

IOWA CITY BOARD OF ADJUSTMENT MEETING

Wednesday, October 9, 2019 – 5:15 PM

City Hall, 410 East Washington Street
Emma Harvat Hall

AGENDA

A. Call to Order

B. Roll Call

C. Nomination of Vice Chair

D. Consider the July 10, 2019 minutes

E. Special Exception Item

1. EXC19-08: An application submitted by Public Space One for a special exception to allow for an 86% reduction in parking spaces in the Central Business Service (CB-2) zone with a Historic District Overlay (OHD) located at 229 N. Gilbert Street.
2. EXC19-09: An application submitted by Gerry Ambrose for a special exception to allow for a drive-through facility in a Community Commercial (CC-2) zone located at 1681 S. 1st Avenue.

F. Adjourn

**NEXT BOARD OF ADJUSTMENT MEETING:
Wednesday, November 13, 2019**

If you will need disability-related accommodations in order to participate in this meeting, please contact Jesi Lile, Urban Planning at 319-356-5240 or at jessica-lile@iowa-city.org. Early requests are strongly encouraged to allow sufficient time to meet your access needs.

STAFF REPORT

To: Board of Adjustment
Item: EXC19-08
Parcel Number: 1010164001

Prepared by: Jesi Lile, Associate Planner
Date: October 9, 2019

GENERAL INFORMATION:

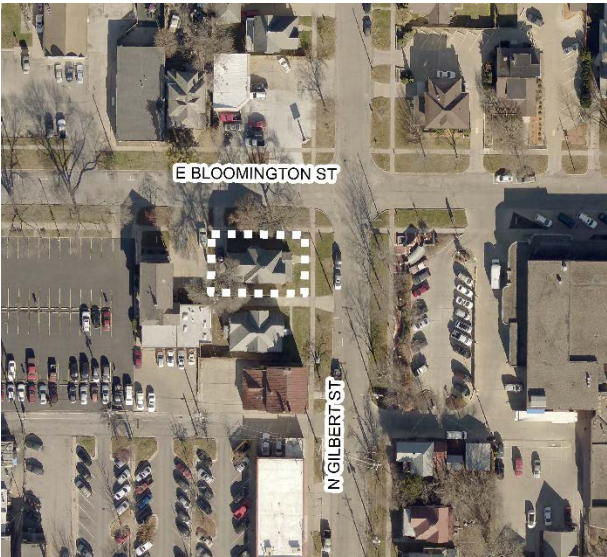
Applicant/Property Owner: Public Space One, Inc.
229 N. Gilbert St
(319) 885-1985
john@publicspaceone.com

Contact Person: John Engelbrecht
913 E. Jefferson St
(319) 331-8893
john@publicspaceone.com

Requested Action: Special exception to reduce the minimum parking requirements

Purpose: To allow for an 86% reduction in parking

Location: 229 N. Gilbert St



Location Map:

Size: 4,000 square feet

Existing Land Use and Zoning: General Community Service
Central Business Service Zone (CB-2) with a
Historic District Overlay (OHD)

Surrounding Land Use and Zoning: North: Commercial, Central Business Service Zone (CB-2)
East: Hospital, Commercial Office (CO-1)
South: General Community Service
Central Business Service Zone (CB-2) with a Historic District Overlay (OHD)
West: Medical Office, Central Business Service Zone (CB-2)

Applicable Code Sections: **14-4B-3: General Approval Criteria**
14-5A-4F: Alternatives to Minimum Parking Requirements

File Date: September 6, 2019

BACKGROUND:

Public Space One is an artist-led nonprofit that provides studio and gallery space as well as cultural education opportunities for the greater Iowa City community. They are currently located at 120 N. Dubuque Street, but purchased two houses from the City of Iowa City in August 2019 located at 225 N. Gilbert St. and 229 N. Gilbert St. in order to expand their teaching, printmaking, gallery, and studio space.

At its June 13, 2019 meeting, the Historic Preservation Commission recommended that these two properties be designated as local historic landmarks due to their architectural style and relationship to second generation immigrant families. The Planning & Zoning Commission concurred, and recommended approval of this rezoning at their June 20, 2019 meeting. At the City Council meeting held on August 6th, these buildings were rezoned to include a Historic District Overlay and became local historic landmarks.

The proposed use for the space at 229 N. Gilbert is for a gallery and reception space, a reading room, and four studio spaces upstairs. Staff has determined this combination of uses be classified as a General Community Service use because it contains community space and it is run by a nonprofit organization. General Community Service uses are permitted in the Central Business Service (CB-2) zone.

For General Community Service Uses, the parking requirement is 1 space for every 300 square feet of floor area. The property at 229 N. Gilbert St. has 2,010 square feet of floor area, and therefore would be required to provide 7 vehicle parking spaces in addition to 1 bicycle space.

The applicant is applying for an 86% parking reduction at the 229 N. Gilbert Street location due to the lot size and unique characteristics of the property. The applicant had previously considered purchasing the home at 117 N. Van Buren St. for their expansion, and was granted a 60% parking reduction in 2018 due to some of the same issues, however, the organization did not end up purchasing the building. The location at 229 N. Gilbert Street has one dedicated parking space on site behind the building with access off Bloomington Street. However, there are on-street parking spaces as well as a City-owned parking lot less than 300 feet away, just east of Blue Bird Diner.

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 14-5A-4F(6)**, pertaining to Parking Reduction for Other Unique Circumstances as well as the General Standards laid out in **Section 14-4B-3**.

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

Specific Standards: 14-5A-4F(6): Parking Reduction for Other Unique Circumstances:

6. Parking Reduction For Other Unique Circumstances: Where it can be demonstrated that a specific use has unique characteristics such that the number of parking or stacking spaces required is excessive or will reduce the ability to use or occupy a historic property in a manner that will preserve or protect its historic, aesthetic, or cultural attributes, the Board of Adjustment may grant a special exception to reduce the number of required parking or stacking spaces by up to fifty percent (50%) (up to 100 percent for properties designated as a local historic landmark, listed on the National Register of Historic Places, or listed as key or contributing structures in a Historic District or Conservation District Overlay Zone).

FINDINGS:

- The proposed use is unique in that it will not operate as a typical community service center. Examples of typical community service centers include: libraries, museums, soup kitchens, etc. These types of establishments expect higher volumes of people than the proposed use. During peak business hours (9am-5pm, Monday-Friday), Public Space One expects lower vehicle and foot traffic than other types of community service centers.
- Most of the events at this location will take place during off-peak traffic times (evenings and weekends) with some afternoon gallery hours.
- The historic nature of this property makes providing additional parking impossible while still preserving its historic attributes because of the small lot size and location of the house.
- The property is in a particularly walkable area of the city: near Downtown, close to campus, and within a high-density mixed-use neighborhood that is well served by bike facilities and transit routes.
- On-street parking, including metered parking, is available, and the property is located less than 300-feet away from a City-owned parking lot.

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

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

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

FINDINGS:

- A reduction in parking will not have any detrimental or endangering effects on the surrounding public realm due to low traffic volumes during peak business hours, the availability of parking nearby, and the walkable nature of the neighborhood.

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

FINDINGS:

- There are many public parking options near-by.
- A reduction in parking for this use will not impact other commercial uses in the vicinity because many people going to events at Public Space One will arrive by bicycle or walking, as they have in the past.
 - Staff has recommended a condition that the applicant provide at least 8 bicycle parking spaces on-site. The applicant is currently working with the City to find a bike rack, but will purchase one for the property if there are none available through the City.
- Maintaining the historical qualities of the property by not adding spaces will enhance the enjoyment and property values of existing properties in the area.

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

FINDINGS:

- The property is located in a neighborhood that is already developed.
- A reduction in parking will not impede development or improvements of nearby properties because this is a walkable, urban neighborhood that supports a variety of commercial businesses already.
- There is on-street and metered parking nearby as well as a City-owned parking lot.

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

FINDINGS:

- All necessary utilities and other facilities (access roads, streets, sidewalks, storm water management etc.) are already in place for this property and the surrounding neighborhood.

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

FINDINGS:

- There will be space for only one vehicle to park on this property, minimizing ingress and egress.
- The proposed community service use will generate negligible traffic as there will not be a large number of people on-site at the same time and most people that utilize Public Space One have historically arrived by either walking or biking.
- Special events will mostly be held on evenings and weekends, minimizing traffic congestion during peak business hours (9am-5pm, Monday-Friday).

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

FINDINGS:

- The property complies with all other regulations and standards of the zone in which this property is located.

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

FINDINGS:

- The proposed special exception will help to further many of the goals of the Comprehensive Plan including:
 - Increasing visibility and awareness of arts & culture programs.
 - Supporting non-profits involved in arts programming.
 - Providing appropriate transitions between commercial areas and residential zones.
 - Maintaining a strong and accessible Downtown that is pedestrian oriented with a distinctive cultural, commercial, and residential character.
 - Preserving and promoting unique aspects of the Northside Marketplace.
 - Preserving historic resources and reinvesting in established neighborhoods.

Staff received email correspondence from a resident and property owner in the neighborhood with concerns about the lack of available public parking on the Northside (Attachment 4).

STAFF RECOMMENDATION:

Staff recommends approval of EXC19-08, a special exception to allow an 86% reduction in parking spaces in the CB-2 zone with an OHD overlay located at 229 N. Gilbert Street, with the following condition:

1. The applicant provide at least 8 bicycle parking spots in lieu of vehicle parking.

ATTACHMENTS

1. Location Map
2. Zoning Map
3. Application Materials
4. Correspondence

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



0 0.0125 0.025 0.05 Miles

EXC19-08 229 North Gilbert Street



Prepared By: Jade Pederson
Date Prepared: Sept 2019



An application submitted by Public Space One, Inc. for a special exception to allow the reduction of minimum parking requirements for the 4,000 sq ft property located at 229 North Gilbert Street.

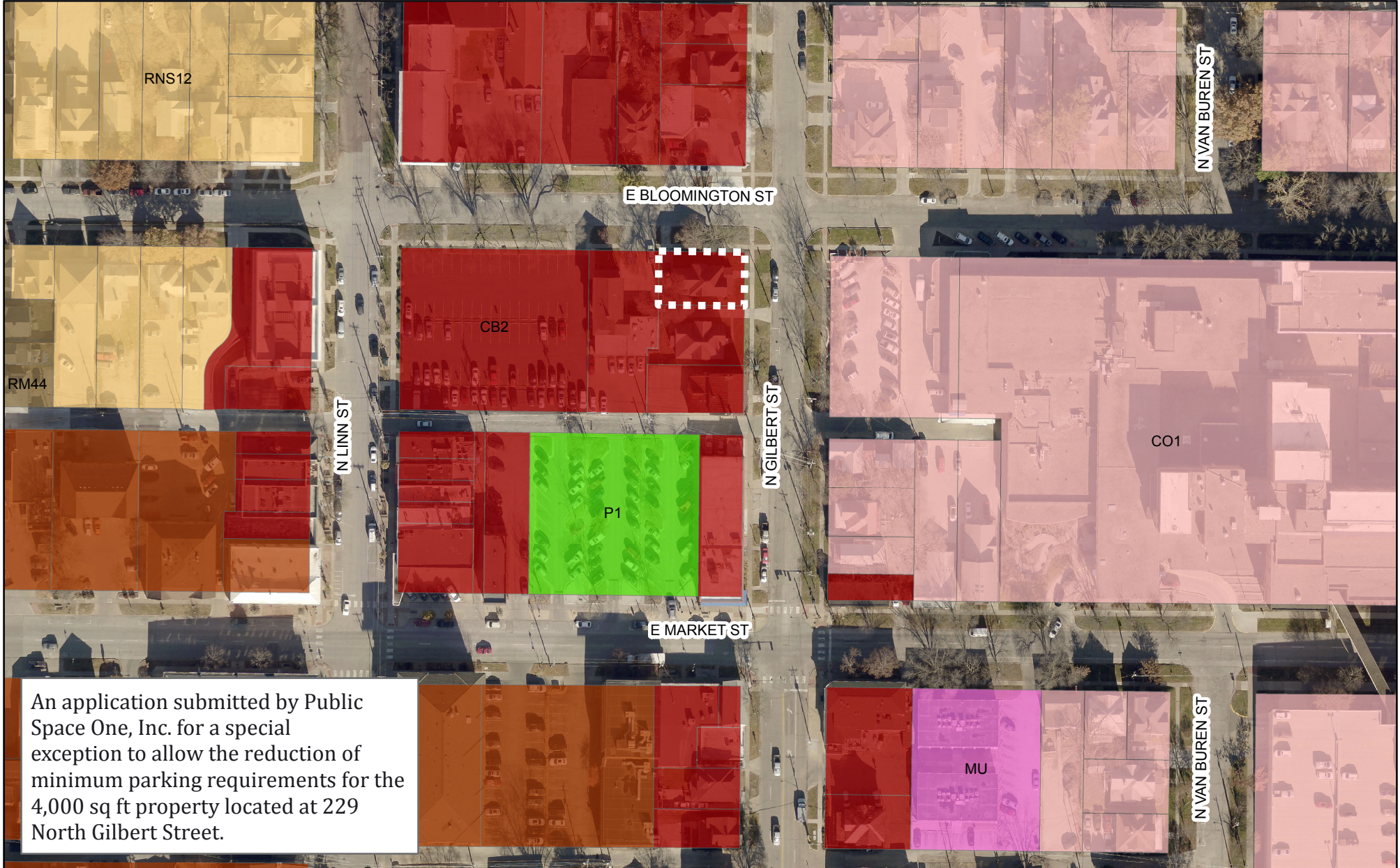


0 0.0125 0.025 0.05 Miles

EXC19-08 229 North Gilbert Street



Prepared By: Jade Pederson
Date Prepared: Sept 2019



An application submitted by Public Space One, Inc. for a special exception to allow the reduction of minimum parking requirements for the 4,000 sq ft property located at 229 North Gilbert Street.

APPLICATION TO THE BOARD OF ADJUSTMENT SPECIAL EXCEPTION

DATE: 9/6/19

PROPERTY PARCEL NO. 1010164001

PROPERTY ADDRESS: 229 N Gilbert St

PROPERTY ZONE: CB-2

PROPERTY LOT SIZE: 4000 sq ft

APPLICANT:	Name: <u>Public Space One, Inc</u>
	Address: <u>229 N Gilbert St</u>
	Phone: <u>319.855.1985</u>
	Email: <u>john@publicspaceone.com</u>
CONTACT PERSON: (if other than applicant)	Name: <u>John Engelbrecht</u>
	Address: <u>913 E Jefferson St</u>
	Phone: <u>319.331.8893</u>
	Email: <u>john@publicspaceone.com</u>
PROPERTY OWNER: (if other than applicant)	Name: _____
	Address: _____
	Phone: _____
	Email: _____

2019 SEP 15 AM 10:24
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IOWA CITY, IOWA
FILED

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

Purpose for special exception: Reduce minimum parking requirements

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

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

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

INFORMATION TO BE PROVIDED BY APPLICANT:

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

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

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

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

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

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

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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.**

Reduction in parking requirements for this property will have no detrimental and endangering impact on the public realm around us.

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.**

Reduction in parking requirements for this property will not impact the use and enjoyment of other property in the vicinity, or negatively impact property values. Maintaining the qualities of this historic property by not adding parking spaces will likely enhance the use, enjoyment, and property value of other property in the vicinity.

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 exception will not impede normal and orderly development as there is ample public parking, on-street and in city lots less than half a block away.

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

Utilities, access roads, drainage, and other facilities are already established and will not be impacted by this exception.

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

A parking reduction will minimize traffic congestion due to ingress/egress, as there will be no vehicular ingress/egress from the property.

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).]**

We are complying with all other regulations and standards of the zone in which this property is located.

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

SEE ATTCHMENT

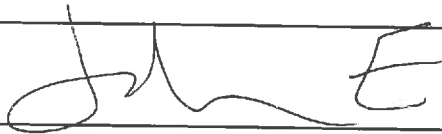
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NOTE: Conditions. In permitting a special exception, the Board may impose appropriate conditions and safeguards, including but not limited to planting screens, fencing, construction commencement and completion deadlines, lighting, operational controls, 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).

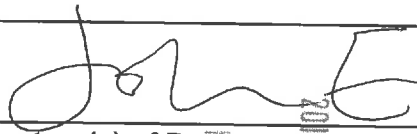
Petition for writ of certiorari. Any person or persons, jointly or severally, aggrieved by any decision of the Board under the provisions of the Zoning Chapter, or any taxpayer or any officer, department or board of the City may present to a court of record a petition for writ of certiorari duly verified, 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: September 6, 2019



Signature(s) of Applicant(s)

Date: September 6, 2019



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

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

<u>NAME</u>	<u>ADDRESS</u>
SEE ATTACHMENT	

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IOWA CITY, IOWA

Attachments to Public Space One, September 6, 2019 BOA application

A. Legal

parcel number: 1010164001

legal description: IOWA CITY (ORIGINAL TOWN) N 50' LOT 1 BLK 58

D. Addendum:

7. The proposed use will be consistent with the Comprehensive Plan of the City in a number of ways:

This reduction will allow us to touch on several components of the Comprehensive plan including the following three areas.

Arts and Culture Goals and Strategies:

- Increase visibility and awareness of Arts and Culture Programs
- Support Arts and Culture programs that reflect and serve Iowa City's changing demographics
- Support non-profits involved in arts programming

From Land Use Goals and Strategies:

- Provide appropriate transitions ... between commercial areas and residential zones.
- Maintain a strong and accessible Downtown that is pedestrian oriented with a strong and distinctive cultural, commercial, and residential character.
- Encourage continued investment in the Downtown to assure its place as the center of arts, culture

From Northside Marketplace Goals and Objectives:

- Preserve and promote unique aspects of the Northside Marketplace

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E.

CHUDACEK, MARY ELLEN	214	N GILBERT ST	IOWA CITY	IA	52245-2124
PUBLIC SPACE ONE INC	225	N GILBERT ST	IOWA CITY	IA	52245-2125

JULIA ELLA LEUPOLD REVOCABLE TRUST	318	N GILBERT ST	IOWA CITY	IA	52245-2126
MIKE & MELISSA KARR REVOCABLE TRUST	312	E MARKET ST	IOWA CITY	IA	52245-2171
LEE, MICHAEL TZAI-TAO	214	N LINN ST	IOWA CITY	IA	52245-2149
TSB HOLDINGS LLC	210	N LINN ST	IOWA CITY	IA	52245-2149
TSB HOLDINGS LLC	208	N LINN ST	IOWA CITY	IA	52245-2149
CHUDACEK, MARY ELLEN	204	N GILBERT ST	IOWA CITY	IA	52245-2124
CHUDACEK, MARY ELLEN	402	E MARKET ST	IOWA CITY	IA	52245-2627
MALNICK LLC	305	N GILBERT ST	IOWA CITY	IA	52245-2127
MERCY HOSPITAL	230	N GILBERT ST	IOWA CITY	IA	52245-2124
PUBLIC SPACE ONE INC	229	N GILBERT ST	IOWA CITY	IA	52245-2125
SMITH-RUST PROPERTIES L L P	319	E BLOOMINGTON ST	IOWA CITY	IA	52245-2103
DENDRYS LLC	219	N GILBERT ST	IOWA CITY	IA	52245-2125
PRESTIGE PROPERTIES DEV LLC	321	E DAVENPORT ST	IOWA CITY	IA	52245-2107

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JEAN ANN DATERS INTER VIVOS TRUST	319	E DAVENPORT ST	IOWA CITY	IA	52245-2107
DRAGONFLY PROPERTIES II LLC	325	N GILBERT ST	IOWA CITY	IA	52245-2127
DOBBERSTEIN, DWIGHT A	318	N LINN ST	IOWA CITY	IA	52245-2151
BLOOMINGTON STREET PROPERTIES, LLC	430	E BLOOMINGTON ST	IOWA CITY	IA	52245-2802
BLOOMINGTON STREET PROPERTIES, LLC	424	E BLOOMINGTON ST	IOWA CITY	IA	52245-2800
PRESTIGE PROPERTIES IV LLC	412	E BLOOMINGTON ST	IOWA CITY	IA	52245-2800
FOWLES, DON C	310	N GILBERT ST	IOWA CITY	IA	52245-2126
FISHER, PATRICIA ANN	315	N GILBERT ST	IOWA CITY	IA	52245-2127
WILLIAMS, JAY	322	E BLOOMINGTON ST	IOWA CITY	IA	52245-2102
LLOYD, OLIN L	318	E BLOOMINGTON ST	IOWA CITY	IA	52245-2102
SKARDA, VLADIMIR F	302	E BLOOMINGTON ST	IOWA CITY	IA	52245-2102
FISHER, PATRICIA ANN	311	N GILBERT ST	IOWA CITY	IA	52245-2127

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PRESTIGE PROPERTIES IV, LLC	404	E BLOOMINGTON ST	IOWA CITY	IA	52245-2800
OFFICE 414 LLC	414	E MARKET ST	IOWA CITY	IA	52245-2627
MERCY HOSPITAL	500	E MARKET ST	IOWA CITY	IA	52245-2633
ZJ-7 LLC	410	E MARKET ST	IOWA CITY	IA	52245-2627
CHUDACEK, MARY ELLEN	210	N GILBERT ST	IOWA CITY	IA	52245-2124
GILPIN, WILLIAM P TR	330	E MARKET ST	IOWA CITY	IA	52245-2171
ARMOND & LORYNE PAGLIAI REVOCABLE TRUST	317	E BLOOMINGTON ST	IOWA CITY	IA	52245-2103
SCHINTLER, JOEL D	315	E DAVENPORT ST	IOWA CITY	IA	52245-2107
DOBBERSTEIN, DWIGHT A	311	E DAVENPORT ST	IOWA CITY	IA	52245-2107
202 LINN LLC	202	N LINN ST	IOWA CITY	IA	52245-2149
206 ENTERPRISE LLC	206	LINN ST N	IOWA CITY	IA	52245-2149

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

010350-0020 Tammy H. 09/06/2019 10:46AM

MISCELLANEOUS

Description: OTHER
(OTHER)

Reference 1: EXC19-

Reference 2: 00008

OTHER (OTHER)

2020 Item: OTHER

1 @ 460.00

OTHER (OTHER) 460.00

95900000-101100- 460.00D

10610620-341200- 460.00C

Payment Id: 360667

460.00

Subtotal 460.00

Total 460.00

CHECK 460.00

Check Number 5418

Change due 0.00

Paid by: PUBLIC SPACE ONE

THANK YOU FOR YOUR PAYMENT

CUSTOMER COPY

From: [Michael Oliveira](#)
To: [Jessica Lile](#)
Cc: [Geoff Fruin](#)
Subject: 229 North Gilbert Exception Permit
Date: Monday, September 30, 2019 12:53:38 PM

Hi Jessica,

Since I live in the neighborhood – let me share what happening now. Gilbert Street after 5PM north of Bloomington allows for parking on both side of the street. I have seen at least 4 accidents this year where mirror(s) were ripped off or cars sideswiped because not enough space for two cars to pass. Also it difficult to see at the intersection of Davenport/N. Gilbert to see when cars are parked near the stop signs – we had had several crashes there this year. I cannot tell how many times I had to call the police to ticket cars blocking the crosswalk sidewalks in the area. Every day, starting at 5:30AM - I see university worker(s) and students fill up the side streets (N. Van Buren, Davenport, Bloomington and Gilbert Streets). The neighborhood just got a coffee shop at N. Van Buren and Bloomington and new high rise at Market and N. Van Buren whom got exceptions to the parking requirements. The concern is how much more pressure is the city staff going to put on the residential neighborhood? Our recommendation is the City should find some parking for cars and mopeds to support these new additions to the city because not every walks or rides a bike!

Let me know if you have any questions,

Mike Oliveira
General Manager
Prestige Properties, LLC
329 E. Court Street, Suite 2
Iowa City, IA 52240
319-512-7616 x 5

From: Jessica Lile <Jessica-Lile@iowa-city.org>
Sent: Monday, September 30, 2019 10:02 AM
To: Michael Oliveira <moliveira@prestigeprop.com>
Subject: RE: 229 North Gilbert

Mike, I'm not sure I understand your question/concern. The City purchased the property earlier this year and it was rezoned to a historic local landmark in order to preserve the building. It was purchased by Public Space One in August for gallery and studio space, and is considered a Community Service Use. Because of the walkable location and nearby public transit as well as on-

street metered parking and close proximity to a City-owned parking lot, they are requesting that the Board of Adjustment grant a parking reduction, as allowed by the City Code. Historically, people who utilize Public Space One typically walk or bike, and most of their events are outside of peak traffic times, making their request for parking reduction reasonable.

Best,

Jesi Lile

Associate Planner
City of Iowa City
(319) 356-5240

From: Michael Oliveira [<mailto:moliveira@prestigeprop.com>]
Sent: Friday, September 27, 2019 2:19 PM
To: Jessica Lile <Jessica-Lile@iowa-city.org>
Subject: 229 North Gilbert

Hi Jessica,

We have a concern about the City of Iowa City use of 229 and the lack of parking and not the request for extension. We have received a formal notice and I would like to know the process of why was parking not a consideration before the city purchased these building and then put them into historic status!

Please let me know.

Mike Oliveira
Home Owner in the Area
Business Owner of Adjacent property

Disclaimer

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STAFF REPORT

To: Board of Adjustment
Item: EXC19-09
Parcel Number: 1014486007

Prepared by: Jesi Lile, Associate Planner
Date: October 9, 2019

GENERAL INFORMATION:

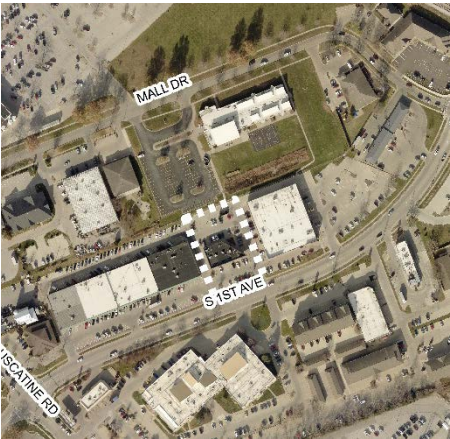
Applicant/Property Owner: Gerry Ambrose
250 12th Ave, Suite 150
Coralville, IA
(319) 631-8888
ambrosegd@gmail.com

Contact Person: Thomas McInerney
1208 Marcy St
Iowa City, IA
(319) 331-0365
macarchitect@me.com

Requested Action: A special exception to allow a drive-through facility in a Community Commercial (CC-2) zone

Purpose: To allow for the use of an existing but inoperable drive-through window for a donut shop

Location: 1681 South 1st Avenue



Location Map:

Size: 33,010 square feet

Existing Land Use and Zoning: Commercial; Community Commercial (CC-2)

Surrounding Land Use and Zoning: North: School; Neighborhood Public (P-1)
East: Commercial; Community Commercial (CC-2)

South: Commercial; Community Commercial (CC-2)
West: Commercial; Community Commercial (CC-2)

Applicable Code Sections:

14-4B-3: General Approval Criteria
14-4C-2K: Specific Approval Criteria for Drive-Through Facilities

File Date:

September 6, 2019

BACKGROUND:

The building at 1681 S. 1st Avenue is a four-unit commercial building. It was built in 2002 with a drive-through window installed on the west side of the building. The applicant was granted a special exception in December 2002 for the use of a drive through window for a dry-cleaning service (recorded on December 13, 2002 in Book 3440, Page 241). The special exception was for auto- and truck-oriented uses and was based on a previous version of the Iowa City Municipal Code, which was updated in 2005.

The drive-through use was never established. An applicant is required to establish the use granted by a special exception within six months of approval by the Board of Adjustment unless otherwise specified, or they must re-apply. In this case, the applicant is required to apply for a new special exception due to the lack of established use. The current business in that location, a Vietnamese restaurant, does not currently use the drive-through window.

The buildings to both the east and west are connected to the subject property by way of their parking lots. To the east at 1575 S. 1st Avenue is a coffee shop and a gym. To the west at 1705 S. 1st Avenue is a building containing a variety of businesses such as retail uses, restaurants, a yoga studio, medical offices, and a social service organization (Reach for Your Potential) (Figure 1).



Figure 1. Layout of the surrounding buildings and parking lot.

The design of the parking lot has created circulation issues that have been brought to staff's attention. The parking lot at 1705 S. 1st Avenue is a one-way drive from west to east both in front of and behind the building that shares an exit with the building at 1681 S. 1st Avenue (red arrows). The building owners have a shared drive easement that was put into place in 2002 (recorded October 22, 2002 in Book 3405, Page 375). Due to the narrow drive to access the back of the building at 1705 S. 1st Avenue, delivery trucks park and unload on the east side of the building in the exit lane (Figure 2). This blocks one of the lanes out of the parking lot. There are also Johnson County SEATS transportation vehicles and buses that circulate throughout the parking lot multiple times a day picking up and dropping of patients and customers.



Figure 2. Direction of traffic flow into shared driveway.

The proposed drive-through would be accessed by vehicles going around the back of the building on the west side, through the rear parking lot of 1681 S. 1st Avenue, and pulling into the drive-through on the east side of the building (yellow arrows).

The coffee shop to the east at 1575 S. 1st Avenue is another business that experiences peak times in the morning. While it does not have a drive-through window, the entrance to the business and much of the parking is on the east side of the building, potentially causing conflicts with customers trying to get to the drive-through. Another potential conflict is from the rear parking lot. Though it does not experience excessive use, the proposed stacking spaces may cause circulation issues for vehicles exiting.

The applicant is requesting that the board reduce the number of recommended stacking spaces, as well as reducing the landscaping and screening requirements. Staff has concerns regarding the design of the drive-through, the stacking spaces, and the potential conflicts in circulation

patterns. Typically, drive-throughs are designed with stacking spaces wrapped around the building instead of through a shared driveway/parking lot in order to reduce vehicle and pedestrian conflict.

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 14-4C-2K**, pertaining to the Specific Criteria for Drive-Through Facilities as well as the General Standards laid out in **Section 14-4B-3**.

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

Specific Standards: 14-4C-2K(3) Specific Approval Criteria for Drive-Through Facilities

3. Special Exception Approval Criteria:

a. Access And Circulation: The transportation system should be capable of safely supporting the proposed drive-through use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, effects on traffic circulation, access requirements, separation of curb cuts, and pedestrian safety in addition to the following criteria:

FINDINGS:

- The existing street capacity of S. 1st Avenue is adequate to handle a potential increase in traffic from a drive-through business.
- Traffic circulation issues have been reported by both an owner and a patron of neighboring businesses to the west. There are complaints of inadequate parking, circulation issues with the current parking lot, delivery trucks using the east side of 1705 S. 1st Avenue for parking and unloading as they cannot access the rear entrances, issues with the many one-way routes throughout the parking lot, and people parking in the proposed drive-through lane.

(1) Wherever possible and practical, drive-through lanes shall be accessed from secondary streets, alleys, or shared cross access drives. If the applicant can demonstrate that access from a secondary street, alley, or shared cross access drive is not possible, the board may grant access to a primary street, but may impose conditions such as limiting the width of the curb cut and drive, limiting the number of lanes, requiring the drive-through bays and stacking lanes to be enclosed within the building envelope, and similar conditions.

FINDINGS:

- The access to the proposed drive-through would be from the existing driveways off of S. 1st Avenue which is classified as a minor arterial street.

- The property owner has maintained a shared driveway easement with 1705 S. 1st Avenue since 2002. The proposed drive-through would be located directly east of the shared driveway.

(2) To provide for safe pedestrian movement, the number and width of curb cuts serving the use may be limited. A proposal for a new curb cut on any street is subject to the standards and restrictions in chapter 5, article C, "Access Management Standards", of this title.

FINDINGS:

- The applicant is not asking for any additional curb cuts.

(3) An adequate number of stacking spaces must be provided to ensure traffic safety is not compromised. A minimum of six (6) stacking spaces is recommended for drive-through facilities associated with eating establishments and a minimum of four (4) stacking spaces for banking, pharmacies, and similar nonfood related drive-through facilities. "Stacking spaces" shall be defined as being twenty feet (20') in length and the width of a one lane, one-way drive. The board may reduce the recommended number of stacking spaces if the applicant can demonstrate that the specific business has unique characteristics such that the recommended number of parking spaces is excessive (i.e., a drive through that is to be used for pick up only and not ordering).

FINDINGS:

- The applicant cannot provide 6 spaces without wrapping into the rear parking lot. Figure 3 shows the applicant's plan for stacking spaces. Though the diagram shows that there is room for vehicles to exit from behind 1705 S. 1st Avenue to the east and the parking lot behind 1681 S. 1st Avenue, this assumes that any delivery truck will park directly against the wall of 1705 S. 1st Avenue, leaving little room for the driver to maneuver and unload products. Additionally, the proposed shared design of the parking lot does not lend itself to straight-forward circulation patterns.

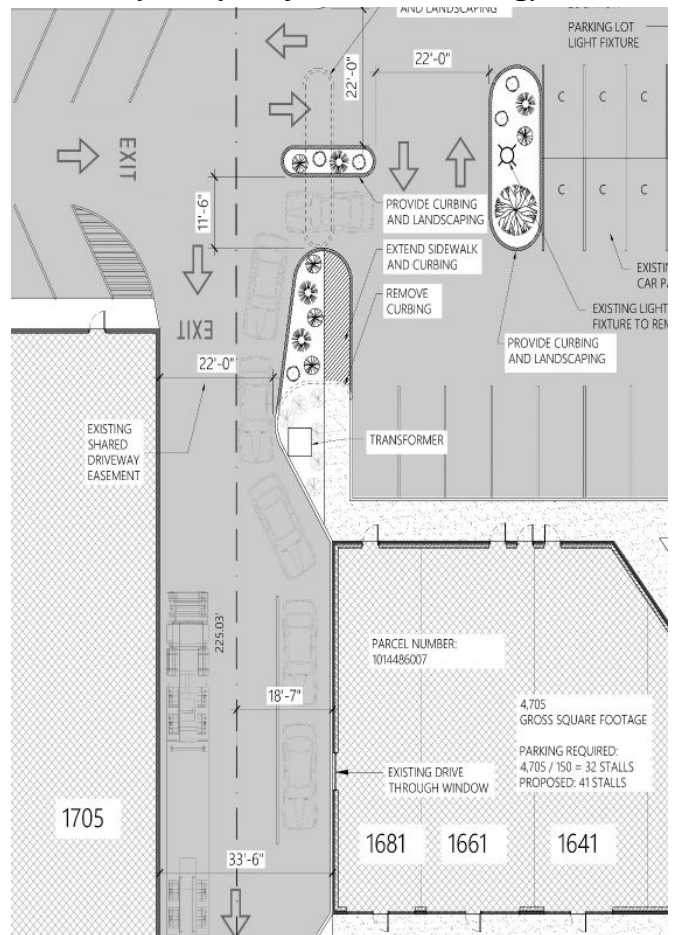


Figure 3. Proposed exit lane and stacking spaces.

- The applicant is asking for a reduction in the number of required stacking spaces, and must demonstrate the unique characteristics of the business that would require fewer stacking spaces.
 - The applicant expects to have only two stacking spaces utilized at one time due to quick turnaround (they expect each order will take approximately 2 minutes to fulfill), but the need for additional stacking spaces may increase during peak hours of operation.
- Typically, drive-through facilities design their stacking spaces to wrap directly around a building with traffic patterns that take vehicles around the outside of the parking lot, leaving room for vehicles to park in areas of the lot that avoid conflicts with vehicles entering and exiting the drive through area as well as pedestrians. Figure 4 shows two examples of typical drive-through design in Iowa City.

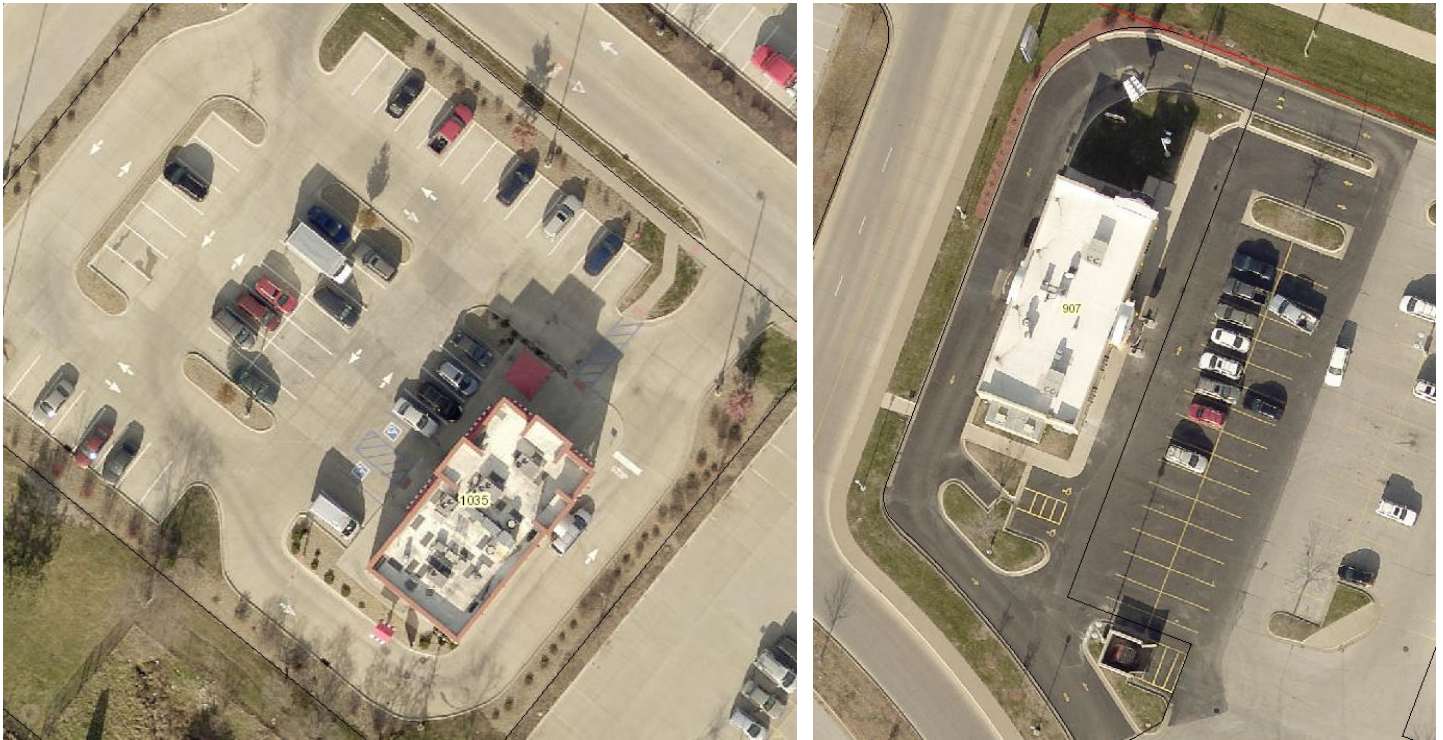


Figure 4. Aerial view of two drive-throughs in Iowa City.

(4) Sufficient on site signage and pavement markings shall be provided to indicate direction of vehicular travel, pedestrian crossings, stop signs, no entrance areas, and other controls to ensure safe vehicular and pedestrian movement.

FINDINGS:

- There is currently one exit sign at the west driveway but no other signs or pavement markings that indicate direction of vehicular travel, pedestrian crossings, or entrance areas within the parking lot. In order to meet this criterion, the applicant must add additional signage and pavement markings to direct traffic.

b. Location:

(1) In the CB-2 zone and in all subdistricts of the riverfront crossings district located east of the Iowa River, drive-through lanes and service windows must be located on a

nonstreet-facing facade. In all other locations where drive-throughs are allowed, this location standard must be met, unless the applicant can demonstrate that a street-facing location is preferable for the overall safety and efficiency of the site, does not conflict with adjacent uses or pedestrian access, and does not compromise the character of the streetscape or neighborhood in which it is located.

FINDINGS:

- The property is not located in the CB-2 zone or in the Riverfront Crossings District.

(2) Drive-through lanes must be set back at least ten feet (10') from adjacent lot lines and public rights of way and screened from view according to the design standards below.

FINDINGS:

- The proposed drive-through window is not set back ten feet from the adjacent property line, but applicant has a shared drive easement with the property to the west at 1705 S. 1st Avenue.
- The drive-through window is not located near the public right-of-way.
- There is currently some landscape screening between the drive-through lane and S. 1st Avenue that meets S2 screening, but no landscaping between the proposed drive-through at 1681 S. 1st Avenue and 1705 S. 1st Avenue to the west. Due to the nature of the shared drive, meeting the screening standards is not possible.

c. Design Standards: The number of drive-through lanes, stacking spaces, and paved area necessary for the drive-through facility will not be detrimental to adjacent residential properties or detract from or unduly interrupt pedestrian circulation or the commercial character of the area in which the use is located. The board of adjustment may increase or reduce these standards according to the circumstances affecting the site.

FINDINGS:

- The subject property is not surrounded by any residential uses or residentially zoned properties.
- Pedestrian circulation on the subject property is primarily located in the front of the building where business entrances and most of the available/convenient parking is located.

(1) To promote compatibility with surrounding development, the number of drive-through lanes should be limited such that the amount of paving and stacking space does not diminish the design quality of the streetscape or the safety of the pedestrian environment.

FINDINGS:

- The applicant is proposing to utilize the single drive-through lane that is currently non-operational.
- The existing lane is already paved and does not affect the street-scape or pedestrian environment on S. 1st Avenue.

(2) Drive-through lanes, bays, and stacking spaces shall be screened from views from the street and adjacent properties to the S2 standard. If the drive-through is located adjacent to a residential use or property zoned residential, it must be screened from view of these properties to at least the S3 standard. To preserve the pedestrian oriented character of streets in the CB-2 zone and the riverfront crossings district, the board may require the drive-through to be incorporated within the building or be screened with masonry street walls and landscaping. Street walls shall be a minimum of five feet (5') in height and shall be designed to complement the principal building on the site.

FINDINGS:

- The property is not located next to a residential zone, so it must meet S2 screening rather than S3 screening standards.
- Due to the layout of the proposed drive-through and its proximity to the shared driveway easement, the applicant cannot provide screening to the S2 standard between the proposed drive-through and the adjacent property at 1705 S. 1st Avenue.
 - The applicant wishes the board to waive this particular screening requirement because the drive through faces a brick wall with no windows.

(3) Multiple windows servicing a single stacking lane (e.g., order board, payment window, pick up window) should be considered to reduce the amount of idling on the site.

FINDINGS:

- There is only one servicing lane for all ordering, payment, and pickup.
 - The applicant feels this is sufficient due to the limited menu options, the lack of a menu board, and lack of food preparation necessary at the time of ordering.

(4) Stacking spaces, driveways, and drive-through windows shall be located to minimize potential for vehicular and pedestrian conflicts and shall be integrated into the surrounding landscape and streetscape design of the neighborhood in which it is located.

FINDINGS:

- The proposed drive-through has a fairly low potential for pedestrian conflicts.
- The proposed drive-through has a high potential for vehicle conflicts between delivery truck parking on the east side of 1705 S. 1st Avenue, vehicles exiting through the shared driveway easement, the frequent drop-offs and pick-ups from the Johnson County SEATS busses, and congestion from the coffee shop to the east.

(5) Lighting for the drive-through facility must comply with the outdoor lighting standards set forth in chapter 5, article G of this title and must be designed to prevent light trespass and glare onto neighboring residential properties.

FINDINGS:

- Outdoor lighting should not be a problem due to the proposed hours of operation (6:30 am – 6 pm depending on the season).

(7) Loudspeakers or intercom systems, if allowed, should be located and directed to minimize disturbance to adjacent uses. Special consideration should be given to locations adjacent to residential uses to ensure such systems do not diminish the residential character of the neighborhood.

FINDINGS:

- The applicant is not proposing to have an intercom or loudspeaker system. All ordering, pick-up, and payment would be at the proposed drive-through window.

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

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

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

FINDINGS:

- There are not very many pedestrians that utilize the drive-through lane area, but the parking lot in general is not very pedestrian friendly as there are no clearly marked pedestrian routes.
- There are traffic and circulation conflicts that already occur with surrounding businesses:
 - Delivery trucks and exit patterns in the shared driveway with 1705 S. 1st Avenue.
- The layout of the drive-through would require vehicles to circulate through the rear parking lot. The proposed drive-through layout does not identify a clear circulation pattern for vehicles utilizing the drive-through.

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

FINDINGS:

- There are already existing circulation issues within and between the attached parking lots.

- Trucks that deliver to 1705 S. 1st Avenue must park in the shared driveway as the alley to get behind the building is too narrow for semis to utilize. These trucks deliver in the morning and may conflict with peak times of operation for the proposed drive-through.

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

FINDINGS:

- The surrounding property is already developed. The addition of the proposed drive-through should not impede improvement of surrounding properties unless the businesses or property owner plans to expand, utilizing the rear parking lot more heavily.

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

FINDINGS:

- There are adequate utilities and other necessary facilities for this property, as the site has been developed since 2002.

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

FINDINGS:

- The addition of the proposed drive-through should not affect traffic congestion on S. 1st Avenue, however there are considerable circulation issues within the parking area itself.

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

FINDINGS:

- The applicant is requesting a reduction in screening requirements and the minimum recommended number of stacking spaces. Aside from those requests, the proposed drive-through conforms to zoning standards.

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

FINDINGS:

- The Comprehensive Plan encourages supporting and growing locally-owned businesses.

STAFF RECOMMENDATION:

Staff recommends denial of EXC19-09, an application submitted by Gerry Ambrose to allow for a drive-through window at 1681 S. 1st Avenue because the applicant has not demonstrated that the proposed drive-through meets the following criteria:

Specific Standards 14-4C-2K

3a. Access And Circulation: The transportation system should be capable of safely supporting the proposed drive-through use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, effects on traffic circulation, access requirements, separation of curb cuts, and pedestrian safety in addition to the following criteria:

- Staff observation and reports from both an owner and a patron of neighboring businesses to the west have raised concerns about traffic circulation issues. There are complaints of inadequate parking, circulation issues with the current parking lot, delivery trucks using the east side of 1705 S. 1st Avenue for parking and unloading as they cannot access the rear entrances, observed issues with the many one-way routes throughout the parking lot, and people parking in the proposed drive-through lane.

3a(3). An adequate number of stacking spaces must be provided to ensure traffic safety is not compromised. A minimum of six (6) stacking spaces is recommended for drive-through facilities associated with eating establishments and a minimum of four (4) stacking spaces for banking, pharmacies, and similar nonfood related drive-through facilities. "Stacking spaces" shall be defined as being twenty feet (20') in length and the width of a one lane, one-way drive. The board may reduce the recommended number of stacking spaces if the applicant can demonstrate that the specific business has unique characteristics such that the recommended number of parking spaces is excessive (i.e., a drive-through that is to be used for pick up only and not ordering).

- The applicant cannot provide 6 spaces without wrapping into the rear parking lot.
- The shared design of the parking lot entrances and exits does not lend itself to straight-forward circulation patterns.

3c(4). Stacking spaces, driveways, and drive-through windows shall be located to minimize potential for vehicular and pedestrian conflicts and shall be integrated into the surrounding landscape and streetscape design of the neighborhood in which it is located.

- The proposed drive-through has a high potential for vehicle conflicts between delivery truck parking on the east side of 1705 S. 1st Avenue, vehicles exiting through the shared driveway easement, the frequent drop-offs and pick-ups from the Johnson County SEATS busses, and the congestion from the coffee shop to the east.

General Standards: 14-4B-3:

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.

- There are already existing circulation issues within and between the attached parking lots.
- Trucks that deliver to 1705 S. 1st Avenue must park in the shared driveway as the alley to get behind the building is too narrow for semis to utilize. These trucks deliver in the morning and may conflict with peak times of operation for the proposed drive-through.

ATTACHMENTS

1. Location Map
2. Zoning Map
3. Application Materials

Approved by: _____



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



0 0.0325 0.065 0.13 Miles

EXC19-09 1681 South 1st Avenue



CITY OF IOWA CITY

Prepared By: Jade Pederson
Date Prepared: Sept 2019



An application submitted by Gerry Ambrose for a special exception allowing a drive-through for Daylight Donuts, a 33,010 sq ft property located at 1681 South 1st Avenue.



0 0.0325 0.065 0.13 Miles

EXC19-09 1681 South 1st Avenue



CITY OF IOWA CITY

Prepared By: Jade Pederson
Date Prepared: Sept 2019



An application submitted by Gerry Ambrose for a special exception allowing a drive-through for Daylight Donuts, a 33,010 sq ft property located at 1681 South 1st Avenue.

APPLICATION TO THE BOARD OF ADJUSTMENT SPECIAL EXCEPTION

DATE: September 6, 2019 PROPERTY PARCEL NO. 1014486007

PROPERTY ADDRESS: 1681 South 1st Ave

PROPERTY ZONE: CC2 PROPERTY LOT SIZE: 33,010 SQ FT

APPLICANT:	Name: <u>GERRY AMBROSE</u> Address: <u>250 12th AVE SUITE 150 CORALVILLE, IOWA</u> Phone: <u>319-631-8888</u> Email: <u>ambrosegd@gmail.com</u>
CONTACT PERSON: (if other than applicant)	Name: <u>THOMAS Mc INERNEY</u> Address: <u>1208 MARCY ST IOWA CITY IA</u> Phone: <u>319 331 0365</u> Email: <u>macarchitect@me.com</u>
PROPERTY OWNER: (if other than applicant)	Name: <u>GERRY AMBROSE</u> Address: _____ Phone: _____ Email: _____

IOWA CITY CLERK
2019 SEP - 6 PM 4:47

FILED

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

14-4C-2

Purpose for special exception: DRIVE-THROUGH FOR
* DONUT CARRY OUT - NO DINING

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

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

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

INFORMATION TO BE PROVIDED BY APPLICANT:

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

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

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

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

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

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

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IOWA CITY, IOWA

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

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

PROPOSED EXCEPTION WILL NOT BE DETRIMENTAL TO OR ENDANGER THE PUBLIC HEALTH, SAFETY, COMFORT, OR GENERAL WELFARE.

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.

PROPOSED EXCEPTION WILL NOT BE INJURIOUS TO THE USE AND ENJOYMENT OF OTHER PROPERTIES AND SHALL NOT IMPAIR PROPERTY VALUES. PROPOSED DRIVE THROUGH FACES NEIGHBOR'S CONCRETE BLOCK BUILDING WITHOUT OPENINGS.

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.

PROPOSED EXCEPTION WILL NOT IMPEDE DEVELOPMENT OF SURROUNDING PROPERTIES.

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

ADEQUATE INFRASTRUCTURE EXISTS.

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2019 SEP -6 PM 11:00
CITY CLERK
IOWA CITY, IOWA

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

ADEQUATE INGRESS AND EGRESS EXISTS. PROPOSED DRIVE-THROUGH IS ADJACENT TO A SHARED DRIVEWAY EASEMENT. SEE ATTACHMENT.

- 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).]

PROPOSED EXCEPTION SHALL CONFORM TO REQUIRED REGULATIONS

NOTE: BOARD OF ADJUSTMENT HAD PREVIOUSLY APPROVED SPECIAL EXCEPTION 14 MAY 2003, FILE NUMBER EXC03-00005

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

PROPOSED USE SHALL BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY.

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 2011 SEP - 10 PM 4:16
 CITY CLERK
 JAMES W. IOWA
 CITY, IOWA

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

<u>NAME</u>	<u>ADDRESS</u>
SEE ATTACHED	SHEET

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2019 SEP -5 PM 4:48
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IOWA CITY, IOWA

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

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

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

Date: September 6, 2019



Thomas M. Nerney

Signature(s) of Applicant(s)

Date: SEPTEMBER 6, 2019



Gerry Ambrose

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

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SEP - 6 PM 4:48
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JACKSON CITY, IOWA

Parcel Number	Mailing Name	Mailing Address1	Mailing Address2	Mailing Address3	Mailing Zip Code	Legal Description
1014489003	S & M EAST LC		1486 S 1ST AVE STE A	IOWA CITY, IA	52240	EASTDALE MALL LOT 3
1014489004	S & M EAST LC		1486 S 1ST AVE STE A	IOWA CITY, IA	52240	EASTDALE MALL LOT 2 & ELY 92.84' LOT 1
1023102002	S & M EAST LC		1486 S 1ST AVE STE A	IOWA CITY, IA	52240	EASTDALE MALL LOT 7
1014486007	GERRY AMBROSE		250 12TH AVE STE 150	CORALVILLE, IA	52241	OHL'S SUBDIVISION, REPLAT OF PORTION OF LOTS 5 & 6 EXC SWLY 43' LOT 5
1014482009	IOWA CITY COMM SCHOOL DISTRICT		1725 N DODGE ST	IOWA CITY, IA	52245	OHL'S SD, RESD LT 5 & PT 48&6, RESD LT 4 LOTS 2-9
1014486008	GERRY AMBROSE		250 12TH AVE STE 150	CORALVILLE, IA	52241	OHL'S SUBDIVISION, REPLAT OF PORTION OF LOTS 7 & 8 EXC LAND DESC IN BK :
1023103001	LIBERTY GROWTH IV LC		1700 FIRST AVE #1	IOWA CITY, IA	52240	EASTDALE PLAZA CONDOMINIUM UNIT 1 EXC THAT PART DESC AS UNIT 1.1 IN BK
1023103002	ROBERT STEVEN & CYNTHIA K COOK		741 FAIRWAY LN SE	IOWA CITY, IA	52240	EASTDALE PLAZA CONDOMINIUM UNIT 1.1 AS DESC IN BK 1886 PG 286
1023103003	ROBERT STEVEN & CYNTHIA K COOK		741 FAIRWAY LN SE	IOWA CITY, IA	52240	EASTDALE PLAZA CONDOMINIUM UNITS 2 & 3
1023103004	PAMELA L SMITH		3029 CLOVER ST	IOWA CITY, IA	52245	EASTDALE PLAZA CONDOMINIUM UNIT 4
1023103005	JOANN R KAUFFMANN-FIRKINS		2935 480TH ST SW	IOWA CITY, IA	52240	EASTDALE PLAZA CONDOMINIUM UNIT 5
1023103006	JOANN R KAUFFMANN-FIRKINS		2935 480TH ST SW	IOWA CITY, IA	52240	EASTDALE PLAZA CONDOMINIUM UNIT 6
1023103007	JOANN R KAUFFMANN-FIRKINS		2935 480TH ST SW	IOWA CITY, IA	52240	EASTDALE PLAZA CONDOMINIUM UNIT 7
1023103008	JOANN R KAUFFMANN-FIRKINS		2935 480TH ST SW	IOWA CITY, IA	52240	EASTDALE PLAZA CONDOMINIUM UNIT 8
1023103009	SUSAN WOLF TANK		624 ST THOMAS CT	IOWA CITY, IA	52245	EASTDALE PLAZA CONDOMINIUM UNIT 9
1023103010	SUSAN WOLF TANK		624 ST THOMAS CT	IOWA CITY, IA	52245	EASTDALE PLAZA CONDOMINIUM UNIT 10
1023103011	SUSAN WOLF TANK		624 ST THOMAS CT	IOWA CITY, IA	52245	EASTDALE PLAZA CONDOMINIUM UNIT 11A
1023103012	SUSAN WOLF TANK		624 ST THOMAS CT	IOWA CITY, IA	52245	EASTDALE PLAZA CONDOMINIUM UNIT 11B
1023103013	SUSAN WOLF TANK		624 ST THOMAS CT	IOWA CITY, IA	52245	EASTDALE PLAZA CONDOMINIUM UNITS 12 & 13
1023103014	UNITED ACTION FOR YOUTH		PO BOX 892	IOWA CITY, IA	52244-0892	EASTDALE PLAZA CONDOMINIUM UNIT 14
1023103015	IOWA CITY COMMUNITY SCHOOL DIS		1725 N DODGE ST	IOWA CITY, IA	52245	EASTDALE PLAZA CONDOMINIUM UNIT 15
1023103016	IOWA CITY COMMUNITY SCHOOL DIS		1725 N DODGE ST	IOWA CITY, IA	52245	EASTDALE PLAZA CONDOMINIUM UNIT 16 & UNIT 15.1 AS DESC IN BK 1442 PG 5
1023103017	UNITED ACTION FOR YOUTH		PO BOX 892	IOWA CITY, IA	52244-0892	EASTDALE PLAZA CONDOMINIUM UNIT 17
1023103018	RENNING PROPERTIES LLC		1425 PHOENIX DR	IOWA CITY, IA	52246	EASTDALE PLAZA CONDOMINIUM UNIT 18
1023103019	U OF I EMPLOYEES UNION		1700 1ST AVE STE 19	IOWA CITY, IA	52240	EASTDALE PLAZA CONDOMINIUM UNIT 19
1023103020	JACK & SUSAN TANK		624 ST THOMAS CT	IOWA CITY, IA	52245	EASTDALE PLAZA CONDOMINIUM UNIT 20
1023103021	PHILIP K LEVERENTZ		11154 HIGHRIDGE DR	DUBUQUE, IA	52003	EASTDALE PLAZA CONDOMINIUM UNIT 21
1023103022	RENNING PROPERTIES LLC		1425 PHOENIX DR	IOWA CITY, IA	52246	EASTDALE PLAZA CONDOMINIUM UNIT 22
1023103023	PRESBYTERY OF EAST IOWA		1700 1ST AVE #23	IOWA CITY, IA	52240	EASTDALE PLAZA CONDOMINIUM UNIT 23
1023103024	SUSAN WOLF TANK		624 ST THOMAS CT	IOWA CITY, IA	52245	EASTDALE PLAZA CONDOMINIUM UNIT 24
1023103025	RENNING PROPERTIES LLC		1425 PHOENIX DR	IOWA CITY, IA	52246	EASTDALE PLAZA CONDOMINIUM UNIT 25
1023103026	G3 IOWANO LLC		1700 S FIRST AVE #26	IOWA CITY, IA	52240	EASTDALE PLAZA CONDOMINIUM UNIT 26
1023103027	RENNING PROPERTIES LLC		1425 PHOENIX DR	IOWA CITY, IA	52246	EASTDALE PLAZA CONDOMINIUM UNIT 27
1023103028	G3 IOWANO LLC		2677 HEATHER ELEN AVE	BETTENDORF, IA	52722	EASTDALE PLAZA CONDOMINIUM UNIT 28
1023103029	DAVID D & MADONNA HENN		275 W MICKEY MANTLE PATH	HERNANDO, FL	34442	EASTDALE PLAZA CONDOMINIUM UNIT 29
1014481001	CHARM HOMES LLC		409 KIRKWOOD AVE STE A	IOWA CITY, IA	52240	OHL'S SUBDIVISION PART OF LOT 4 AS DESC IN BK 1194 PG 313 & INCL LOT 1 RE
1014486006	CAHILL ENTERPRISES L P		52 STURGIS CORNER DR	IOWA CITY, IA	52246	OHL'S SUBDIV, REPLAT OF PORTION OF LOT 3 LOTS 3, 4 & SWLY 43' LOT 5 & INCL
1014480001	GEMP LLC		62 WHITE OAK PL	IOWA CITY, IA	52245	OHL'S SD, REPLAT OF LOT 3 IN A RESD OF P LOT C
1014489005	S & M EAST LC		1486 S 1ST AVE STE A	IOWA CITY, IA	52240	EASTDALE MALL THAT PART OF EASTDALE MALL DESC AS AUDITORS PARCEL #20

2019 SEP -6 PH 4:48
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 CITY CLERK
 IOWA CITY, IOWA

SHARED DRIVE EASEMENT

CAHILL -Cahill Enterprises to Gerry Ambrose

The northeast 17.00 feet in even width of the Southeast 178.03 feet of the southwesterly 43 feet of Lot 5 in the replat of a portion of Lot 3, Ohl's Subdivision to Iowa City, Iowa, according to the plat thereof recorded in Plat Book 14, Page 46, Plat Records of Johnson County, Iowa.

SHARED DRIVE EASEMENT

Gerry Ambrose to CAHILL-Cahill Enterprises

The southwest 5.00 feet in even width of Lot 5 (except the southwesterly 43 feet thereof) in the replat of a portion of Lot 3, Ohl's Subdivision to Iowa City, Iowa, according to the plat thereof recorded in Plat Book 14, Page 46, Plat Records of Johnson County, Iowa.

SANTARY SEWER EASEMENT

CAHILL -Cahill Enterprises to Gerry Ambrose

A 15.00 foot wide strip of land in the southwesterly 43 feet of Lot 5 in the replat of a portion of Lot 3, Ohl's Subdivision to Iowa City, Iowa, according to the plat thereof recorded in Plat Book 14, Page 46, Plat Records of Johnson County, Iowa, described as :

Beginning at a point on the southeast line of said southwesterly 43 feet of Lot 5 lying S 68°58'09" W - 49.77 feet from the Northeast corner thereof; thence N 30°53'33" E - 54.62 feet to a point on the northeast line of said southwesterly 43 feet of Lot 5 lying N 21°01'51" W - 38.99 feet from the northeast corner thereof.

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IOWA CITY, IOWA

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

010349-0093 Trina S. 09/06/2019 04:49PM

MISCELLANEOUS

Description: OTHER
(OTHER)

Reference 1: SPECIAL

Reference 2: EXCEPTION

OTHER (OTHER)

2020 Item: OTHER

1 @ 460.00

OTHER (OTHER) 460.00

95900000-101100- 460.00D

10610620-341100- 460.00C

Payment Id: 360892

460.00

Subtotal 460.00

Total 460.00

CHECK 460.00

Check Number 5104

Change due 0.00

Paid by: GERRY AMBROSE

THANK YOU FOR YOUR PAYMENT

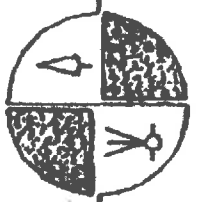
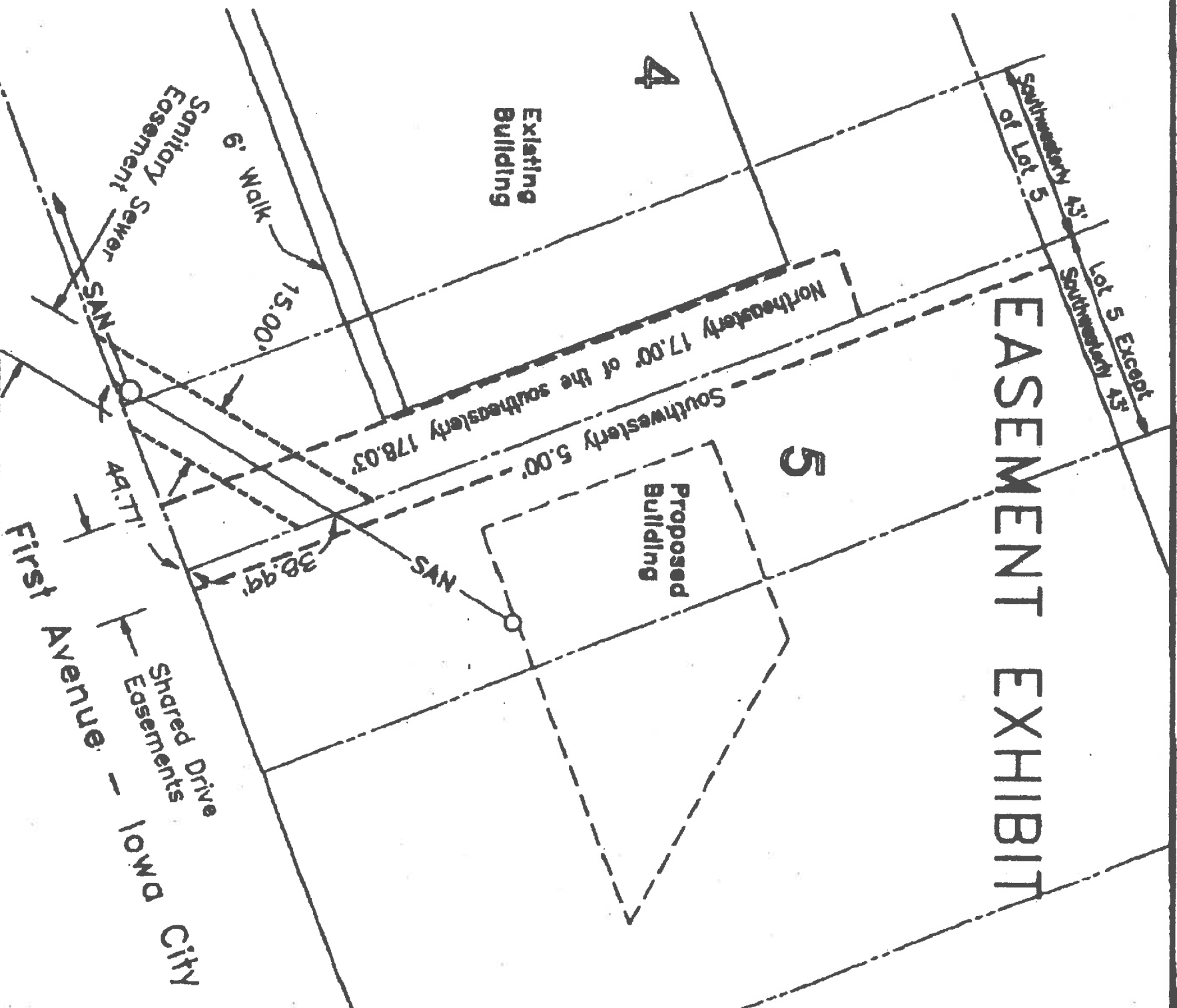
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FILED

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CITY CLERK
IOWA CITY, IOWA

Prepared by Ralph Storrer, 938 Southgate Ave., Iowa City IA 52240 (319) 384-1984



LANDMARK
SURVEYING AND ENGINEERING
535 SOUTHGATE AVENUE
IOWA CITY, IOWA 52240
PHONE (319) 354-1984

TITLE
EASEMENT EXHIBIT

PROJECT
AMBROSE DEVELOPMENT INC
250 12th AVE SUITE 150
CORALVILLE, IOWA

PLD BK	9/1/64	SCALE	1"=40'
DATE	4/6/02	REV.	
DRN BY	RL	APP BY	RS
JOB NO.	6102051	SHEET	1 OF 1

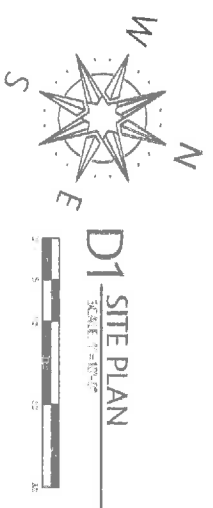
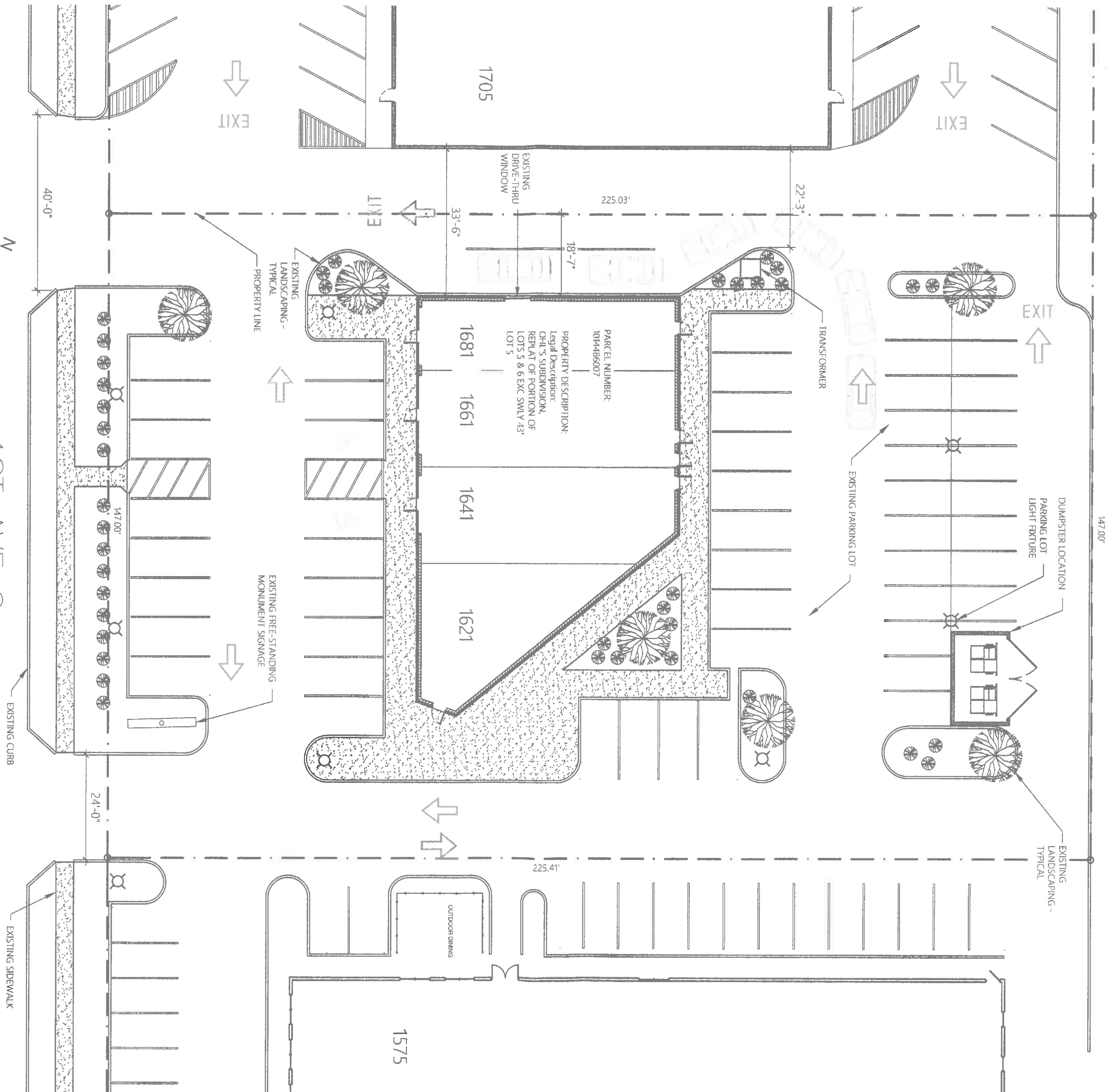
EXHIBIT "A"

000378

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CITY CLERK
IOWA CITY, IOWA



1ST AVE S

Special Exception at 1681 South 1st Avenue for a Drive Through

Allowing the Special Exception for a drive-through utilizes existing infrastructure. Utilizing existing infrastructure "encourages compact, efficient development that is contiguous and connected to existing neighborhoods to reduce the cost of extending infrastructure and services and to preserve farmland and open space at the edge of the city."¹

The property is not near any existing residential neighborhoods and is located within the center of a commercial zone (CC-2) and is on an arterial street with sidewalks on both sides.

Traffic is only one-way between the proposed drive-through and the adjacent property to the West, 1705 South 1st Avenue. A shared driveway easement exists within the separation of the buildings on the properties. Both properties have rear parking and the combined width of the one-way allows two lanes of traffic from the rear parking areas.

Pedestrian traffic is directed away from the proposed drive-through and pedestrian access is available from the front of the building to the public right-of-way. Although the proposed drive-through will not have the typical traffic volume like other fast-food restaurants, six stacking car positions at the proposed drive-through is illustrated. Six stacked vehicles still allow other exiting traffic from rear parking areas to use alternate routes.

Visibility of the proposed drive-through is partially screened by existing landscaped islands positioned between the right-of-way along South 1st Avenue and between the off-street parking to the north. The existing screening softens the impact of paved area at the proposed drive-through and yet provides some visibility as required by Screening Standards 14-5F-6. Although screening is required between the adjacent property and the proposed drive-through, the intent of the requirement for screening was to protect pedestrian circulation from being unduly interrupted and preserve the existing commercial character in the area. We feel the context in this situation satisfies the conditions for leniency in screening requirements to the adjacent property. The existing adjacent building's elevation facing the proposed drive-through is a masonry block wall without windows and pedestrian traffic is not accommodated near the proposed drive-through, rather it is directed towards the east and around to the front of the building. The visual appearance is mitigated due to vision angles taken from the right-of-way are mostly blocked by the close proximity of the buildings and only offer a brief view of the proposed drive-through when passing by.

We would like to request the Board of Adjustment to consider approving the Special Exception without the screening requirement to the west since there is an existing shared driveway easement, pedestrian traffic is diverted away and the context of the existing commercial character.

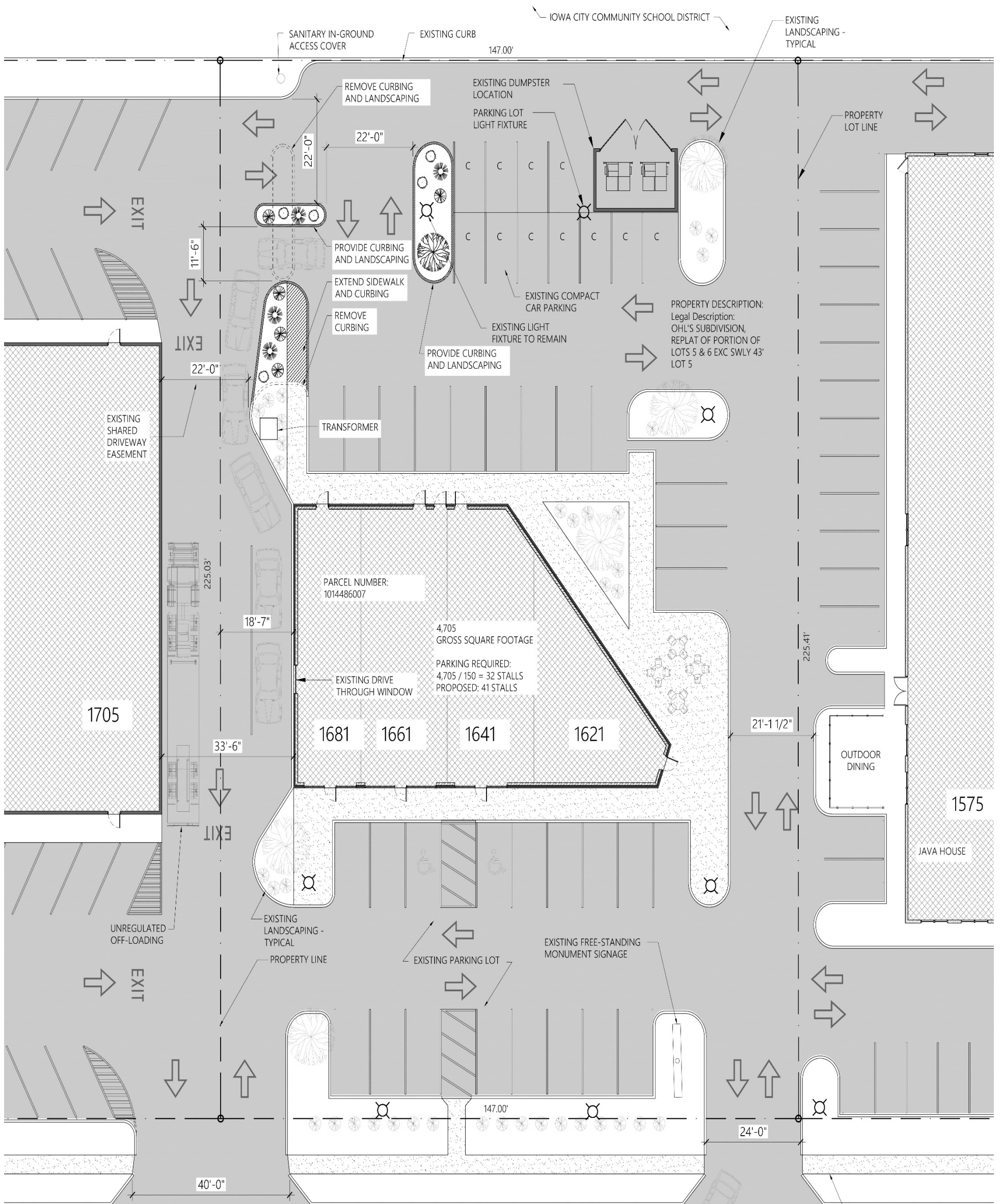
The business for the proposed drive-through is a Donut Shop. The business is independently owned and operated locally. The drive-through is essential for the Donut Shop to exist. Allowing the drive-through at 1681 South 1st Avenue improves "the environmental and economic health of the community through efficient use of resources"² by encouraging "new business development in existing core or neighborhood commercial areas."² The Donut Shop has been recently displaced from another location in Iowa City by a large corporate business and now hopes to begin again at 1681 South 1st Avenue.

¹ Comprehensive Plan of Iowa City, Section 3, page 23.

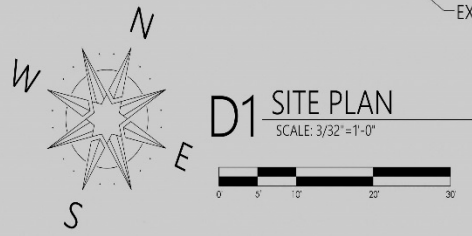
² Comprehensive Plan of Iowa City, Section 5, page 30.

Daylight Donuts

1. *What are the expected traffic volumes and between what times?*
 - *Typical day may see 125 customers.*
 - *Busiest time is typically 7:30am - 9:30am.*
 - *Expect most of that business will be carry out dozens.*
2. *What are the expected hours of operation?*
 - *6:30 am - 6 pm. May adjust seasonally and what fits the business. Would not expect to remain open later since we will not have customer seating.*
3. *How long will it take to fulfill each order?*
 - *2 minutes*
4. *About how many vehicles are expected to be in line at one time?*
 - *2 vehicles*
5. *Will there be any walk-in service or is it all expected to be from the drive-thru? If so, what percentage will be drive-thru vs. walk-in?*
 - *We'll also have walk in service.*
 - *80% walk in vs 20% drive through.*



Architect:
Thomas McInerney
ARCHITECT
 319.331.0365
 1208 Varsity Street Iowa City, Iowa 52240
 www.thomasarchitect.com
 thomas@thomasarchitect.com



South 1st Avenue

Quantity	Number	Description
1	000	SMALL TREE
5	001	DWARF NORWAY SPRUCE
5	002	DWARF MUGHO PINE
4	003	GLOBE ARBORVITAE

**MINUTES
BOARD OF ADJUSTMENT
JULY 10, 2019 – 5:15 PM
EMMA J. HARVAT HAZELL, CITY HAZELL**

PRELIMINARY

MEMBERS PRESENT: Connie Goeb, Zephan Hazell, Amy Pretorius
MEMBERS ABSENT: Ernie Cox, Ryan Hall
STAFF PRESENT: Susan Dulek, Jessica Lile
OTHERS PRESENT: Chris Pose, Marty Dostalík, Bill Horner, Laureen Ipsen, Barnard Dutchik, Joe Meyers

CALL TO ORDER:

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

ROLL CALL:

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

CONSIDER THE MAY 8, 2019 MINUTES:

Pretorius moved to approve the minutes of May 8, 2019. Hazell seconded the motion.

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

SPECIAL EXCEPTION ITEM EXC19-05:

An application submitted by MidAmerican Energy for a special exception to allow for a basic utility in a Commercial Office (CO-1) zone to build an electric substation located at the southwest corner of the Prairie du Chien overpass of Interstate 80.

Lile began the staff report with an aerial view of the subject area. She also showed a zoning map of the area noting the proposed substation area is zone CO-1 (Commercial Office) and the surrounding area is zoned residential. Lile stated some basic utilities are allowed in Commercial Office zones through the special exception process and must meet capability and screening requirements. The purpose of this electric substation is to provide a more reliable base of electric power to the surrounding area. There are currently seven other substations in Iowa City, and substations must be located near the area where they are supplying power so they can tie into existing transmission lines. MidAmerican held a Good Neighbor Meeting on Wednesday, June 26 where ten people attended. Noise and making sure the neighboring property owners at 1823 Prairie du Chien Rd were compensated adequately were the biggest concerns brought up. There were no issues with the proposed screening or landscaping plan proposed by MidAmerican.

Lile stated the role of the Board of Adjustment is to approve, approve with conditions, or deny the application based on the facts presented. In order to approve the special exception the Board must find it meets all applicable approval criteria. In this case it is specific criteria for utilities not enclosed within a building and all the general standards.

With regards to Basic Utilities Not Enclosed Within a Building, in all commercial zones the RDP and ORP zones, and the ID-C and ID-RP zones, basic utilities not enclosed within a building are permitted only by special exception. Proposed uses must be screened from public view and from view of any adjacent residential zones to at least the S3 screening standard. In addition, the applicant must provide evidence that the proposed use will be compatible with surrounding structures and uses with regard to safety, size, height, scale, location, and design, particularly for facilities that will be located close to or within view of a residential zone. For uses located in highly visible areas, the board may consider additional design elements such as masonry or brick facades, and walls or fencing to improve public safety and to soften the visual impact of the proposed use. Lile noted the applicant has submitted a landscaping plan that shows screening above the required S3 standard. Staff recommends a condition that the proposed substation must adhere to the landscaping plan submitted, dated June 20, 2019. Lile also stated the proposed site is surrounded by mainly vacant land at the moment with one house currently occupied at 1823 Prairie du Chien Road. There are also other planned and ongoing residential projects going on in the area. Lile showed an image of the landscaping plan submitted on June 20, 2019, at the time of the planning 31 trees will be 6 feet tall with additional shorter plantings. At the time of maturity all plantings will be 8 feet tall or taller with 23 of the trees being over 20 feet tall. The proposed substation would have a 158 x 210 foot footprint, there would be two 50 foot high dead-end structures that would receive transmission lines and 50 foot high shield masts. MidAmerican proposes to surround the substation with seven foot high chain-link fence with three strands of barbed wire which makes the fence eight feet tall in total. The proposed substation fence will be approximately 32 feet from the south property line and approximately 55 feet from the east property line. Lile showed a map of the area around the proposed substation, there is potential development of townhomes to the southwest of the proposed substation and there is a senior living center that is currently being constructed along the Foster Road extension.

With regard to the general standards:

The specific proposed exception will not be detrimental to or endanger the public health, safety, comfort or general welfare. Lile stated the proposed substation will provide a reliable base of power to the surrounding area. There are other substations in Iowa City near residential areas that have operated without reported health and safety issues.

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. The applicant provided sound estimates at distances from the transformer to the property line, each distance is from 30 to 90 meters with sound levels ranging from 34 decibels to 43 decibels. For comparison, 40 decibels is approximately the level of noise of a library, bird calls, and ambient urban noise. Staff measured noise levels at 1:45 pm on a weekday and sound coming from the interstate from the west side sidewalk along Prairie du Chien nearest the proposed substation location was approximately 65 decibels. While sound is cumulative, the addition of anything that has a difference of more than 10 decibels results in the higher noise level being the total noise level. So one would not be able to hear the transformer over the

sound of the interstate. Additionally there are other current development projects in the area.

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. Past substation projects have shown that residential and other development continues in the area. The substation at 1630 Lower Muscatine Rd was built in 1962, and residences directly next to the substation were built in 1962, 1963, 1964, & 1965. The closest residence is approximately 60 feet from the substation fence. Another example is the substation at 1120 Mormon Trek Blvd built in 1980, and residences directly next to the substation were built in 1987, 1988, 1990, and 1996. The closest residence is just over 20 feet away from the substation fence. In the case considered today, the closest residence to the proposed substation is approximately 100 feet from the substation fence and over 120 feet from the proposed transformer.

Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided. The proposed site would be accessed off of the Foster Rd extension. The proposed substation would be installing electricity to serve the area and improving the utilities.

Adequate measures have been or will be taken to provide ingress or egress designed to minimize traffic congestion on public streets. The future intersection of Foster Rd and Prairie du Chien Rd will be controlled by a stop sign on Foster Rd. Post-construction the proposed substation will produce minimal traffic – typically one truck a month and more if there are issues with the substation. What traffic it does produce would be routine maintenance and inspections on site, not a permanent employee presence.

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. The Commercial Office (CO-1) zone is intended for offices, businesses, apartments, and certain public & semipublic uses. The proposed substation exceeds the minimum setback requirements for the zone and aside from the special exception required for a basic utility, the lot meets all other requirements.

The proposed exception will be consistent with the Comprehensive Plan of the City, as amended. The Comprehensive Plan supports Iowa City coordinating with private utilities in order to serve areas under development.

Lile noted today she did receive late public comment from the neighbor at 1920 Prairie du Chien Road and passed that onto the Board members. This residence is located across the street from the proposed substation and his concerns were health concerns of putting a power substation close to residences that construction of a power substation would be detrimental to the enjoyment of his property and the addition of a power substation would lower the resale value of his home. The resident also does not believe the construction of a power substation is consistent with the Comprehensive Plan and does not wish the substation be granted. The resident stated if the exception must be granted then he requests sufficient screening which MidAmerican has agreed to already, additionally access to the substation be off Foster Road, which is also the plan.

Staff recommends approval of EXC19-05, a special exception to allow a basic utility in a Commercial Office (CO-1) zone to build an electric substation with the following condition:

1. The landscaping and screening around the substation must adhere to the landscaping plan submitted, dated June 20, 2019 prior to the issuance of a Certificate of Occupancy.

Goeb opened the public hearing.

Chris Pose (Attorney representing MidAmerican Energy) stated they are in full agreement with the staff report, and wanted to take some time to add to the presentation and explain what a substation does. A substation transforms power from the transmission line level, in this case 161 volt transmission lines that have been in the area since 1967, down to a level that is 13,500 volts which can be used as distribution power to run down the city streets and power into businesses and so forth. So substations down-step the power from the high voltage transmission lines to a usable level, which is what the equipment is designed to do. The transmission line is what makes this site unique and site possible for this development. There is a line through the trees parallel with the interstate just south of the substation site, which is where the existing transmission line is and what they are trying to tap into. On the plan submitted shows the transmission lines coming in so the distribution lines can come out of the substation underground. Everything coming out of the substation will be underground and this is why it is a unique location. Pose also stated they had approached the City with this idea of putting in a substation in this corridor because MidAmerican already owns a piece of land that is on the east side of Prairie du Chien, just to the southeast of the present site. City staff had suggested that parcel would not be an appropriate site even though that is a piece of land MidAmerican had owned for a number of years, it is well situated because it is right under the transmission line that runs through on the south part of that location. However City staff felt the zoning aspects of that parcel didn't lend itself to the idea of rezoning to commercial and instead suggested since Foster Road Developers just had a plat approved with rezoning complete for the land across the street and that led MidAmerican to the subject site. MidAmerican has now entered into a purchase agreement with the owners of Foster Road Development to buy a piece of land zoned CO-1 and have this substation put up against the interstate. Therefore MidAmerican followed staff's recommendation to put the substation in this particular location. Pose next addressed the residence at 1823 Prairie du Chien which is zoned as RS-12. The owners of that property are here this evening, MidAmerican Energy is in process of working through good faith negotiations to acquire that particular piece of property, they are keeping those discussion between themselves and the property owners at this time, but have full communication with them concerning this possibility and will continue those discussions even if this exception is approved this evening. MidAmerican has a desire to acquire that property. As for the concerns of the owner of the property at 1920 Prairie du Chien, whose concerns were raised today in a letter, the staff report adequately addressed the concerns. With other substations throughout the City it has shown substations does not impede development of land, people will built around substations. Substations are important, they need to go someplace and they provide a source of power. Staff had asked MidAmerican to provide justification as to why they chose this particular site, there are seven substations in Iowa City and they all rely on each other as part of the grid, the idea being if something happens to one substation another one can pick up the slack and what MidAmerican has identified in this corridor it would be good to have another substation to help with the potential growth that is going to happen in the northern corridor of the city, and in addition will provide stability to the existing systems such as if one substation were to go out for a reason such as storm this substation would be able to pick up the power load. Lastly Pose showed a color version of the landscape plan. He reiterated they are in agreement with the staff report, they believe MidAmerican has met all the conditions, they made whatever changes staff had requested of them, they intend to keep working with the

property owner at 1823 Prairie du Chien if this is approved, and they believe any concerns raised by the property owner at 1920 Prairie du Chien were addressed by the staff report.

Hazell asked if the darker green on the landscaping plan were evergreen trees.

Marty Dostalík (Civil Engineering Consultants) noted the evergreen trees on the plan are denoted with a star shape symbol on the inside, there is a series of eight of them along the west side, the pink trees are crab apples, underneath where the transmission lines come in and out there are two staggered rows of dwarf evergreens (Dwarf Colorado Spruce) which will get around 20 to 25 feet tall, they are slow growing and need to stay low so they don't get up into the transmission lines. On the east side there are nine evergreens, there are also some overstory trees, a few Swamp White Oak and some hackberry's in addition to all the existing trees on the site, to the west there is brush, shrubs and undergrowth trees.

Hazell noted the plan looks good however if they are not using evergreen trees then they are not providing screening year round, but it appears this is comprehensive.

Goeb asked how big the entire property is. Dostalík said it is 3.1 acres. Goeb asked if all the substations have fences with the barbed wire and Dostalík stated that is required by the National Electric Safety Code.

Bill Horner (718 Perry Court) has been a resident of Iowa City since 1965 but is moving to 750 East Foster Road, Unit 113 which is in Lot 3 of new Vintage Cooperative. As the Cooperative it has been a three year process of getting the land owners and developers together to create a developers agreement that was approved by the council on July 17, 2018. It consisted of Foster Road Developers, Vintage Cooperative of Iowa City, and Ewing Development Services of Pella, Iowa to construct this building. The good neighbor meeting records show notice was sent to Foster Road Developers and with the development agreement with Vintage Cooperative and the land owners Horner spoke late this afternoon, after calling the City, and found out this meeting was tonight. Horner called Ray Bisby, the president and CEO of Vintage Cooperative, who also stated he knew nothing of this substation proposal. Horner realized the members of the cooperative are not land owners, and it is listed at the Assessor's Office as Foster Road Developers, but as of Monday this week the last unit has been sold, all 53 have been committed and each owner has approximately \$175,000 invested in this property for a total of over \$7 million. Horner understands how the good neighbor policy works, notice is sent out to the surrounding land owners but technically the owners in the cooperative are land owners as well and knew nothing about this until they saw the special exception sign on Foster Road. Many of the members he has talked to are not in favor of the location of substation and feel it could have been built on the east side of Foster Road since MidAmerican has owned land over there for years. Horner acknowledged it has been explained tonight the City did not recommend that area. He suggests this approval be pushed back one month so they can have better input. The east/west transmission lines should be put underground rather than have the six high voltage lines over Foster Road and would also recommend at least the west and south chain link fence be a stone or brick wall because there will be several members units in the cooperative that will face that fence. A seven foot chain link fence with barbed wire on top is not attractive.

Pretorius asked where the Cooperative will be with respect to the substation. Lile showed a map of the area and pointed out the senior living area, which is the cooperative. Pretorius asked when the rezoning was done from the RS-12 to the current CO-1 for the proposed site.

Lile was unsure, but it was quite a while ago as it has already been through the subdivision phase as well.

Pretorius asked when the building was slated to be done with construction. Horner said it will be complete late this year. Third floor is to the point of installing kitchen cabinetry, second floor is being dry-walled and first floor has all the mechanical systems in. Horner added their power is coming from a pole that was set a few months ago on the east side of Prairie du Chien and the MidAmerican subcontractor has buried a six inch diameter tube from that east side all along the road to a transformer pad located to the southwest corner of the building. Their building is not dependent on the substation. He does acknowledge a substation is probably needed in the area with future development. Horner reiterated they are owners since they have paid into the cooperative even though they are not property owners listed on the Assessor's site.

Goeb asked for clarification of notifying people in the area. Lile said the good neighbor policy is optional and notification goes to property owners in a 300 foot range, the City posts a sign with information on how to contact a representative as well as a notice posted in the paper about the meeting and items being discussed. In this case the property owner was Foster Road Developers.

Laureen Ipsen (1710 Prairie du Chien Road) lives on the east side of Prairie du Chien right next to the property MidAmerican does own. Her major concern is for MidAmerican to come to a good outcome with the people they are negotiating with and if they can't then she is not for this development. If the property next to hers had been suitable she would have been in negotiations and she understands the east side versus the west side but she stresses MidAmerican needs to take care of the property owners at 1823 Prairie du Chien. She also has a cousin moving into the senior living development and alerted her of this item as she knew they would not be notified as property owners.

Pose responded to a couple public comments, he apologized for the good neighbor notifications, they followed the City policy and notified only record property owners, they did not intend to exclude anyone. When they met with the residents of 1823 Prairie du Chien he could see out their back window Foster Road goes downhill pretty fast once you make that bend. Therefore the senior living facility will sit much lower than the property at 1823 Prairie du Chien and as a result and what they will be doing is looking up hill at this area and with the tree cover that is there you can see the building proposed on Lot 2 will have the transmission lines cross only a small portion of the eastern edge of their property. The senior living facility is down on Lot 3 quite a ways from this site, the transmission line taps will only encumber the east side so the remaining part of Lot 2 is still available for the use of potential development. It also impacts why the substation is pushed to the east side of the lot and not to the west, if it goes to the west the transmission lines would have to go right through the major portion of Lot 2, which is in conflict of what the City's policy of don't impede the orderly development of property. With regard to the senior living facility, they have to look up hill, they are probably going to be looking at another building that will be built on Lot 2, and they will be looking at the landscaping from down below before they will even see the substation site. Pose added the landscaping that is appropriate for this location is quite simple, landscaping grows, any kind of wall built doesn't, therefore over time landscaping will be a better screen. Pose showed photos of other substations and screenings they had used on properties in Des Moines. Pose noted that deferring for a month is not going to change the plan or how the property sits.

Hazell asked if there were any poles connecting other than those inside the substation on the transmission line. Pose said there will be two poles installed on the transmission line corridor to get the tap wires into the substation, but are in the already existing transmission area. The land which those poles are located is owned by the City. They have been sensitive to all areas around this development, they have worked with the City on solutions in this area, and in discussions with the property at 1823 Prairie du Chien to resolve their issues.

Pretorius acknowledged substations are very expensive and are by necessity, not just something MidAmerican wants to do. Pose confirmed they would not make this type of investment if it was not a necessity, MidAmerican's idea is to protect the entire grid and provide power for the areas surrounding it. They do not just take one's land, they must be given the land voluntarily, they try to use areas that minimize impact to existing residents, and also don't impede any future growth and they feel confident they have done that with this particular plan. Staff has help MidAmerican with this by suggesting modifications which they have followed.

Ipsen said people have been asking about the health issues and asked if there have been studies to know whether these power lines cause problems for people that are living near them. She will see them from her property, more so than the new development.

Pose said the substations they have existing in Iowa City are the best indicators of what types of issues the substations may cause in terms of health. As the staff report indicated, the substation on Mormon Trek Road was built first and houses built around it after, there has never been a reported complaint of a health issues related to those power lines or substation itself. There are sometimes discussions of electromagnetic fields, or EMFs, relating to power lines and power equipment. What EMFs are energy waves or anything that can beam off anything electrical and transmission lines themselves generate more of the EMF discussions as transmission lines are high power and move through the eye of the utilities board to be approved. However there have been no reported incidents of substations in Iowa City, or anywhere else. Pose noted the most operative piece of equipment within the substation is the transformer and that is the thing that does most of the work, that is located as far north towards the interstate as possible and as far away from any further future development in the area. There are no reported problems or issues with substations causing any difficulty to health.

Horner would like to remind the Board the rectangle in the upper right hand corner is a building that is 24 foot tall and a lot of the other equipment is in the 20 foot tall range and the substation elevation is higher than the co-op building but the co-op building is all 9 foot ceilings with floor joists that are 2 foot so a 36 foot tall building and questions if the two poles that would have to be located on the south side of Foster Road to feed the transmission lines up north would be wooden or steel poles, wooden ones would require guide wires and steel poles would be self-standing and more appealing.

Dostalík said the building in the upper right corner is the power distribution center control building will only be 12 feet high. Most of the equipment is 16 to 24 feet high on average, the highest things will be the two dead-end structures and the two wire poles on the northeast corner. All four of those structures are about 50 feet high and are that high to catch lightning versus hitting the equipment.

Pose wanted to reiterate there is a big elevation change from where the substation will be and the senior residence building and over time development will happen and they won't even know

the substation is present.

Goeb closed the public hearing.

Pretorius asked if the owners of 1823 Prairie du Chien were present then lack of comment from them assumes positive communications with MidAmerican. The Board did receive comment from the property across the street (1920 Prairie du Chien) but knowing the actual property MidAmerican currently owns would place the substation in that individuals back yard and therefore the placement on the east side would be more intrusive. The current proposed location does seem like the best location of all the options. She did add shame on the developers and landowners for not sharing the information about the good neighbor meeting or the exception item with the co-op owners, transparency is always the best policy.

Hazell feels the landscaping will be comprehensive and a solid covering of evergreen trees.

Goeb also thinks the City and MidAmerican has worked together well on coming to a solution and the notifications did follow policy but is sympathetic to the future co-op residents to not be looped in. Her question would be if it was a reasonable condition to ask for another good neighbor meeting. Dulek said it could be added if it can tie to any of the standards. Goeb noted she feels all the standards have been met.

Pretorius moves to approve EXC19-05, a special exception to allow for a basic utility in a Commercial Office (CO-1) zone to build an electric substation with the following condition:

- 1. The landscaping and screening around the substation must adhere to the landscaping plan submitted, dated June 20, 2019 prior to the issuance of a Certificate of Occupancy.**

Hazell seconded the motion.

Pretorius stated that regarding agenda item EXC19-05 she concurs with the findings set forth in the staff report of July 10, 2019, and conclude the general and specific criteria are satisfied. So unless amended or opposed by another Board member she recommends that the Board adopt the findings in the staff report as our findings with acceptance of this proposal.

Hazell seconded the findings of fact.

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

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

SPECIAL EXCEPTION ITEM EXC19-06:

An application submitted by ImOn Communications Company for a special exception to allow for a basic utility in a Community Commercial (CC-2) zone to build a telecommunication hub located at 2211 F St.

Lile began the staff report with a location map of the area as well as a zoning map. The proposed property is in a commercial zone and the surrounding area is mostly commercial with some single family residential across the street. Basic utilities are allowed in a community commercial zone through a special exception process and must meet capability and screening requirements. The proposed telecommunications hub would be located in a 12 foot by 6 foot shelter at the southwest corner of the property. The site is currently nonconforming with regard to screening requirements. The zones require S2 screening between surface parking areas and both the public right-of-way and abutting properties. For the special exception to be approved ImOn would have to bring the site into compliance. All basic utilities are required to conform to S3 screening requirements by themselves and since this is located in the Towncrest Overlay District the hub would have to go through a staff design review process

With regards to the specific standards:

In all commercial zones, the RDP and ORP zones, and the ID-C and ID-RP zones, basic utilities not enclosed within a building are permitted only by special exception. Proposed uses must be screened from public view and from view of any adjacent residential zones to at least the S3 standard. In addition, the applicant must provide evidence that the proposed use will be compatible with surrounding structures and uses with regard to safety, size, height, scale, location, and design, particularly for facilities that will be located close to or within view of a residential zone. For uses located in highly visible areas, the Board may consider additional design elements such as masonry or brick facades, and walls or fencing to improve public safety and to soften the visual impact of the proposed use. Findings are the proposed project is located in the Towncrest Overlay District and must go through the staff design review process that evaluates material quality, screening, and neighborhood compatibility. The applicant has shown S3 screening and plans to surround the building with a six-foot opaque fence. The proposed structure is not adjacent to any residential zone although the lot is across the street from a residential zone.

Lile showed a rendering of the proposed structure, it will have a brick façade, it will be 10 feet tall and have a smaller footprint than the surrounding structures at 12x16. The proposed structure will be located at the rear of the lot and not highly visible and screened by the abutting 20 foot retaining wall in addition to the other screening required.

With regards to the general standards:

1. The specific proposed exception will not be detrimental to or endanger the public health, safety, comfort or general welfare. The proposed communication system is a low voltage (48 volt) system. The system will be enclosed in a structure with a locked door, preventing access to those not authorized and eliminating public health and safety issues.
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. The proposed hub will allow for another internet service provider in Iowa City and increase bandwidth capabilities. The proposed hub would require a small generator to power it. Any noise it gives off would be mitigated by the proposed fence and existing retaining wall. Additionally, this site does not abut residential properties although the lot is across the street from a residential property.
3. Establishment of the specific proposed exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district

in which such property is located. The lot at 2211 F Street is fully developed, as are the surrounding lots. The structure will follow all setbacks and is proposing landscaping improvements to the site. Lile showed a rendering of the proposed building and landscaping, it is at least three feet off the property line and landscaping and screening proposed surround the parking and the hub itself.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided. The area is fully developed with access to utilities and other necessary facilities
5. Adequate measures have been or will be taken to provide ingress or egress designed to minimize traffic congestion on public streets. The proposed structure is located on a lot that has adequate circulation and parking. This use would not increase traffic in the area substantially as it would only need occasional maintenance after construction.
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. This property is in compliance with the zoning code in all aspects aside from the parking lot landscaping, which the applicant has addressed. This project complies with the Community Commercial (CC-2) standards in all other aspects.
7. The proposed exception will be consistent with the Comprehensive Plan of the City, as amended. The Central District Plan encourages the development of businesses that provide goods, services and amenities to the neighborhood such as internet service.

Staff recommends approval of EXC19-06, a special exception to allow a basic utility in a Community Commercial (CC-2) zone in order to build a telecommunication hub located at 2211 F Street.

Hazell noted the landscaping plan is ambiguous and will be decided in the future and wondered if it was because the Towncrest Overlay. Lile confirmed it will need to go through a design review and also the S2 standards require certain heights and species.

Hazell asked if they needed to follow S2 or S3 for this exception. Lile stated they must follow both, the site needs to be screened S2 and the parking lot for the site is currently not screened, which is why the site is currently non-compliant. The hub will need to be screened S3 standards, it would have the S2 screening in front of it and S3 screening would be the fence in front of the hub itself.

Hazell asked what the purpose of the generator versus them just using power. Lile believes so it won't go off-line.

Goeb opened the public hearing.

Barnard Dutchik (ImOn Communications) has been in Iowa City for about two years serving businesses and have now begun serving residential areas using existing hubs. This new hub would be used for continued expansion, roughly a hub can serve 400 homes or addresses. These are self-contained units, all the equipment is inside, the generator is only used when the

power is out for a certain period of time, and they also use battery backups. The goal is to keep internet service on as long as they can if there is a power outage. The hub will contain fiber optic equipment, they would be the first fiber optic internet provider in Iowa City to homes.

Goeb asked if hubs were geographically located. Docheck said generally they try to locate a hub centrally to a service area. He corrected that each cabinet serves 400 homes and each hub contains multiple cabinets. So this hub can serve 2000 to 3000 homes, they try to centralize the hubs to not have to run fiber lines to far. They try to balance it by looking for commercial areas to build the hubs and this one made sense as it will abut the Walgreens property. They will lease the property they build this hub on.

Joe Meyers spoke with Thomas Rogers, who is the land owner and had no problem with constructing this hub, there are some benefits to him such as ImOn will take care of lawn care and property upkeep. He added the generator is necessary as there will be active equipment in the structure and a natural gas line will be ran into the structure as well because that is what the generator will run from. Meyers is working with a landscaper and he recommended an Emerald Arborvitae for the space between the two parking lots which will be about 6 feet high. The neighbor did say they push snow into that area so that may be a hindrance to have trees but the neighbor seemed okay.

Goeb asked what is on the west side of the property. Meyers said there was a dry cleaning business to the east as well as a small apartment complex or business.

Goeb closed the public hearing.

Hazell said it appears the applicant meets the requirements and also he is in favor of providing more competition in the internet business as a positive to all residents of Iowa City.

Pretorius concurs.

Goeb agrees and drove by the site and it looks like a good spot.

Hazell moves to approve EXC19-06, a special exception to allow a basic utility in a Community Commercial (CC-2) zone in order to build a telecommunication hub located at 2211 F Street.

Pretorius seconded the motion.

Pretorius stated that regarding agenda item EXC19-06 she concurs with the findings set forth in the staff report of July 10, 2019, and conclude the general and specific criteria are satisfied. So unless amended or opposed by another Board member she recommends that the Board adopt the findings in the staff report as our findings with acceptance of this proposal.

Hazell seconded the findings of fact.

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

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

ADJOURNMENT:

Pretorius moved to adjourn this meeting.

Hazell seconded.

A vote was taken and the motion passed 3-0