CHK	APPD	1	2/23/14	REVISED TOWER LOCATION/LAND SPACE REVISION ACCESS & UTILITIES RIGHTS OF WAY ADDED 10' WIDE UTILITIES RIGHTS OF WAY	BNK	THD	BNK	2	1/20/18	REVISED TOWER LOCATION/LAND SPACE REVISION ACCESS & UTILITIES RIGHTS OF WAY ADDED 10' WIDE UTILITIES RIGHTS OF WAY	BNK	THD	BNK	3	2/13/18	REVISED TOWER LOCATION/LAND SPACE REVISION ACCESS & UTILITIES RIGHTS OF WAY ADDED 10' WIDE UTILITIES RIGHTS OF WAY	BNK	THD	BNK	<p>I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.</p> <p>SIGNATURE: BROWN T. BRUNING, L.S. DATE: 2/20/18 MY LICENSE REISSUE DATE IS DECEMBER 31, 2016</p> <p>LICENSE # 12622</p> <p>WIDSETH SMITH NOLTING Engineering Architecture Surveying Environmental</p>
No.	Date	Description	BY	CHK	APPD																					
1	2/23/14	REVISED TOWER LOCATION/LAND SPACE REVISION ACCESS & UTILITIES RIGHTS OF WAY ADDED 10' WIDE UTILITIES RIGHTS OF WAY	BNK	THD	BNK																					
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3	2/13/18	REVISED TOWER LOCATION/LAND SPACE REVISION ACCESS & UTILITIES RIGHTS OF WAY ADDED 10' WIDE UTILITIES RIGHTS OF WAY	BNK	THD	BNK																					

NOTE:

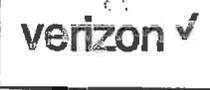
CONTRACTOR SHALL PROVIDE AND INSTALL FCC STORAGE AT (3) LOCATIONS: TOWER BASE, COMPOUND GATE, AND AT ROAD GATE (WHERE APPLICABLE). CONTRACTOR SHALL ACQUIRE FCC ANTENNA REGISTRATION NUMBER FROM THE VERIZON CONSTRUCTION ENGINEER PRIOR TO START OF CONSTRUCTION. FCC STORAGE SHALL BE INSTALLED ON THE TOWER THE DAY THE TOWER REACHES MAXIMUM HEIGHT.

CONTRACTOR SHALL PERFORM A PRIVATE UTILITY LOCATE PRIOR TO CONSTRUCTION

NOTE:

CONTRACTOR SHALL REFERENCE VERIZON WIRELESS NEW SITE BUILD DETAIL BOOKLET PROVIDED BY VERIZON WIRELESS WITH DRAWING SET.

PLANS PREPARED FOR



PLANS PREPARED BY



ENGINEERING LICENSE

By license issued to by December 31, 2017
 Project or details covered by this plan
 ENGINEER/ARCHITECT

By license issued to by December 31, 2017
 Project or details covered by this plan
 ENGINEER/ARCHITECT

ENGINEERING LICENSE NOTICE

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REVISIONS	DESCRIPTION	DATE	BY	REV
ISSUED FOR 2016			GAZ/W	A

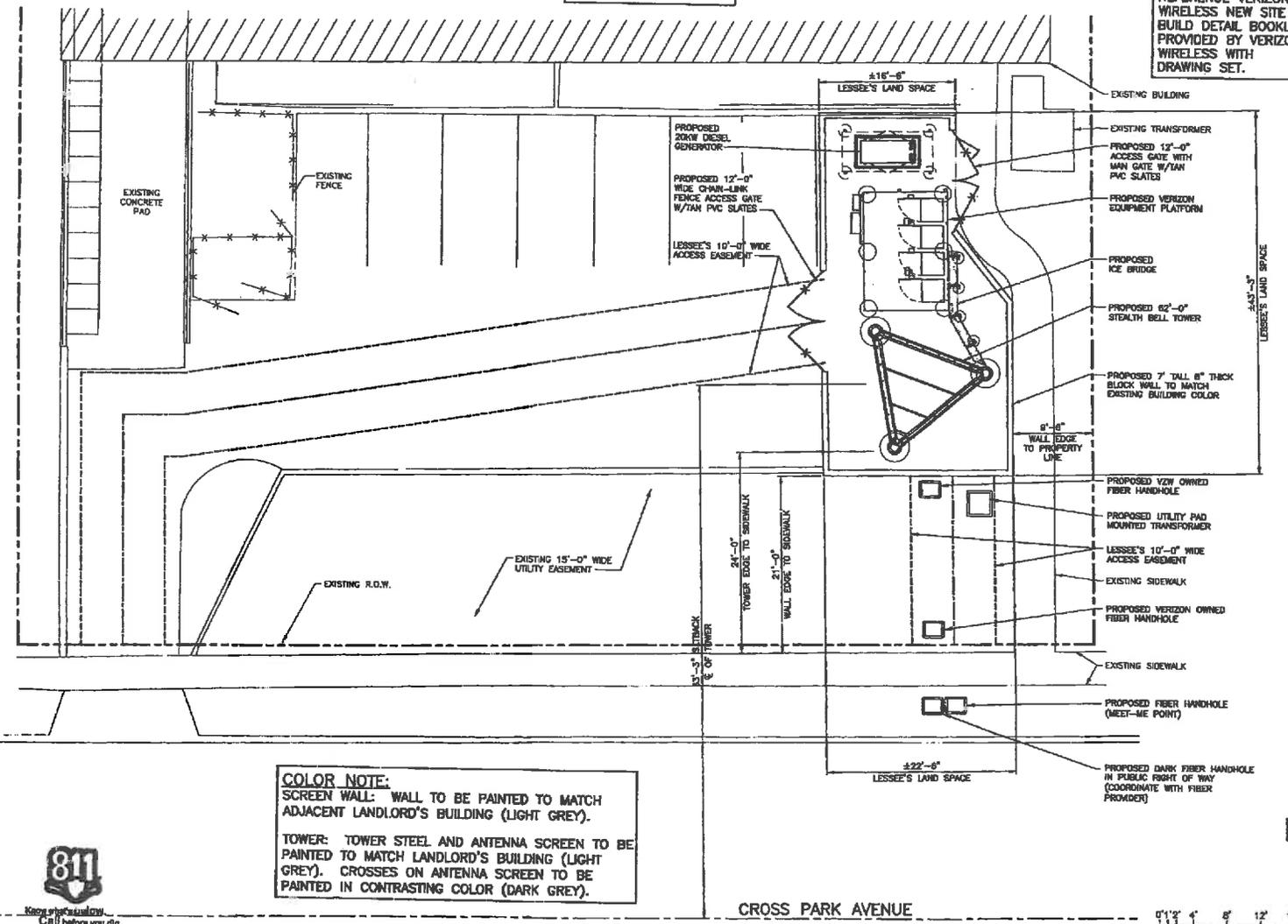
SITE NAME:
IACC PEPPERWOOD

SITE NUMBER:
267113

SITE ADDRESS:
**845 PEPPERWOOD LANE
 IOWA CITY, IOWA
 52240**

PROJECT DESCRIPTION:
OVERALL SITE PLAN

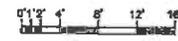
SHEET NUMBER:
A-1.1

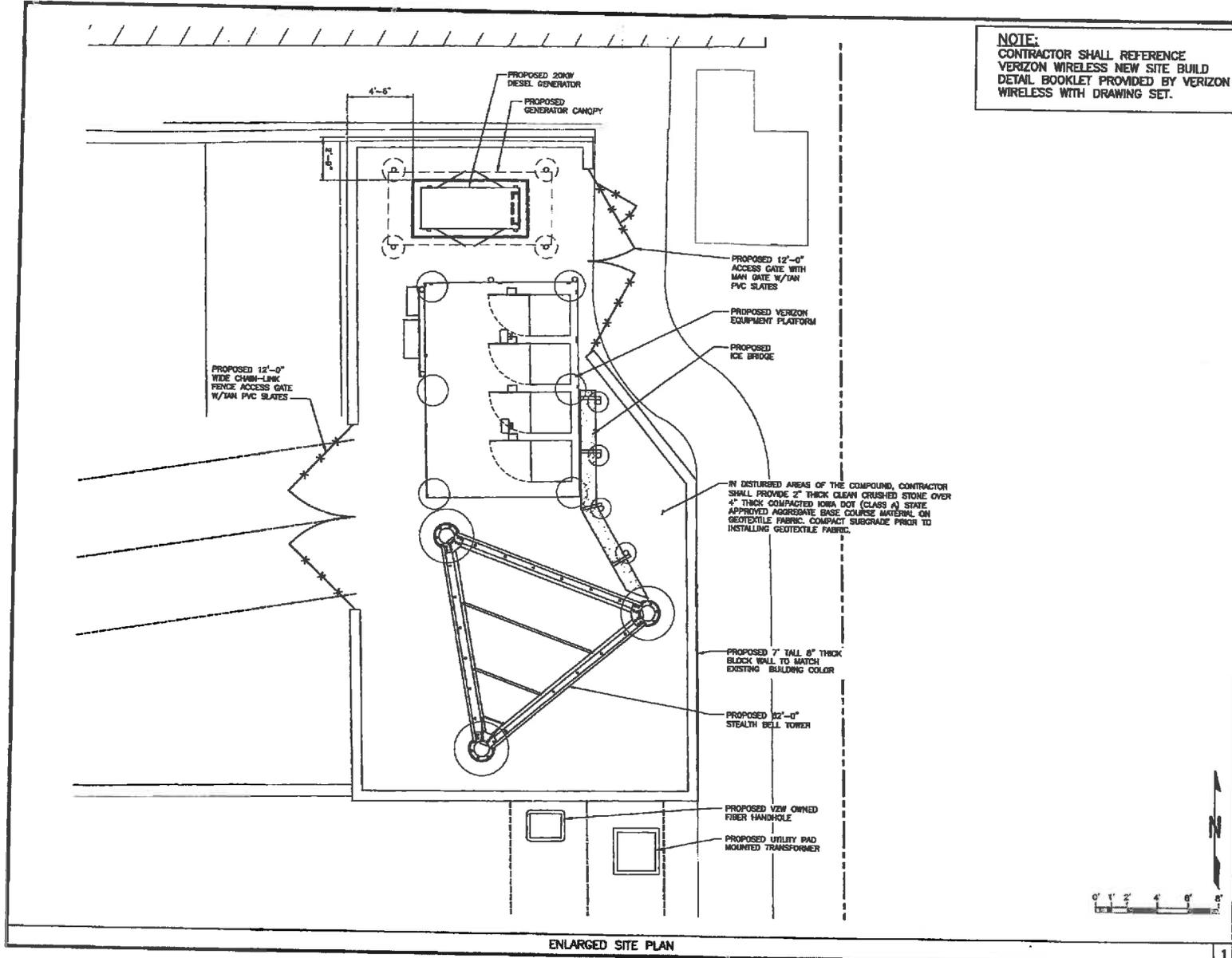


COLOR NOTE:
 SCREEN WALL: WALL TO BE PAINTED TO MATCH ADJACENT LANDLORD'S BUILDING (LIGHT GREY).
 TOWER: TOWER STEEL AND ANTENNA SCREEN TO BE PAINTED TO MATCH LANDLORD'S BUILDING (LIGHT GREY). CROSSES ON ANTENNA SCREEN TO BE PAINTED IN CONTRASTING COLOR (DARK GREY).



OVERALL SITE PLAN





NOTE:
 CONTRACTOR SHALL REFERENCE
 VERIZON WIRELESS NEW SITE BUILD
 DETAIL BOOKLET PROVIDED BY VERIZON
 WIRELESS WITH DRAWING SET.

PLANS PREPARED FOR:

verizon ✓

PLANS PREPARED BY:

7803 Glenroy Road, Suite 102
 Bloomington, Minnesota 55439
 Phone: 652-834-0131
 Fax: 613-438-7777

SSC

ENGINEERING LICENSE:

PROFESSIONAL ENGINEER
 MICHAEL L. CHRYSLER, P.E.
 DATE: 10/26/2017
 No Review period date in December 31, 2017
 Paper or prints created by this user
 See Engineering Discipline: PROFESSIONAL ENGINEER

PROFESSIONAL ENGINEER
 JEFFREY D. TEBELMAN, P.E.
 DATE: 10/26/2017
 No Review period date in December 31, 2017
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REVISION	DESCRIPTION	DATE	BY	REV
ISSUED FOR BIDDING		02/24/16	USC	A

SITE NAME:
IACC PEPPER WOOD

SITE NUMBER:
267113

SITE ADDRESS:
**845 PEPPERWOOD LANE
 IOWA CITY, IOWA
 52240**

DRAWING DESCRIPTION:
**ENLARGED
 SITE PLAN**

SSC & PROJECT NUMBER:
A-1.2

ENLARGED SITE PLAN



verizon wireless

IACC Pepperwood
Iowa City, Iowa

9800 W. 109th St, Suite 300
Overland Park, Kansas 66210
913 438 7700



RF Coverage Plots

Figure 1 below shows the current predicted coverage levels in the Pepperwood area with green indicating indoor coverage and blue indicating in-vehicle coverage. There is significant new residential development along Sycamore St not shown on this street map including Sherman Dr., Langenberg Ave, and McCollister Blvd.

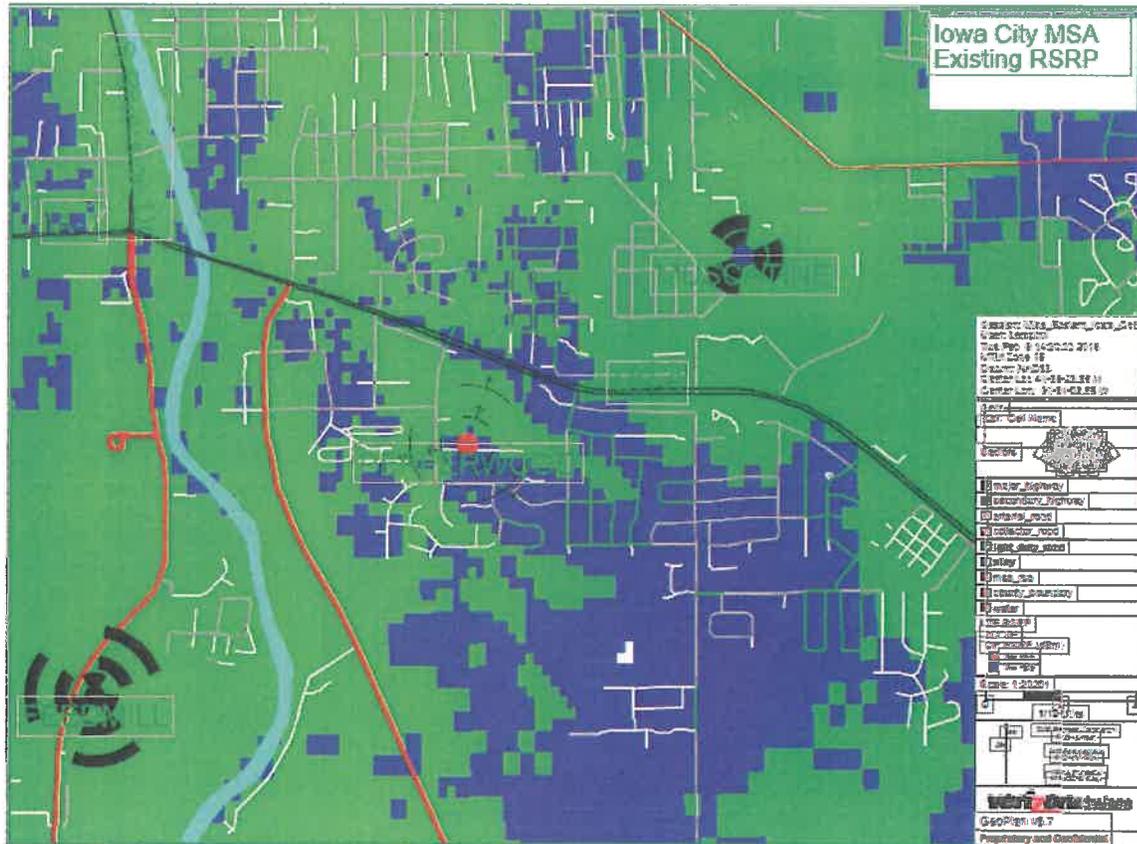


Figure 1 – Existing RSRP Coverage without the proposed Pepperwood tower

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IOWA CITY, IOWA

Figure 2 shows the predicted coverage with the proposed Pepperwood tower. Hy-Vee, Kmart, and other businesses near the tower and the residential area to the southeast will experience significantly better indoor coverage with faster data connections, better phone call quality and better E911 reliability.

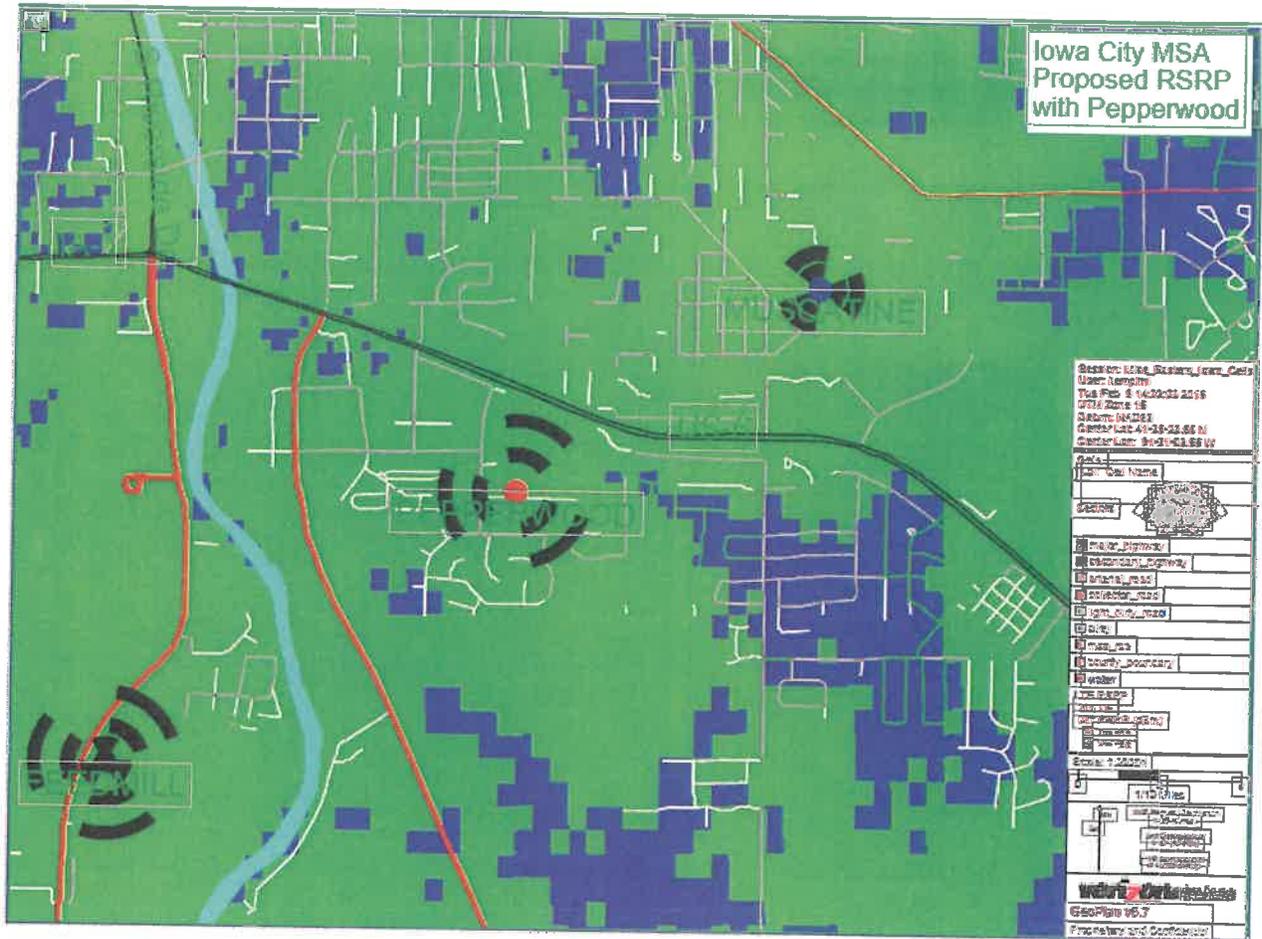


Figure 2 – Proposed RSRP Coverage with the Pepperwood tower

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 CITY OF IOWA CITY

Figure 3 is a strongest server plot which represents the predicted coverage area of each cell site. This analysis accounts for terrain variations which is evident with the large pink area that represents coverage from the DT Iowa City site. The traffic volume handled by that site has exceeded the design capacity and must be offloaded to continue to support the service our customers expect.

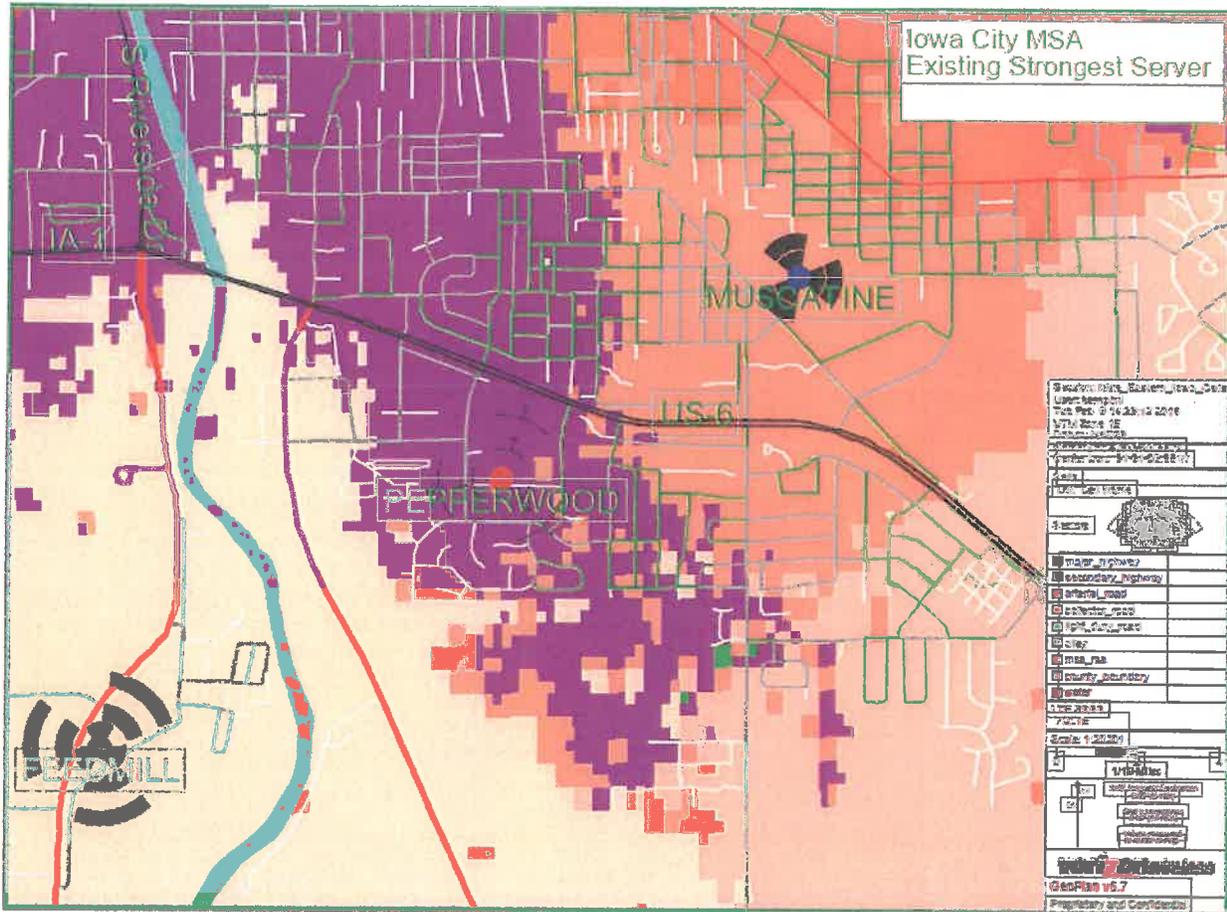


Figure 3 – Existing Strongest Server without the proposed Pepperwood tower

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 CITY CLERK
 IOWA CITY, IOWA

Figure 4 represents the predicted area that the Pepperwood site would cover while reducing the area covered by the DT Iowa City site. Shifting this data traffic preserves capacity for the Iowa City downtown district.

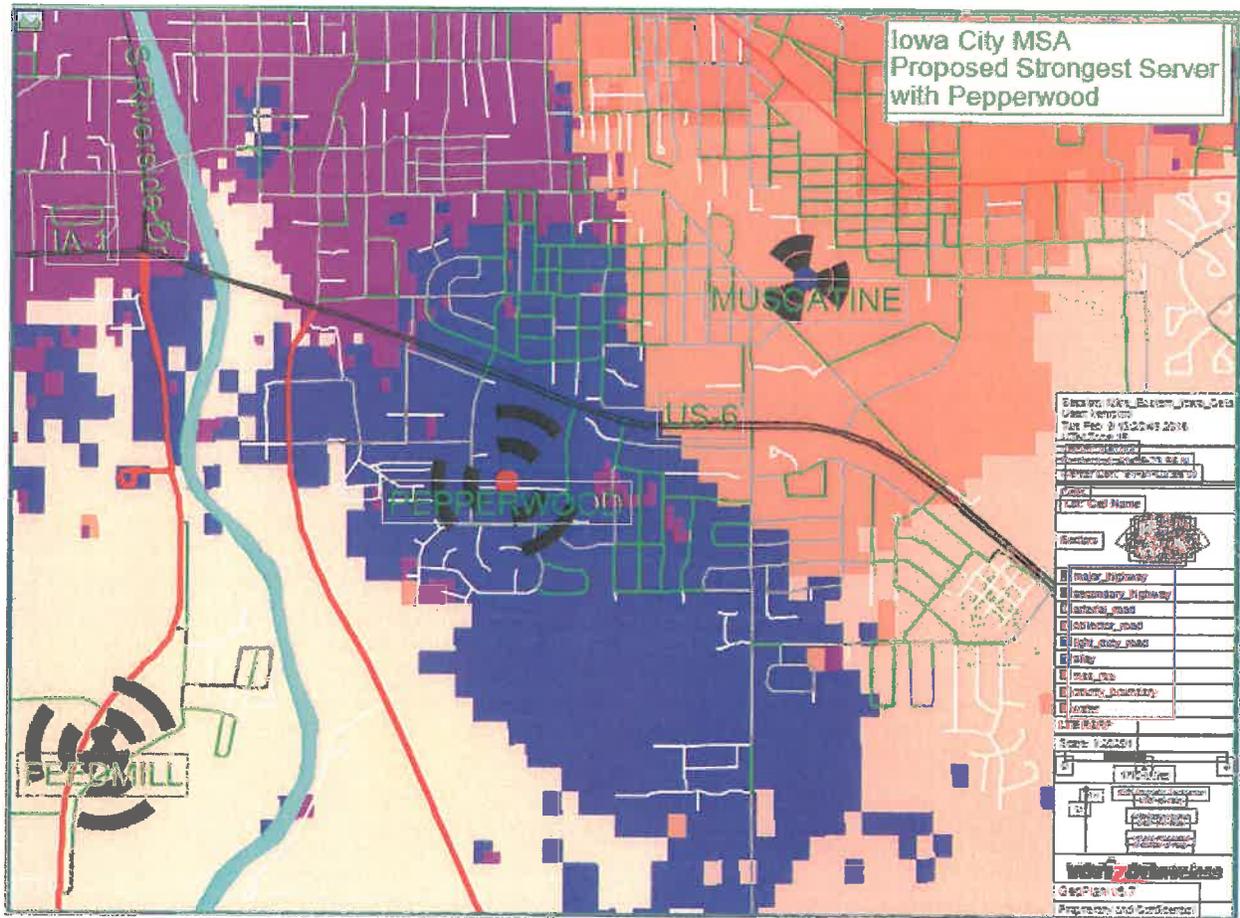


Figure 4 – Proposed Strongest Server with the Pepperwood tower

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IOWA CITY, IOWA

APPLICATION TO THE BOARD OF ADJUSTMENT SPECIAL EXCEPTION

DATE: February 2, 2016 PROPERTY PARCEL NO. 1022101016
PROPERTY ADDRESS: 845 Pepperwood Ln
PROPERTY ZONE: CC2 PROPERTY LOT SIZE: _____

APPLICANT:	Name: <u>SSC, agent for Verizon Wireless LLC</u> Address: <u>9900 W. 109th Street, Overland Park, KS 66210</u> Phone: <u>913.438.7700</u>
CONTACT PERSON: (if other than applicant)	Name: <u>Justin Anderson</u> Address: <u>same as applicant</u> Phone: <u>same as applicant</u>
PROPERTY OWNER: (if other than applicant)	Name: <u>Good News Bible Church</u> Address: <u>845 Pepperwood Ln</u> Phone: <u>319.541.3986</u>

Specific Requested Special Exception; please list the description and section number in the zoning code that addresses the specific special exception you are seeking. If you cannot find this information or do not know which section of the code to look in, please contact Sarah Walz at 356-5239 or e-mail sarah-walz@iowa-city.org.

Purpose for special exception: Installation of a 62' (70' w / lightning rod) wireless communications facility with associated ground-mounted equipment in a brick enclosure.

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

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February 10, 2016

VIA FED EX DELIVERY

City of Iowa City
City Clerk, City Hall
410 E. Washington Street
Iowa City, IA 52240
Attn: Sarah Walz

RE: Verizon (IAC 267113 - Pepperwood) application for approval of Special Exception Permit for construction of a wireless communications facility to be located at 845 Pepperwood Lane, property owned by Good News Bible Church.

Dear City Staff:

Verizon is applying for a Special Exception Permit for the installation of a sixty-two (62') feet stealth wireless communications facility to be located at 845 Pepperwood Lane – the south side of the church which is east of Keokuk Street and Cross Park Avenue intersection. The parcel will retain its current use and zoning with the addition of this wireless facility.

The proposed Verizon facility will be enclosed in a 16'-6" x 43'-3 x 22'6" leased and fenced compound. The design submitted with this application will elaborate on the equipment that will be contained within the fenced area as well as the materials and colors used for fencing and screening. The Verizon equipment cabinets protect their radio equipment from the elements as well as provide security. The proposed fence / wall (brick face to match existing building color) will enclose the tower, radio cabinets and generator (diesel).

Existing paved access and parking is from Cross Park Avenue via 10' wide access right-of-way going east. A 10' wide utility right-of-way extends along Cross Park Avenue just south of the proposed site. All power and utilities to the site are proposed to be underground.

ADDITIONAL MATTERS

This site is required to maintain Verizon's network stability. The site is needed for added capacity and coverage.

I. Collocation / Existing structures –

There were no collocation opportunities available in the area. The nearest structure for collocation is the AT&T site located just 200' east of this proposed site. Unfortunately, the property owner is unwilling to lease additional ground space at this location. They

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have also indicated that they would require rent to be nearly five times the rate. The next possible collocation (existing US Cellular tower) is 59' tall which only has available space for Verizon at 27' with only 3 antennas. Neither of these sites are viable of the listed reasons.

II. FCC License –

Verizon's FCC operating licenses for this market are attached to this application. All proposed Verizon equipment is FCC licensed.

III. Section "C" Criteria –

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

A: The proposed site will not be a detriment or endanger the public health, safety, comfort or general welfare. It will bolster personal, professional and emergency services in the area.

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.**

A: The site will not detract from the enjoyment of the neighboring properties nor will it substantially diminish or impair property values in the neighborhood.

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

A: The area the site is being proposed is on the far east edge of the property. This allows all current operations / functions to remain and does impede on any development or improvements.

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

A: Yes – Existing paved. .

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

A: Yes.

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**

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applicable site development standards (14-5A through K).]

A: Yes. The applicant is also open to staff recommendations and conditions. It should be noted that this design has been reached with input and approval of the property owner and seeks to mitigate the visual impact of a traditional tower.

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

A: Yes. The applicant's proposed site does not remove or change the existing zoning and / or use of this property.

We would appreciate your support for this application at the March 9, 2016 Board of Adjustment Meeting.

Please direct any further questions or requirements to Justin Anderson.

Sincerely,



Justin Anderson

Attachments

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2016 FEB 11 AM 9:46
JOHN CHYLLIN

Engineering Statement

Verizon Wireless desires to build a 70-foot cellular tower called Pepperwood at 845 Pepperwood Lane in Iowa City. The proposed tower is needed to improve cellular telephone service south of Highway 6 in Iowa City.

Verizon currently operates towers nearby at the Sheraton Hotel at 210 S Dubuque St ("DT Iowa City"), 1914 Lower Muscatine Road ("Muscatine"), and 2420 Old Hwy 218 South ("Feed Mill").

Verizon cannot adequately serve its customers in this area without improving signal levels. The proposed tower will improve indoor coverage levels enabling faster data service, better VoLTE call quality, and more reliable emergency 911 services in the future. More importantly, the tower will provide additional network capacity as demand for wireless service rapidly grows.

The location and height of the proposed tower meet Verizon's coverage and capacity objectives for this area. The minimum structure height of 70' AGL (above ground level) is necessary to provide the level of coverage Verizon needs to ensure reliable connections between existing towers.

There is an existing tower owned by U.S. Cellular at 612 Olympic Court. This tower is not suitable for Verizon to collocate on due to the available antenna height of 27'. There is also an AT&T tower on Cross Park Ave just east of the proposed tower location. This tower is not suitable for Verizon to collocate on due primarily to the limited space inside the stealth pole. The pole cannot accommodate the tower mounted equipment and quantity of antennas required by common industry design standards for a multi-band LTE site.

The following pages include plots showing what the before and after predicted coverage will look like with the proposed tower location. Areas shown in green are predicted to have reliable in-building service. The blue area will have in-vehicle coverage but lower quality or no indoor coverage, particularly in basements, metal buildings or other dense structures that impede cellular signals.

The construction and placement of the tower will not interfere with public safety communications or the transmission or reception of radio, television, or other communication services enjoyed by adjacent properties. Verizon operates in frequency bands that are licensed exclusively to it by the Federal Communications Commission (FCC) thereby minimizing chances of interference. Interference with other wireless services is unlikely and all interference problems will be remedied in a timely manner pursuant to FCC rules.

Verizon Wireless operates under FCC license and regulation guidelines. Verizon will comply with all regulations and guidelines set forth by the FCC in regards to spectrum licensing, interference mitigation, and RF emissions exposure.

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

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

There are no health hazards generated by this site. The enclosed compound will be locked at all times unless a technician is on-site. There will be on average no more than one maintenance visit to the site per month - this is a van or small utility truck. The site does not create additional traffic and all operations are contained on the church property.

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.

The operations will be confined to the church (owner's property) and the properties to the east and west are both commercial - also an existing AT&T tower to the east. There are no proven studies that wireless facilities diminish property values. The applicant is agreeable to provide existing that have been performed in Kansas and Missouri by independent 3rd party real estate professionals showing no change in value.

It should also be noted that there are no odors, lights or continuous sound at this facility.

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.

This is a proposed commercial use in a commercial district that does not create additional traffic or impede on any space not authorized by the church / property owner / lessor.

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

Yes. The site will use a 200A service with separate meter and fiber from the existing fiber handhole in the public right of way. All utilities will run underground to the site. The existing access to the church parking lot will serve as our access and we are using an existing parking space next to the proposed site. The proposed site will not affect the existing drainage.

2016 FEB 11 AM 9:10
PLANNING DEPARTMENT
CITY OF KANSAS CITY, MISSOURI

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

Verizon technicians will be using the existing access and parking (1 space) only during a service outage or site maintenance.

- 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).]**

See Attached

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

Yes. Verizon is not proposing a change in property use or zoning.

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CITY OF DENVER

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: February 2, 2016

Justin Anderson


Signature(s) of Applicant(s)

Date: February 5, 2016

Richard Wootton


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

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**MINUTES
BOARD OF ADJUSTMENT
FEBRUARY 17, 2016 – 5:15 PM
EMMA J. HARVAT HALL, CITY HALL**

PRELIMINARY

MEMBERS PRESENT: Gene Chrischilles, Connie Goeb, Becky Soglin, Tim Weitzel
MEMBERS ABSENT: Larry Baker
STAFF PRESENT: Susan Dulek, Sarah Walz
OTHERS PRESENT: Mike Pugh, Roger Goetken, Ross Nusser, Mitch King, Steven Moioffer, Casey Cook

CALL TO ORDER:

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

ROLL CALL:

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

CONSIDERATION OF THE JANUARY 13, 2016 MEETING MINUTES:

Goeb moved to approve the January 13, 2016 minutes.

Chrischilles seconded the motion.

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

SPECIAL EXCEPTION ITEM EXC15-00016:

Discussion of an application submitted by Mitch King, for a special exception to allow a historic preservation waiver reducing the minimum off-street parking requirement for a property located in the High Density Multi-family (RM-44) zone 716 N. Dubuque Street.

Walz explained that last week the Board opened the public hearing but did not go through the normal process, so this evening she will begin with the staff report and showed the location map for the property. She noted that the RM-44 zone is the highest density residential zoning designation in the City. In this situation the RM-44 zone is right next to a RM-8 zone which is a single family zone. Walz reminded the Board that the special exception is to allow a fraternity at the property as fraternities are an allowed use in the RM-44 zone. Based on the lot area, a fraternity could have 21 residents but more the parking. The special exception is needed is being requested because the property does not provide enough parking to allow that number of residents. The applicant is seeking a reduction of the required parking through the special exception and the historic preservation process.

She explained there are a number of other uses allowed in the RM-44 zone, multi-family, rooming houses and assisted living are examples. This particular residential building was originally constructed as a fraternity house and functioned as such until the late 1990's when it was purchased for the current use—an assisted group living facility. It is a three story structure with 21 rooms and two kitchens, shared bathrooms on each floor and laundry facilities in the basement. The building itself takes up a large portion of the lot, it is a 6500 sq. ft. lot which is a pretty small lot. Because the building takes up so much of the lot there are only two conforming parking spaces, but there is room for two cars to stack so legally four cars could park on the property. Walz explained that The Board of Adjustment may grant a special exception to waive or modify any dimensional or site development standards listed in this article or in chapter 5 of this title or any approval criteria listed in chapter 4, article B of this title that would prevent use or occupancy of a property designated as an Iowa City landmark or registered on the national register of historic places. In addition to the general special exception approval criteria set forth in chapter 4, article B of this title, the following approval criteria must be met. The property is currently not a landmark, but the applicant has started that process and went through the Historic Preservation Commission last week. The Commission has recommended the property to be registered as an Iowa City landmark.

Walz noted the current use of the building, an assisted group living facility, is one of the lowest vehicle uses in the RM-44 zone due to the fact that residents in assisted living facilities don't typically have personal vehicles. Staff believes there is very limited possibility for this building to be reused as an assisted living facility because the building is not handicap accessible and other limitations on the site for access. Other options for the property could be a multi-family use, but that would require a number of changes to the interior of the building. Other uses such as group living, rooming houses, or fraternities would allow the property to be occupied without major changes to the floorplan.

The property is currently non-conforming with regard to parking. An assisted living facility of this size requires 9 vehicle parking spaces to be conforming: one parking space for every three residents, plus one parking space per employee based on the maximum number at the site at any given time. Because properties such as this cannot come into compliance overnight, they are granted what is called "ghost parking" which states the new use of the property cannot have a higher demand for parking than the current use.

Walz explained that the applicant does not believe the property is financially feasible for the uses that would require 9 parking spaces or fewer. This would allow just 12 roomers. The applicant is arguing that the 21 roomers are needed to make the property financially feasible. Given all the constraints on the property Staff feels confident that there needs to be some flexibility to allow a new use in the building, one that would protect the historic preservation of the building.

Walz went through the criteria for the special exception. The modification of waiver would help to protect the historic aesthetic or cultural aspects of the property. The building was originally constructed as a fraternity and it has gone through the first process of being declared a historic landmark. The property is eligible to be declared a landmark, it is located in a zone that allows fraternities, and the applicant has committed himself to a number of repairs to the building in order to preserve its historic exterior (such as repairing the stucco, painting the exterior, reroofing, repair of the exterior fire escape and removal of the deck on the north side of the building). The applicant has also indicated that work done to secure the foundation of the structure is needed and would be corrected before the building is occupied. The applicant must obtain the certificate of appropriateness from the Historic Preservation Commission, and

that is in process. The specific proposed exception will not be detrimental to or endanger the public health, safety, comfort or general welfare. A reduction in parking does not present a safety concern or a threat to the public welfare, however, the modification does allow an increase in density over what would otherwise be allowed by code, which raises other safety concerns. Staff recommends that approval of a special exception to allow a reduction in parking be subject to installation of an interior fire sprinkler system. While such systems are not currently a building code requirement, the installation of a sprinkler system will ensure the historic structure is less likely to be destroyed.

The specific proposed exception will not be injurious to the use and enjoyment of other properties in the immediate vicinity and will not substantially diminish or impair property values in the neighborhood. While the waiver for the parking requirements alleviates the burden of parking, it does not reduce actual parking demand. Walz noted that the scarcity of on street parking in this neighborhood has been an ongoing concern that is discussed in the Central District Plan. The lack of on street parking may dissuade some residents from bringing cars to campus but for those that do it will displace other cars and that does add to the hardship of the neighborhood. The applicant has proposed a number of remedies to encourage the use of other forms of transportation, he is proposing to take off the exterior deck of the building and create moped parking along that part of the building. Additionally he would create indoor bicycle parking in the basement of the building. Other proposals to reduce parking demand include housing fraternity meetings at the Iowa Memorial Union. Additionally the fraternity does not allow alcohol in its facility. Staff did not feel both those items were enforceable from a City aspect and knowing it will be a fraternity there will be a number of social activities at the facility. Staff therefore would like to impose a restriction to the special exception stating that if there were more than three convictions of disorderly house in an 18 month period the special exception would be revoked and the waiver for parking would go away.

Establishment of the specific proposed exception will not impede the normal and orderly development or improvement of the surrounding property for uses permitted in the zone in which the property is located. The surrounding property is fully developed however there are properties there may redevelop over time. There are several properties in the immediate vicinity that are also fraternities. The neighborhood is a walkable distance from campus and is in an area that provides ready access to both the Campus and Iowa City Transit Service.

Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided. All necessary utilities and drainage are in place for the property.

Adequate measures have been or will be taken to provide ingress or egress designed so as to minimize traffic congestion on public streets. The property has vehicle access from an alley that runs between Brown and Dubuque Streets. This alley is quite narrow and cars parked or waiting along the alley make it difficult to pass in the opposite direction. Again the applicant has proposed measures to help alleviate the congestion.

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's to be located. Walz noted fraternal living is an allowed use in the zone. The RM-44 zone allows a fraternal use of up to 21 roomers based on lot area and square footage of the building so long as parking is provided. For comparison, rooming houses in the RM-44 zone are allowed 1 roomer per 500 square feet of lot area or 13 roomers.

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

property falls into subarea A of the Central Planning District. While there is much discussion of preserving multi-family homes in this area, there is no discussion of what to do. The plan discusses maintaining a balance of renters and homeowners in the area, and there is little doubt whatever goes into this property would be rental. The plan also talks about the importance of historic preservation.

In summary, Walz stated the application is very complicated, it is located in a very high density multi-family zone but is up against a medium density, single-family zones. Any opportunity for the applicant to provide off-site parking has been researched and cannot be found. The building was constructed as a fraternal use and retains that floorplan so having it stay a fraternity or rooming house would be the easiest transition in terms of expense. It is in close proximity to campus and several other fraternities are in the neighborhood. The historic building contributes to the character of North Dubuque Street and with a landmark designation it would be preserved. There is a covenant that preserves the property for 21 years but that is not a permanent preservation of the property. The building has a large floor area and number of bedrooms so there has to be some use that can make use of that space but not create an environment of overuse of the space. Finally there is concern over the modifications being sought. The applicant is seeking what is most likely the most intense use allowed in the zone and the highest number of roomers allowed in the zone. There is a social function that goes along with a fraternity, and that does bring additional people to the site. The scarcity of on street parking is a concern of the neighborhood and one neighbor has written a letter to the Board voicing their concern. There are concerns about disturbances that have been created by other fraternities in the neighborhood. The adjacent property was a fraternity, but it is currently taking a break, having been expelled by its own organization due to behavioral issues. The applicant is attempting to address the parking issues as best as he can and Staff has provided that additional condition regarding behavior that causes disturbance to the neighborhood. At the January 12 meeting the Board granted a request to defer its consideration to this special meeting where it hoped to have all five board members present but due unfortunate circumstances there are only four present. A vote of three is necessary to approve. The Board has requested some additional information, the financial information seems to indicate that with a fraternal use and a density of 21 residents the market value of the property is \$1.2 million. Staff has not had time to evaluate that information or discuss it.

Chrischilles discussed two items of importance to him, first being seeking an exception to a parking requirement but being wrapped up into that exception is the historical preservation of the property. So when this property originally became a 9 space parking requirement property that was due to the assisted group living use? Walz confirmed that was the case. Chrischilles noted that the property only had 4 parking spaces even at that time. He asked if that was an exception or just due to it being an assisted living facility that it was allowed. Walz explained that it was not an exception, the way non-conforming regulations work is when a property use is changed from one use to another, as long as the new use that is being proposed does not demand more parking than the current use, the property is allowed to transition to the new use. So if they propose another use that only needed nine parking spaces, even if it's a different use, not an assisted group living (say someone was going to convert this property to apartments and only needed nine spaces) that would not require a special exception. Chrischilles clarified his question asking that if the property use required nine spaces, but they only had four available, why was that allowed. Walz said it wasn't granted a special exception, it was allowable. Therefore if the current proposal was also a request that only needed nine parking spaces they would be fine. Because the proposed use will require 16 parking spaces, a special exception to reduce the parking requirement is necessary.

Chrischilles second point was in regards to the historical aspects of the property, in order to obtain this special expectation the property has to be declared a historic landmark. Walz confirmed that was correct. If the City Council does not approve the landmark status this application would be null and void. Walz noted that if the Board does not approve this exception, or if the applicant withdraws his application, they will likely withdraw the landmark status application. Dulek noted that there is currently a covenant on the property that states it must be maintained for 21 years. Walz said what that means is the property owner cannot demolish the building during that time period, and also any changes to the exterior of the building would need to be approved by historic preservation. However after year 2024 those requirements are no longer enforced.

Chrischilles also asked about the notation in the staff memo that states "to be clear a special exception is not to allow a fraternal group living use". Not in essence but in practical terms if the Board grants the special exception the intention is to allow a fraternal group to use the property. Walz explained that a fraternity could use the space now as is, but only allowing residents equal to the now allowable 9 parking spaces. The exception will allow more residents to live in the property. The special exception is not to allow a fraternity, it is to reduce the parking so there can be 21 residents in the facility. Chrischilles just wanted to confirm that the intention of the applicant was to have a fraternity in the building and allow 21 residents to live there. Walz confirmed that was the intention.

Goeb asked if the property had not changed from a fraternity to an assisted living facility group home, this would not be an issue? Walz confirmed that is true. The way the non-conforming regulations work is that when something is non-conforming on the property you are allowed to change things as long as you are always reducing the non-conformity. In this case the non-conformity is the parking. Over time uses change and it is the intent of the non-conforming regulations that things become closer to conforming.

Goeb asked if other fraternities in the area were to change over to another use, and then later change back to a fraternal use they might face the same parking issues. Walz stated that was correct.

Soglin asked Walz to clarify the numbers when it states the 9 ghost spaces really allows for up to 12 roomers. Walz clarified that 12 is the correct number, the report states 11, but it really is 12. Staff had originally calculated the parking based on one employee and later learned that there were sometimes 2 employees on site.

Goeb asked how long the parking standard has been in place. Walz said the parking standards were updated in 2005 with the Code update. Goeb asked if the requirement was less, in other words with the Code update are there now fewer parking spaces needed per residents. Walz said yes that is the trend.

Soglin invited the applicant to come forward and address the Board.

Mike Pugh spoke on behalf of the applicant Mitch King. He began by thanking Walz for her staff report as it was very detailed and thorough. As the applicant they have the burden to show that the requirements of the special exception under the historic preservation waiver as well as the general requirements of a special exception have been satisfied. He wished to reiterate some of the points in the Staff report summary that the specific provisions have been satisfied as well as the general provisions have been satisfied. The fact that the property is located in close proximity to campus as well as served by public transit. The building was

constructed as a fraternal living facility and retains the floor plan necessary to serve that use. The property is in neighborhood where there are several other fraternities and historic fraternal buildings. The property includes a historic building that contributes to the character of North Dubuque Street and the near campus neighborhood. With the landmark designation the building will be preserved and the applicant has committed to making certain repairs to enhance the exterior and to extend the life of the building. This investment is not insubstantial and will require the applicant to get a reasonable rental income to offset that investment. The fraternity would be a long term tenant rather than individual tenants renting on a year to year basis. The building has a large floor area and 21 bedrooms therefore limiting its use to 12 occupants has the potential to invite over occupancy or to not generate enough income to maintain the building in good condition, historic or not. And finally the applicant has proposed a number of remedies intended to reduce the on street parking demand generated by residents and visitors to the site (moped parking, indoor bicycle parking, all official house events to be held off site, no alcohol, etc.). The Staff has concluded and the applicant is requesting that the Board find that requirements for the special exception has been satisfied.

Pugh noted that Casey Cook from Cook Appraisals will address the Board tonight on the financial aspect of the property, specifically how many residents are needed in the property to generate the income to maintain the property at historic landmark status. Pugh also pointed out he feels the application fulfills public benefit. First is with a certain number of roomers or occupants in the house it allows the property to achieve a historic landmark status, in that there will be sufficient rate of return for the owner of the property in order to maintain the property at the level it needs to be. Historic preservation of properties can be a very expensive endeavor. Additionally the City is looking to improve their gateway to the City on Dubuque Street and this property could be a real shining star in the gateway. The City is going to spend a great deal of money upgrading Dubuque Street, upgrading the landscape and they really would not want properties along Dubuque Street to be in a dilapidated condition. He also noted this property is zoned RM-44, which is the highest density zone in the zoning code. The City should discourage underutilization of property in these zones and along arterial streets. Pugh also noted that this property for decades was utilized as a fraternity, it was constructed as a fraternity, and presumably had 21 occupants for much of that time. And had the use of the property not change in 1997 this application would not be necessary. He noted that according to the code for a fraternal use it is 0.75 parking spaces per applicant whereas for an assisted living group home it is a much lower requirement, only 1 parking spot per every three bedrooms, and one for each staff person. So for 21 residents in an assisted living group facility there is only a need for 7 spaces, plus 2 spaces for staff. He understands some of the issue with a fraternal use is the level of social activity on the site, but that can be alleviated by holding all their social functions off site.

Pugh also wanted to note the conditions that Staff is recommending, as part of the staff report. He noted that all of the Staff conditions are acceptable to Mr. King which are:

- The applicant must secure a Local Historic Landmark Designation from the City of Iowa City. (That process has started and received a favorable response at the last Historic Preservation Commission meeting.)
- All changes to the properties exterior must meet Historic Preservation guidelines.
- The applicant must make those repairs and renovations to the exterior and foundation of the structure as listed in this submittal (see attachment #7) as well as any repairs deemed necessary by the Historic Preservation Commission.
- All aspects of the interior must meet code standard. (Mr. King will address the several items in the building he will be updating.) Shared bathrooms must use

- materials and fixtures of an institutional grade.
- In the area where there is currently a deck, the applicant must install moped parking stalls equal to at least one half of the residential occupancy of the building. Design and installation of moped parking to be approved by the Historic Preservation Specialist.
- The applicant must install interior bike storage on the ground floor level of the building sufficient to store one bike per resident based on the maximum number of residents.

Pugh noted also the requirement regarding the disorderly conduct, that if three disorderly conduct convictions happen within a 18 month period the special exception will be terminated, Mr. King also agrees is reasonable and is willing to fulfill all the conditions. Pugh explained that the risk for a property owner in this type of situation is very significant. Mr. King will be spending a considerable amount of money purchasing and updating this property and in essence will only have one tenant. If he loses that one tenant, the fraternity, he will go from full occupancy to empty. He needs this exception to allow himself to take on the density of the property to assure the rate of return on income to make this project financially feasible.

Finally Pugh submitted the documents that other speakers will go into more detail about. The first four are Mr. Cook's reports. Exhibit five is Mr. Cook's CV for the Commission's use and reference. Exhibit six is a breakdown of the renovation costs, both exterior and interior that is expected to be completed by Mr. King. Finally exhibit seven is a summary of four years' worth of police calls for this particular site and also other fraternities in the neighborhood.

Chrischilles noted that when Mr. Pugh was summarizing the Staff recommendations he did not mention the first sentence where it states Staff recommends approval based on the condition of allowing 13 residents at the property. It appears Mr. King is still wanting 21 residents on the property for financial reasons. Chrischilles feels it is not the Board's responsibility to make sure this project is financially viable. Their consideration is whether reducing the number of required parking spaces to allow the intended use is a good use for the property. Pugh replied that Staff has concluded the specific and special requirements of the special exception have been met, and then go onto to state "while Staff concludes that additional residential density beyond 12 roomers is necessary in order to make a reasonable turn on the property Staff does not believe the applicant has demonstrated 21 residents is necessary to do this. Staff believes additional information is necessary to determine that the number of roomers is the minimum to allow the property to maintain use and occupancy of the historic structure. Until such information is provided Staff would recommend limiting the number of residential density to 13 roomers which is the maximum size allowed by code for a rooming house based on the size of the lot". Pugh noted that the reason the applicant asked for a deferral at the last meeting was so they could gather the information Staff requested to show the need for the density of 21 roomers. He also noted the financial viability is important for the Board because if the project is not financially feasible, it's not going to happen. So to have a public benefit for a historic structure in the gateway of Iowa City, there has to be a sufficient return on investment on the property. Chrischilles noted that the public benefit has to be weighed against the possible detriments to the surrounding neighborhood which isn't zoned as densely. Additionally Staff has not said that if the applicant can provide the data they would then recommend the 21 roomers.

Roger Goedken (Executive Director, Successful Living) began by saying he has been with Successful Living for about five years and for the past three years they have been thinking of selling the Dubuque Street location. Last July their board approved the move towards selling the Dubuque Street property. His organization works with adults with chronic mental illnesses and every individual they serve is at or below 100% poverty level, with at most the social

security level of income or zero income. While there is a great need for housing for these type of individuals they have found a house with 20 occupants is pretty unmanageable. They work mostly from grants to manage and do the upkeep for the house. They have put more than \$70,000 into the house and what the Board will hear later is it will likely require \$300,000 to \$400,000 to get the property up to more spec. There is a waitlist for the house, once their board decided they would sell the house they reduced the occupancy to 10 residents. That has caused a bit of a financial burden but is more manageable and necessary. Successful Living then took out a line of credit for \$90,000 to buffer the loss of income in the property during the time to sell and then move the occupants into smaller housing. The structure they currently have is called transitional housing and that allows them to provide staffing Monday thru Friday 8:00 a.m. to 5:00 p.m. The housing they intend to move into will provide staffing 24 hours a day, seven days a week and perhaps more than one staff person at a time. That would be a huge improvement for the residents of the house and there will also be a savings for Successful Living to have a newer more updated house. Successful Living is also dealing with the State of Iowa moving to reducing these type of larger housing institutions and the Dubuque Street property qualifies as a larger housing institution. In 2013 the State of Iowa passed Senate File 2813 which in parts states that "CMS (Center for Medicare Services) will not reimburse for services provided in residential programs with more than 16 beds". There have been several larger institutions around the State that have closed recently. Eventually the State will require Successful Living to close the Dubuque Street location so that is why they are being proactive and wanting to now move their residents into smaller housing units. Goedken noted that over the past several years they have been pushed by Human Services to move their residents to smaller alternative housing. He also noted they have had to deal with police calls and have been asked to look for ways to reduce police calls to the property but without the ability to have staffing there on nights and weekends it has been an issue. The move to smaller housing with full-time staffing will help eliminate most of those police calls. Goedken stated the house has 21 bedrooms but how the rooms are set up they could hold two if not three persons in each room so the tenancy of the house when it was a fraternity was likely higher. He noted the loss they have seen with having the rooms now unoccupied is about \$1500 per month which is significant and over time with that type of monthly loss will not be able to maintain the house.

Chrischilles asked regarding the police calls what is the spectrum in terms of the calls, what generates a call. Goedken said the calls can be a wide range of issues. Often it is because one resident is not getting along with another resident.

Ross Nusser (broker and partner in Urban Acres Real Estate) is also a board member of Successful Living and has been charged with marketing the Dubuque Street property. He began by giving a brief overview of the sales process for 716 North Dubuque Street as well as some of the challenges he faces with marketing the property. After approximately two years of consideration the Board of Directors at Successful Living decided to pursue the sale at 716 North Dubuque Street in last July, early August. Initially there was a flood of interest, none of which ended in an offer except one, which is the applicant. The types of interested parties were developers, bed & breakfast owners, property management company owners, each of which determined 716 North Dubuque Street was not financially feasible. For developers the property was initially attractive, it's located in the highest density multi-family zone, and it's directly adjacent to downtown. The reason developers ended up not being interested in this property however is that the lot is too small to do much of anything with as well as there is a significant expense to provide adequate parking below the structure were the structure to be raised. Additionally there is the covenant that expires in 2024 and if it were feasible to redevelop the property that covenant would be an additional hurdle. Nusser stated there were

two bed & breakfast owners that looked at the property and they determined the work needed to transform the property from its current state was cost prohibitive. Additionally the current rooms are far too small for such a use. He noted the bedrooms are probably 8x10. The property management company owners, all but the applicant, have determined the cost for repairs would not justify the investment. Nusser was at each showing of the property personally and he explained to each showing that the list price was just a list price and the property was very difficult to price because there were very few comparable sales. Successful Living was always willing to look at any and all offers and that was made known at each showing. Nusser also stated that when selling properties of this size, as well as the level of disrepair, there are inherently a limited number of potential buyers who are willing to take on such a project. Nusser is certain that after around 30 showings, Successful Living has exhausted the number of potential buyers in Iowa City.

Nusser also wanted to touch on the current use of the property, it is currently classified as assisted group living. He commented on exhibit 7, which is the police call records, and stated that Successful Living has generated 407 police calls in just under 4 years (or an average of 101 annually). There are currently 11 fraternities in the Iowa City area and they have generated an average of 22 calls in the same 4 year period, or just 6 calls annually. He would like to suggest that fraternal living is a less disruptive use to the surrounding neighborhood than its current use and a representative from Kappa Sigma Fraternity will further address the policies and procedures the fraternity has in place and clarify why a fraternity is likely less disruptive than the current use. Nusser explained that finding the right buyer for this property has proved extremely difficult. He feels confident that not only is the applicant the right buyer, he is likely the only buyer for a property that is this difficult and unique.

Nusser noted that with regards to the police calls, there are parallels with fraternities and Successful Living where Successful Living has had noise complaints, they have had fights in progress, and the calls were not always just conflicts within the residents. That certainly was the biggest part of it, but not all of it.

Mitch King (324 McLean Street) has a current contract on 716 North Dubuque Street to purchase the property and is the applicant for the special exception. Since moving to Iowa City in 2004 he has made several investments in property in the area, two of which were condemned at the time and he renovated both at a level above standard. He has also done significant renovations to 12 and 20-plex units, both to the interior and exterior of the buildings and have further plans of ongoing updates. King has also purchased an office building for his property management company in the new Riverfront Crossing District so he is very invested in real estate and the future of Iowa City. Tonight he wants to discuss the building at 716 North Dubuque Street, and as noted earlier last week the Historic Preservation Commission has approved to have the building become a historic landmark. He wants to address the Board tonight as to why a parking waiver should be granted to allow a fraternity with 21 occupants. As a property manager and as an investor he understands what is needed to both enhance the value property and increase profitability of the property. The project can be viable especially when deferred maintenance and the need for updating are clearly present. 716 North Dubuque Street currently has significant areas of deferred maintenance which if not addressed in a timely manner will lead to exponential deterioration of the structure. King has put together a list of needed repairs and improvements and the estimated costs that apply for the property to obtain historic landmark status. There are interior and exterior repairs. For the exterior repairs there are significant roof issues, to repair or to replace the roof it will be a \$45,000 or \$50,000 investment and depending on the choice of materials it will change the look of the historic outlay of the building. He has also committed to tuck pointing which is making so the

bricks and stone veneer don't doesn't fall off the house. He has gotten bids for \$15,000 for that repair. It is vital to ensure the integrity of the stone siding and the structural for longevity. The sprinkler system, even though the sprinkler system is inside the house, there will be a need for some water main construction to bring in a larger flow of water if need be. The most important and imperative item on the exterior repair list is securing the foundation. He has made an estimate of a bid, but he doesn't have the full grasp on the cost, it could be \$10,000 or it could be \$100,000 it needs more research. The emergency exit deck and the front deck will cost \$3,000 to \$4,000 to stabilize and repair. So total for the exterior work is between \$138,000 and \$153,000. That is not including the windows, window replacements are not in the immediate future, but currently there are vinyl windows there now and those do not meet historic standards. Over time they will be replaced with wood windows that meet the historic preservation standard and the estimated cost for those replacements will be \$800 to \$1000 a piece.

With regards to the interior of the building King noted the building has not been updated in years. To bring the building up to code and leasable condition the following would need to be performed: first to gut and renovate the two kitchens in the building to standard would be \$45,000 to \$50,000; to renovate the four restrooms would be \$44,000 to \$52,000; to replace the flooring would be just over \$32,000; drywall repair from roof leaks and other wear and tear would be \$12,000 to \$14,000; new doors throughout the building would be \$40,000 to \$42,000; updating electrical outlets would cost \$12,000 to \$14,000; to add a commercial water heater to the building is \$7,000 to \$9,000; and this house is a hot water boiler system so it will be \$10,000 to \$12,000 to either repair or replace it. So the total cost for interior updates would be \$224,000 to \$253,000 with a grand total for all repairs between \$262,000 and \$407,000.

King noted he is willing to make this financial investment so that the interior is livable and so that the building qualifies as a historic landmark. With this investment there is really only one leasing option that makes this project financially feasible and that is leasing the building to a fraternity. King stated he is sure the fraternity he has signed a lease with is the best possible occupant for this property both in terms of financial viability and neighborhood cohesiveness. The Kappa Sigma fraternity is the best possible fit due to its small numbers and the neighborhood friendly bylaws. Their bylaws lay out very strict standards and mandates all meetings and social gatherings are held off-site. They have been holding their weekly fraternity meetings at the Iowa Memorial Union. The fraternity is also willing to agree to a prohibition on resident's vehicles so that if you live in the house. King noted they will also be providing a space for bicycle parking in the basement of the building and outside. This group has been searching for suitable housing for its members and would share in his goals to make this a long standing relationship. As a group they have made numerous attempts to find additional off-site parking to help alleviate the parking concern. These have included leasing parking from adjacent property owners or buying parking space at the University of Iowa Hawk Lot, but each time have been limited by City ordinance or code.

King stated that when he decided to buy into a property management company one area that was important for him to emphasize was maintenance as it relates to protecting the owner's investments and securing longevity for the property. His goal for 716 North Dubuque Street is to bring the property up to standards immediately and continue to improve and replace non-conforming current improvements to current more historic standards.

Chrischilles asked with regards to the searching for parking in the neighborhood if they contacted the Terrace Arms, an apartment building at the corner of Dubuque Street and Brown Street, when he was driving around the area he noticed they had a sign stating parking for rent.

King said he did not talk to that apartment complex, when they brought a lot of scenarios to City Staff regarding parking options, such as the Hawk Lot, he was told that was not a viable solution because it was not within proximity to the house.

Walz noted there is a separate special exception to reduce parking through off-site parking and commercial renting of parking spots is not legal. To provide off-site parking you must do it in the same zone. This would not preclude the fraternity from renting spots in the Hawk Lot, but that approach—remote parking—does not satisfy the parking requirement. She noted the applicant has looked exhaustively for parking options.

King said they are still looking at having the fraternity rent spots at the Hawk Lot, and that will be a condition of their lease.

Walz asked about the removal of the deck to allow for moped parking. King replied that yes, that they would remove the deck to make room for moped parking.

Chrischilles asked about the property at 730 North Dubuque Street, in the staff report it is noted that it was once a fraternity that had been now converted into three condominium units. He asked if that was not a viable option for the 716 North Dubuque Street property. King said he has never been in the 730 North Dubuque Street property so he can't speak about that property but to renovate the 716 North Dubuque property into condos would be probably \$800,000 at least, so no he does not believe that is a viable option.

Soglin asked if King was agreeable to all the staff recommendations and if he would be agreeable to adding more bicycle parking to the outside of the building as well. King replied that absolutely he is very dedicated to restoring this property to historic standards and will follow whatever the City recommends and suggests. He will add moped and bicycle parking as much as the lot will allow him.

Steven Moioffer (UI Senior) will be graduating in May with two bachelors of science, one in biochemistry and one in human physiology. During his freshman year he and 55 other gentleman chartered Kappa Sigma here at the University of Iowa. They have grown in size since then as well as their impact in the community has grown. Kappa Sigma's foundation is built off of four pillars: leadership, the bond between friends and brothers; fellowship, the obligation to do the right thing; scholarship, the primary responsibility and preparation for their future; and service, which is our duty to support our fellow man by our actions. These four principles are the foundation they as a fraternity has built their character off of and that they continue to grow and develop by to one day not only be contributing members of society but be great fathers, great husbands along with family members, great sons, and the person you would like to be your neighbor. He is here tonight to discuss 716 North Dubuque Street and its proposed use. In regards to the chapter meetings and social events he wants to assure all that this will not become the next "animal house". In terms of their meetings, they currently schedule and hold their weekly chapter meetings at the Iowa Memorial Union (IMU). Those are scheduled at the IMU until the end of the 2015-2016 academic year. They plan to renew the rental lease at the IMU for the 2016-2017 academic year as well. Additionally in regards to social events the University of Iowa only allows non-alcohol events, all social events on chapter properties must be dry meaning with no alcohol present under any circumstances. The University does allow alcohol is in the private rooms of fraternities for those residents who are above the legal drinking age of 21. However Kappa Sigma Beta-Rho governing laws prohibit any tobacco, alcohol or drug use on the property period. This is a zero-tolerance policy. Moioffer also noted that having social events at the house is not really feasible and Kappa

Sigma plans to continue to contribute to Iowa City's economy by holding their events at local restaurants and establishments that they have been able to establish long-term relationships with.

With regards to parking spaces, Moioffer said Sigma Kappa will fully comply with whatever rules and regulations are imposed by the City and their landlord. They have already alerted their members that there are only two parking spots on site and they should not plan to bring their cars to campus unless they choose to store them in the University Hawk Lot. If there are only two spots at the house, one would be reserved for the house manager and the other would be reserved for visitors, so none of the 21 residents would be given a parking spot.

Moioffer said his last point was in regards to the 21 tenants, one of the four pillars he previously referenced was service to the community and service to the surrounding environment and neighborhood. Having 21 able bodied young men in the neighborhood service to the community is something they would take very seriously.

Chrischilles asked how many members were currently in Kappa Sigma. Moioffer said they have roughly 90-100 members. Chrischilles asked where all these members live now. Moioffer said they live off campus in various apartments or in the University housing dorms.

Soglin asked for clarification on social events, non-social events and meetings. She noted Moioffer said there would be no meetings or social events held at the house, but what about non-social events. Moioffer clarified they would not hold their chapter meetings at the house and they would not plan any sort of large scale social event or even non-social event at the house. An example of a non-social event they would have at the house is the ritual and installation of officers which only includes the eight members.

Casey Cook (1 Oak Park Court) has been a resident of Iowa City since 1985. His CV has been given to the Board to showcase his qualifications and he also pointed out that he sat on the Iowa City Planning and Zoning Commission for six years and he enjoyed that because of all the things he learned. With regards to parking, the intention of the zoning requirements is three-fold in this case:

1. To preserve the property values for the subject and surrounding properties.
2. To preserve the structures with historical significance to the community.
3. The importance to not burden the neighborhood with too much density and too little parking.

Those three points guided his research and analysis of this project. He first looked at the traffic counts in this area, from 2006 – 2014 on Dubuque Street north of Ronalds Street and then south of Ronalds Street as well as Church Street east of Dubuque Street and the traffic counts were down 4%. While that is not a big decrease, between 2006 and 2014 there have been population increases as well as enrollment increases at the University of Iowa. Therefore the point is people are driving less. Cook contacted Dave Ricketts, who is the head of parking and transportation at the University of Iowa, to see if there was any data on student usage of cars. Ricketts said the Board of Regents require every student to file a permit if they bring a car to campus. Between 2006 and 2015 when enrollments went up almost 6% the number of parking permits for students dropped by 42%. The ratio of students enrolled to permits went from approximately 20% to about 10%. Cook also looked into moped permits. The University of Iowa does not distinguish between moped and motorcycle permits, but the usage of those permits went from 400 in 2006 to more than double that in 2015. As a percentage of the number of cars, in 2006 mopeds and motorcycles represented about 7% and nine years later they represent over 24%. So there are some changes going on not only in the way cars are

utilized, how much they are utilized, and by whom. Students are more sensitive to things like the cost of insurance, the price of having a car in Iowa City, and more environmentally attuned than previous generations. The upshot of this trend is if someone has an apartment complex within a mile of campus and you have more than one parking space for every two students in the complex, it's too much. Cook explained that the point of these numbers is to say that if the exception states there are 9 or 11 ghost parking spaces that is really enough to accommodate the need due to these trends.

Chrischilles asked about the statistics from the University, and were those just for on-campus students. Cook said that no, it is for all students that are enrolled. He noted that not all students comply with the Regents requirement that all students get a permit. However he was interested in the trends and it did show there were very few number of permits issues with regards to the number of students enrolled. Chrischilles noted that while yes the trends show that the parking permits have gone down but there is no way to know the number of students that don't register their cars.

Chrischilles also questioned Cook's statement that any complex within one mile of campus that has one parking space for every two students is over kill means that the 9 spaces at this location would cover 18 occupants, but those spaces are phantom spaces and not actual parking spaces. Cook agreed and noted he learned about phantom parking spaces as a result of this project. He believes there are options to offset the lack of parking at the location, such as parking at the Hawk Lot or renting spaces in the RS-8 zone. These option just not are allowable under the code as meeting the requirement criteria for parking. Cook also noted that there are precedents of apartment complexes buying off-site parking spaces rather than constructing them on-site. The City approves of this because of the goal to get density within the downtown area.

Walz explained to the Board that there are areas in the downtown that pay a parking impact fee, which is to pay for the construction of parking ramps, in lieu of having on-site parking. It doesn't guarantee residents a spot in the parking ramp but it is meant to absorb the demand.

Chrischilles noted he is in favor of looking for options to satisfy the parking demands for this property but if the City does not allow rental of parking spaces in RS-8 zones. Additionally the residents can say they will use the Hawk Lot but can the Board require that as part of the exception? Walz said using the Hawk Lot is great for storage and occasional usage of cars, but it does not address the daily usage of cars—the desire to have a car close at hand. The parking requirement is meant to address the minimum demand that are needed to fulfill the daily usage needs for the property. She noted the parking standards are what they are and they cannot be changed at this time. There are always examples where a regulation seems inflexible for certain specific property situations. The policy regarding off-site parking was created so that a multi-family development could not maximize its density by shifting their parking requirements to an adjacent single-family zone. Chrischilles noted that while the intentions of using Hawk Lot or not allowing members to have cars are admirable, over time the convenience of having a car close by will prevail and there is no way to enforce this and the neighborhood may suffer.

Cook reiterated that 25% of all the parking permits issued on campus are moped and motorcycle and the property location can accommodate quite a bit of moped parking.

Cook then researched other rooming house that have sold to find value in order to preserve the value of the property. He showed a table of sales of relatively old rooming houses and he

reduced the comparison to prices paid per bedroom and adjusted those sales for differences with the subject property (716 North Dubuque Street). The bottom line shows the value one would be expected to pay as provided by those market transactions. That means those sales will range somewhere in between \$45,000 and \$55,000 per bedroom. That is what the market would tell you that one could be expected to pay for the subject property. Therefore if there are 13 occupants then the market would expect one to pay \$783,000 and with 21 occupants the value goes \$1.1 million. Cook explained there is a difference between a rooming house and a fraternity house with exactly the same number of occupants. If the property fails to meet the test of financial stability maintenance suffers, the property becomes derelict, it becomes a blighting influence impacting surrounding properties and this is exactly what the zoning requirements are attempting to prevent. The property at 716 North Dubuque Street at its current condition suffers from deferred maintenance of over \$360,000. This is because the current occupancy fails to be financially feasible, the owners have been forced to cut back on the maintenance and the property has been going downhill for over 10 years. The next owner not only must pay the acquisition costs but also cover this \$360,000 plus in deferred maintenance. More importantly the new owner must make certain to deal with future maintenance in a timely and effective manner. Historic value is compromised as maintenance is reduced. For example, the windows and the cost of replacing the windows. For historic status not only do the windows need to be wooden windows, because older homes have settled the windows are less than square and need to be custom made. There are between 50 and 60 windows in this property, and likely a cost of \$1000 each to replace. Cook said this property would never be financially feasible as a boarding house, a property of a large number of unrelated occupants would be a management nightmare with chronic turnover and vacancies. Utility costs would be impossible to control and the cost to separate utilities is prohibited. For every vacant bedroom the costs go up and the income goes down. With 21 occupants in a rooming house there would be 25% turnover and vacancy and what you get in rents from a rooming house is considerably less than the rents for a fraternity house. Taxes on a fraternity house with 21 occupants would be in the \$17,000 range and for a fraternity house they will be about \$33,000. Right now the property isn't generating any property taxes at all. The utilities at a rooming house would run about \$21,000 and the tenants would not have any control over those utilities. With a fraternity there would be a single tenant who would be handling all the utility costs. From a landlord or owner perspective that is significant in cost savings. The net income difference from a rooming house to a fraternity house goes from \$35,000 to \$114,000. The value to an investor of a rooming house is about \$500,000 and the value to the owner of a fraternity house is a little over three times that. The reason that is important is because unless there is that kind of income for long-term sustainability you are not in a position to buy the property, pay for the deferred maintenance and pay for the continued maintenance that is necessary for historic preservation. If there is not a fraternity in the property, then it is not a historically viable property.

Chrischilles asked what the indicated value has to do with anything other than the value to the owner. Cook stated the value of the property is valuable to the City. The value of the property sustains the tax base, makes it possible for the property to be designated as a historic landmark, and to make sure the property does not become a blighting influence on the surrounding properties. All of those things are critical in determining how many occupants that can be on the property, and the property being a fraternity vs. a rooming house.

Weitzel asked why there needs to be 21 occupants rather than 13 and what the cost deferential is. Cook said he does have an analysis of what the costs and income would be with 13 occupants as a rooming house and it doesn't generate enough income to pay the expenses. There would be 8 bedrooms that would be sitting empty. With every empty bedroom the owner

is losing money because they still have to pay insurance, taxes, etc. on those empty bedrooms.

Soglin noted it would have been helpful to see the analysis of costs of a fraternity at 13 occupants vs. 21 occupants. She also noted in the expense ratios of a fraternity with 21 occupants is close to 36% and wondered what the upper limit would be, is it close to 40%. Cook doesn't believe there is any easy rule of thumb but feels if a property is in the 35 to 40% ratio of costs to expenses it should be viable. Goeb asked at 40% how many occupants would there need to be. Cook felt it would be in the 18-19 occupant range. He noted this would be the smallest fraternity house on campus at 21 occupants. He said it is reasonable to ask then if the fraternity will be viable long term if there are less than 21 occupants, and that is a decision for the Board to consider. For every occupant that is removed, it puts a great burden on the remaining occupants and calls into the future viability of the property. Cook noted that a fraternity at only 13 occupants will not work, it would be only 60% occupancy of the possible 21 rooms available. The expense ratio would go up to 45-50% and the property would then not be viable. Cook pointed to the indicated value on the financial table, which shows the purchase of the property, adding \$360,000 worth of repairs, to get to the property worth. With 21 occupants the property is worth \$1.6 million as a fraternity. If the occupancy was cut back 10% (or down to 19 occupants) it would reduce the worth \$160,000. He said there is a tipping point where the whole structure will come crashing down. A rooming house with 21 occupants, the value is \$500,000 that is 1/3 of what the total would be if it were a fraternity.

Weitzel asked what the actual cost to the owner would be to buy the property and fix it up compared to the number of tenants it would take to allow that return on investment. Cook said the cost would be approximately \$1.2 million for the owner and therefore after the purchase and improvements the value of the property is less than \$1.2 million it would have not been a good investment for the owner. A rooming house with 21 occupants is only a \$500,000 value and a fraternity with 21 occupants is a \$1.6 million value.

Walz explained that the 13 occupants noted in the staff report was written prior to Staff having the financial information. She noted Staff has not had the time to review the financial information and make an updated recommendation.

Dulek stated to the Board that they can only use the evidence presented before them as information to make their decision. They must weigh the evidence presented and understand there is no evidence to the contrary being presented. They must also hear out all the evidence and let the public hearing continue before any decisions are made.

In summary Cook stated he has presented the evidence to show the financial viability of the property as well as the trends in parking and that the parking being requested is sufficient based on current trends.

King returned to address the Board to touch on three points. First he noted that parking has been a frustrating issue since day one and have exhausted every possible scenario. Second, he stated that the reason they did not give an example of a fraternity with 13 occupants was because that is not feasible, there would not be a fraternity if there could only be 13 occupants. There are already signed documents that state there needs to be 21 occupants or the fraternity walks away, as does King from purchasing the property. If King walks away from the property then the historic landmark status of the property won't be met, the property will not be up kept and the property will become an eyesore. Finally, he admitted he is not a financial expert and with the financial viability does not mean just money into his pocket, it means financial viability to sustain this property as a historic landmark. As an investor of course he wants some return

however the main goal is the viability of the property and to make this property a historic landmark.

Nusser returned to clarify one thing for the Board, in discussing the purchase price of the property and the value of the property. The purchase price of this property is \$800,000 it is not \$1.2 million. The \$1.2 million is the cost including the estimated repairs that are necessary so that number may flex in either direction.

Goeb noted that this is being presented that as if this purchase is the only chance for this property to sell and also become a historic landmark, but if the purchase price is reduced it might become more viable for another buyer. She noted it is not the Board's responsibility to bolster the value of the property. The Board is to decide on the parking and effect of parking on the neighborhood.

Nusser agreed that if the purchase price was reduce significantly there might be more options however the Board of Directors for Successful Living decided that \$800,000 is the bottom line price they can take for the property. He also noted that with the 30 showings they did on the property he does feel the buyers have been exhausted in this market.

Goedken addressed the Board again to say that over the past year he has had a lot of interaction with the City of Iowa City and in May 2015 received an email not only encouraging them to see the Dubuque Street property and move into smaller housing. This move to smaller housing is necessary, it must happen. If the property only sold for \$400,000 they would end up displacing over half the residents because they would not have the purchasing leverage for new locations.

Chrischilles agrees with Goeb's comments regarding the unfair burden on the Board regarding the financial responsibility of the property.

Soglin noted the first question to the Board in the specific standards is whether the density of the property is necessary to preserve the property.

Pugh added that the applicant and the applicant's representatives are presenting facts. The seller and the buyer have reached an arm's length contract, the fraternity and the proposed buyer have reached an arm's length contract as well. The reality is the fraternity will not lease the property if they are only allowed 13 residents to occupy. The current use of the property allows 21 residents with the current parking, the only reason this is before the Board is because the use of the property is changing.

Walz noted that with regards to parking there are several issues the Board needs to weigh. Parking is in high demand in that neighborhood, and is hard to come by. Adding to that demand is not desirable but determining the tipping point is important. However with parking demand being what it is, and the difficult in finding parking, does offer some deterrent to people for bringing a car to campus. Additionally the applicant has provided other options to tempt residents to use other forms of transportation, moped and bicycle.

Chrischilles asked if there were any enforceable methods the City has to prevent the fraternity from having 30 occupants rather than just 21. Walz said that yes, the rental inspector could revoke their rental permit, and it is an annual inspection.

King addressed the Board again to reassure them he does have investment properties and

rental properties around town and does comply with all City policies and procedures. His company will inspect the properties more than annually, so he would also know if the property is over occupied.

Soglin noted the public hearing is open as a continuation from the previous meeting, if anyone else is present and would like to speak they are invited to address the Board.

Prior to closing the public hearing the Board discussed the information presented to them and needs to decide if they are wishing to make a decision or would like to defer for additional information from Staff.

King noted that timing is an issue, the fraternity must know soon whether they will have the property or if they need to lease other living spaces for their members.

Soglin noted that it wouldn't necessarily have to wait another month for a follow up meeting, they could call a special meeting on the application once the information they might possibly request is available.

All four members of the Board present agreed they had received enough information and would not be requesting any further information from Staff.

Soglin then closed the public hearing.

All four members of the Board present agreed they would vote on the application this evening and not need a deferral.

Weitzel moved to approve EXC15-00016 discussion of an application submitted by Mitch King, for a special exception to allow a historic preservation waiver reducing the minimum off-street parking requirement for a property located in the High Density Multi-family (RM-44) zone 716 N. Dubuque Street subject to the following conditions:

- **The applicant must secure a Local Historic Landmark Designation from the City of Iowa City.**
- **All changes to the properties exterior must meet Historic Preservation guidelines.**
- **The applicant must make those repairs and renovations to the exterior and foundation of the structure as listed in this submittal (see attachment #7) as well as any repairs deemed necessary by the Historic Preservation Commission.**
- **All aspects of the interior must meet code standard. Shared bathrooms must use materials and fixtures of an institutional grade.**
- **In the area where there is currently a deck, the applicant must install moped parking stalls equal to at least one half of the residential occupancy of the building. Design and installation of moped parking to be approved by the Historic Preservation Specialist.**
- **The applicant must install interior bike storage on the ground floor level of the building sufficient to store one bike per resident based on the maximum number of residents.**

Chrischilles seconded the motion.

Weitzel stated he feels the standards have all been met.

Chrischilles noted a couple of comments regarding the standards. In the general standards, the first standard, it states "a reduction of parking does not present a safety concern or a threat to the public welfare" and he feels that is debatable. If there are more cars brought to that neighborhood and they are parking on the streets it does affect those living in the neighborhood. He also questioned standard two which Staff states "while the additional parking demand generated by the residential density of this use being proposed may not on its own have a significant impact on the property values, it does contribute to a situation that diminish the quality of life of the neighborhood - especially for long term residents and owner occupants for whom this is not a temporary situation." He feels that is Staff's opinion and that he agrees with that opinion. He feels this could be injurious to the use and enjoyment of the neighboring properties.

Weitzel said his opinion on that is the applicant has gone to great lengths to demonstrate how they are going to make accommodations for parking options and alternative transportation options. Additionally evidence has been presented to suggest the number of cars being used is decreasing.

Soglin noted that perhaps they have not been given evidence to what is the tipping point for parking in that area. She does feel there is evidence to show there is a clear trend moving from cars to perhaps mopeds or bicycles. Additionally although they did receive one letter from a person in the neighborhood, there was no one present this evening to raise any neighborhood concerns.

Chrischilles also noted that general standard five "adequate measures have been or will be taken to provide ingress or egress designed so as to minimize traffic congestion on public streets" with this particular property and its setup with access being from that very narrow alley makes it impossible to meet that standard in his opinion.

Walz clarified that condition five is stating or asking if the demand for parking is so intense that this exception will cause congestion on the public street. Chrischilles thanked Walz for the clarification.

Weitzel commented on the traffic implications that the evidence that was presented this evening that showed the traffic flows have decreased so it might accommodate a little bit of an increase. And with only four spaces at the property there won't likely be a lot of car traffic, perhaps more moped traffic.

Goeb asked about the Staff memo and the statement that "the Board of Adjustment may waive or adjust the minimum parking requirements provided the parking standards would prevent the use or occupancy from being an Iowa City historic landmark" and she feels that is still has not been proven that the restriction on the parking as it is now would prevent the use or occupancy of the property and feels that specific standard has not been met.

Dulek asked if there were at least three votes in the affirmative from the Board that the general criteria have been met.

Chrischilles said he is not satisfied that general standard number two has been met. He quoted from the Staff report this exception would contribute to a situation that will diminish the quality of the life for the neighborhood.

Walz noted that the Staff recommendation on general standard two does mention the potential to contribute to a situation that will diminish the quality of life for the neighborhood but that the "findings" for that criterion continue on and include the steps the applicant must take to alleviate the situation by putting in the moped spaces and providing parking for 21 bicycles.

Soglin agreed that the addition of the moped and bicycle parking does assist with contributing to the total parking equivalency.

Chrischilles said the two bullet points within that standard that state Kappa Sigma will rely on rooms at the Iowa Memorial Union to hold weekly meetings and that there would be no major social functions in the house concern him and if those two points could be made as conditions on the approval of this exception, then he would be willing to approve this standard. Walz replied that would be hard to enforce. A requirement that regular meetings must be held off-site is fine, but to determine what is a social event is more difficult and something the City would find difficult to enforce.

Chrischilles noted that if the condition on the approval would state that all regular chapter meetings held by the fraternity must be held off-site was added, then he would feel the standard is satisfied.

Therefore Dulek confirmed that there are three affirmative votes from the Board that the general criteria have been met.

Onto the specific criteria standard 14-28-BA-1, Goeb restated her concern that the waiving of the parking requirements prevents the user occupancy of the property as an Iowa City landmark or registered on historic preservations. She believes the property can be a historic landmark without granting more parking and making it a fraternity with either 13 or 21 people. Soglin clarified that the question is whether the waiver will help preserve the property.

Dulek clarified that the historic landmark status is a way to waive the parking requirements. If failing to do so would prevent the use or occupancy of the property designated as a historical landmark or registered in the national registry. So the question is but for the waiver, you won't have the use or occupancy of the building designated as a historic landmark.

Goeb stated she believes that not granting this parking waiver would not prevent this property from still being able to become a historic landmark.

Weitzel said he feels that the evidence that has been presented shows that the only deal that is on the table needs the waiver for the parking requirement to survive as a viable property and therefore they are pursuing the historic waiver. This property needs a waiver for parking in order to get enough density in the property in order to pay for the costs of the property.

Soglin pointed out that if the property had stayed a fraternity, and not transitioned into a rooming house in the late 1990's, this entire discussion would be moot. She also feels it is a way to preserve the property which is located in the gateway to Iowa City.

Goeb stated her point is the modification waiver is not necessary to preserve the historic or cultural attributes of the property. She doesn't feel all possibilities have been exhausted and feels there are other ways to preserve the property without impinging on the parking situation of others. The evidence presented was not convincing.

Chrischilles stated under any possible usage the building would likely need these conditions. Parking will always be an issue at this location and the historical preservation waiver is the only way around the parking constrictions no matter what the usage.

Dulek confirmed that are three Board members who feel that the specific criteria have been met.

Walz said the final issue before the Board then is the density number they wish to place on the recommendation.

Chrischilles noted that the evidence presented showed the density must be at least 18 to be a viable project, and he doesn't feel a difference between 18 and 21 is extreme.

Weitzel proposes the density should be 21 as the applicant has requested.

Soglin and Chrischilles both support that number.

Weitzel amended his motion to approve EXC15-00016 discussion of an application submitted by Mitch King, for a special exception to allow a historic preservation waiver reducing the minimum off-street parking requirement for a property located in the High Density Multi-family (RM-44) zone 716 N. Dubuque Street and to allow up to 21 residents of a group living use, subject to the following conditions:

- **The applicant must secure a Local Historic Landmark Designation from the City of Iowa City.**
- **All changes to the properties exterior must meet Historic Preservation guidelines.**
- **The applicant must make those repairs and renovations to the exterior and foundation of the structure as listed in this submittal (see attachment #7) as well as any repairs deemed necessary by the Historic Preservation Commission.**
- **All aspects of the interior must meet code standard. Shared bathrooms must use materials and fixtures of an institutional grade.**
- **In the area where there is currently a deck, the applicant must install moped parking stalls equal to at least one half of the residential occupancy of the building. Design and installation of moped parking to be approved by the Historic Preservation Specialist.**
- **The applicant must install interior bike storage on the ground floor level of the building sufficient to store one bike per resident based on the maximum number of residents.**
- **All regular chapter meetings held by the fraternity must be held at an off-site location.**
- **If there were more than three convictions of disorderly house in an 18 month period it will result in the loss of the waiver and then the property will revert to 12 residents maximum.**

Dulek confirmed that the finding of facts have been satisfied with the discussion and the amendments to the motion.

A vote was taken and the motion passed 3-1 (Goeb dissenting).

Soglin declared the motion for the special exception approved, noting that anyone wishing to appeal the decision to a court of record may do so within 30 days after the decision is filed with the City Clerk's Office.

ADJOURNMENT:

Weitzel moved to adjourn.

The meeting was adjourned on a 4-0 vote.

**BOARD OF ADJUSTMENT
ATTENDANCE RECORD**

NAME	TERM EXP.	2/11	4/8	5/13	6/10	8/12	9/14	10/14	12/16	1/13	2/17
BAKER, LARRY	1/1/2017	X	X	X	X	X	X	X	X	X	O/E
GOEB, CONNIE	1/1/2020	X	X	X	X	X	X	X	X	X	X
GRENIS, BROCK	1/1/2016	X	O/E	X	O/E	X	X	O/E	X	--	--
CHRISCHILLES, T. GENE	1/1/2019	X	X	X	X	X	X	X	X	X	X
SOGLIN, BECKY	1/1/2018	X	X	X	X	X	X	X	X	X	X
WEITZEL, TIM	1/1/2021	--	--	--	--	--	--	--	--	--	X

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