

# **IOWA CITY BOARD OF ADJUSTMENT**

Wednesday, April, 8, 2020

**Electronic Meeting – 5:15 PM**

**Zoom Meeting Platform**

## **Electronic Meeting**

*(Pursuant to Iowa Code section 21.8)*

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

You can participate in the meeting and can comment on an agenda item by joining the Zoom meeting via the internet by going to <https://zoom.us/j/474389050>. If you are asked for a meeting ID, enter 474 389 050 to enter a 'Waiting Room' for the meeting. If you have no computer or smartphone, or a computer without a microphone, you can call in by phone by dialing (312) 626-6799 and entering the meeting ID when prompted. Providing comment in person is not an option.

## **AGENDA**

### **A. Call to Order**

### **B. Roll Call**

### **C. Consider the February 12, 2020 meeting minutes**

### **D. Special Exception Item**

1. EXC20-03: An application submitted by Kum & Go LLC requesting a waiver from the minimum 2-story building requirement in the Riverfront Crossings-South District (RFC-SG) zone for a quick vehicle servicing use near the intersection of S. Gilbert Street and Highland Avenue.
2. A request submitted by Kum & Go LLC to extend the expiration date from six months to 12 months for EXC19-12, a special exception approved to allow a quick vehicle servicing use in the Riverfront Crossings-South Gilbert (RFC-SG) zone and EXC20-03, a special exception (approval pending) to waive the minimum 2-story building requirement.

**F. Adjourn**

**NEXT BOARD OF ADJUSTMENT MEETING:  
Wednesday, May 13, 2020**

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

**MINUTES  
BOARD OF ADJUSTMENT  
FEBRUARY 12, 2020 – 5:15 PM  
EMMA J. HARVAT HAZELL, CITY HALL**

**PRELIMINARY**

MEMBERS PRESENT: Gene Chrischilles, Bryce Parker, Amy Pretorius  
MEMBERS ABSENT: Ernie Cox, Zephan Hazell  
STAFF PRESENT: Susan Dulek, Anne Russett  
OTHERS PRESENT: Alan Berger, Kim Gaskill, Thomas McInerney

**CALL TO ORDER:**

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

**ROLL CALL:**

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

**CONSIDER THE JANUARY 8, 2020 MINUTES:**

Chrischilles moved to approve the minutes of January 8, 2020. Parker seconded the motion.

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

**SPECIAL EXCEPTION ITEM EXC20-01:**

An application submitted by Allan Berger of NREP, L.L.C. for a special exception to allow expansion of an animal related commercial facility in the CO-1 zone located at 3030 Northgate Drive.

Pretorius opened the public hearing.

Russett began the staff report with an aerial of the project site. It is located north of I-80 at the end of Northgate Drive near the edge of the City's corporate limits. The zoning map shows the property is zoned to CO-1 which is Commercial Office. In terms of background this property contains several different uses, both animal related commercial uses as well as general and medical office uses. A special exception was granted back in 2005 for a small animal vet clinic to locate at this property and the applicant is now requesting to expand the general animal related use through for construction of four detached accessory structures. The applicant has stated that these structures will not be used to house animals, they're intended for storage for the occupants of the primary building. The plan is also to have solar panels that would be installed on the roofs of the proposed accessory structures to increase the capacity of solar power generation on the property.

Russett showed the site plan that was included in the application packet. The property is located on Northgate Drive and there are two access points to the site. There's an access to the north off of Northgate Drive and then to the south into two different parking areas. The proposed accessory structures are located at the northeast corner of the site, the existing primary building on the property is the vet clinic and office uses.

The Board of Adjustment is charged with approving, approving with conditions or denying the application based on the facts presented. In order to approve the special exception, the Board must find that it meets all applicable approval criteria, which include for this case specific standards for general animal related commercial in the CO-1 zone, and then the general standards for all special exceptions.

Russett noted there's one specific standard for this proposed project. It states all aspects of the operation of the facility including any accessory uses, must be conducted completely indoors within a soundproof building. The operation of the animal related commercial use will remain in the portion of the primary building it's not proposed to be located in the accessory structures. Staff does recommend one condition that the accessory structures will not contain any animal related commercial uses, and therefore, the accessory structures do not need to meet the soundproofing requirement.

In terms of the general standards, the first is that the specific proposed exception will not be detrimental to or endanger the public health, safety, comfort or general welfare. The existing onsite commercial uses will remain the same and not be expanded as part of the accessory structures and the expansion will not increase traffic to the site. Additionally, the new structures will be more secure than existing structures which had been broken into in the recent past.

The second criteria is that the specific proposed exception will not be injurious to the use and enjoyment of other property in the immediate vicinity and will not substantially diminish or impair property values. The properties to the north, east and west are currently undeveloped, the animal related uses will remain in the existing building and not be expanded into the accessory structures. As shown on the site plan the proposed accessory structures are located set back from the property lines.

The third criteria is the establishment of the specific proposed exception will not impede the normal and orderly development and improvement of the surrounding property for use permitted in the district in which such property is located. The development or improvement of surrounding properties will not be impacted by the proposed project and the proposed structures will also be located behind the existing building and away from the street.

Fourth criteria is that adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided. The subject property has access to all the necessary utilities and facilities. Additional electrical service will connect to the primary building to utilize the power generated by the solar panels and the stormwater plans will be reviewed as part of the site plan review process to ensure compliance with City regulations.

The fifth criteria is that adequate measures have been or will be taken to provide ingress or egress designed to minimize traffic congestion. As shown earlier, the site has two separate parking areas each from Northgate Drive. The area proposed for the accessory structures



connect only to the upper east parking lot, which is behind the building and no changes are being proposed for parking or access for the site.

The sixth criteria is that except for the specific regulations and standards applicable to the exception, the proposed exception conforms with all other zoning regulations and staffs review of the project will ensure it complies with all zoning regulations.

Lastly, the proposed exception will be consistent with the Comprehensive Plan. Russett stated the Future Land Use Map of the Comprehensive Plan has designated this area for office commercial, and additionally the plan does encourage responsible use of energy resource sources.

Staff recommends approval of EXC20-01, a proposal submitted by Allan Berger, NREP, L.L.C. to expand an animal related commercial use in the Commercial Office (CO-1) zone at the property located at 3030 Northgate Drive subject to the following condition:

1. The accessory structures shall not contain animal related commercial uses; and therefore, the accessory structures do not need to meet the soundproofing requirement.

As there were not questions for staff Pretorius asked the applicant to come forward.

Alan Berger (3030 Northgate Drive) stated it's probably not a meaningful difference but he actually thinks of this project as being a little bit different from an expansion of an animal use. This started as a solar project as he has a passion for alternative energy. They've already developed the roof for rooftop solar and they've got a little bit of solar art on the property, the problem that he has is with the ground mount solar units, as he just doesn't like the way they look. So this project from the standpoint of just a solar project is massively overbuilt. What he wanted to do was to provide some additional functionality instead of just a metal rack that holds relatively ugly glass panels on it. The power is going to be used by the Counseling Center of Iowa City mostly, not by the animal use. They have some of their meetings with clients in a gazebo out front and this will allow them to be able to sit underneath the solar panels and make it a more functional space. Then since they were putting up walls to sort of baffle it from sound, to put in the storage just seemed to enhance the use a little bit. Berger absolutely agrees there should be no animals in there under any circumstances, he views it as more for a building for the facility than as an animal use.

Kim Gaskill (Gaskill Signs) is the owner of Gaskill Signs and noted they received a letter about this application. Gaskill Signs has been in Iowa City since 1958 doing outdoor signage. Gaskill wanted to discuss the solar panel installation as they have a billboard right next to the property. They want to make sure this project will not affect the illumination on the billboard because that would impact the revenue to their businesses and affect the ability to retain their clients.

Pretorius stated the Board has an opportunity to ask the applicant questions and will get an answer regarding the effect to the billboard.

Russett noted she received an email late this afternoon from the applicant's neighbor at 3010 Northgate Drive and printed it out for the Board.

Chrischilles stated he is assuming the City does have code in place regulating building of where

solar panels should go and such. Russett stated in a case like this they would consider the proposed solar an accessory use and as long as it met the requirements of the ordinance in terms of accessory uses it would be an allowed use. Chrischilles noted the person who wrote the email seems to be more concerned about the overall City policy, which isn't really up to this Board. Dulek added it is regulated by building code requirements.

Pretorius asked if the applicant could address the question of illumination in terms of the billboard.

Thomas McNerney (1208 Marcy Street) is the architect on this project and stated the location of the solar panels are actually about 200 feet to the north of the sign, the billboard. He noted it's a very large billboard and it's located southeast of the property, whereas this location for the solar panels are in the northwest corner far away from the shadow of it as they are more concerned about the shadow from the sign. They don't want any shadow to interfere with the solar.

Pretorius asked how much light they will actually have on proposed structures. McNerney stated there's security lighting in between the two but it's just for lighting that path in between, there's nothing on the outside. The primary purpose of the building is to generate energy and then utilize some space for storage below and that was really the main intent. It's just really a solar panel project with some storage.

Chrischilles thinks what Gaskill might have been referring to is if the panels emit any illumination themselves, which would compete with the illumination on her sign. McNerney confirmed the solar panels do not emit any light, they're just receivers, it's just a form of getting energy from the sun. This was all for the purpose of providing energy to the main building.

Pretorius acknowledged that answered the concern raised from public comment.

Pretorius closed the public hearing.

Chrischilles just wanted to say he thinks the project seems reasonable and a good use of the space by using solar to save money. It's a good idea and not infringing on anyone.

Pretorius thinks any concerns about it being on anybody else's property have been eliminated, it's on the property currently owned by the applicant and shouldn't be competing for any type of light issues with the billboards nearby. It's a great use for obtaining more solar energy.

**Parker moved to approve EXC20-01, an application submitted by Allan Berger, NREP, L.L.C. to expand an animal related commercial use in the Commercial Office (CO-1) zone at the property located at 3030 Northgate Drive subject to the following condition:**

- 1. The accessory structures shall not contain animal related commercial uses; and therefore, the accessory structures do not need to meet the soundproofing requirement.**

**Chrischilles seconded the motion.**

Chrischilles stated regarding agenda item EXC20-01 he concurs with the findings set forth in the staff report of this meeting date, February 12, 2020, and concludes that the general and specific

criteria are satisfied unless amended or opposed by another board member. He recommends that the Board adopt the findings in the staff report for the approval of this proposal.

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

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

**ADJOURNMENT:**

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

**BOARD OF ADJUSTMENT  
ATTENDANCE RECORD  
2020**

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

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

# STAFF REPORT

To: Board of Adjustment  
Item: EXC20-03  
Parcel Number: 1015308001  
& 1015307007

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

## GENERAL INFORMATION:

Applicant:	Britni Andreassen Kum & Go LLC 1459 Grand Avenue Des Moines, IA 50309 (515) 547-6083 Britni.andreassen@kumandgo.com
Contact Person:	Keith Weggen Civil Design Advantage 3405 SE Crossroads Drive, Suite G Grimes, IA 50111 (515) 369-4400 keithw@cda-eng.com
Property Owners:	Kum & Go LLC 1459 Grand Avenue Des Moines, IA 50309 (515) 547-6083  McDonough Structures 340 Highland Avenue Iowa City, IA 52240 (515) 512-6491  Kam Properties, LLC 3309 Highway 1 SW Iowa City, IA 50240  GKLZ, LLC 325 E. 3 <sup>rd</sup> St. Iowa City, IA 50240
Requested Action:	Special exception requesting a waiver from the minimum 2-story building requirement
Purpose:	To allow for a convenience store with fuel sales
Location:	Northeast corner of S. Gilbert St. and Highland Ave.

Location Map:



Size: 1.15 acres

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

Surrounding Land Use and Zoning:

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

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

File Date: March 4, 2020

**BACKGROUND:**

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

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

City Council held a public hearing on this rezoning on December 3, 2019, and passed the rezoning ordinance and conditional zoning agreement on December 17, 2019 (Ordinance No. 19-4814) with the conditions recommended by the Planning & Zoning Commission.

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

After approval of the special exception, Kum & Go, LLC submitted a design review application to the City. The proposal included a building that did not meet the minimum 2-story requirement. Staff rejected the application and requested that the applicant revise the plans to show a 2-story building. Kum & Go expressed concerns with a 2-story building. Instead of revising the building design, Kum & Go has applied for another special exception to waive the 2-story minimum building requirement.

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

#### **ANALYSIS:**

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

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

#### **Specific Standards: 14-4B-4B-12j: Waivers from Development Standards for Quick Vehicle Servicing in RFC Zoning Districts**

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

#### **FINDINGS:**

- The property is located in the Riverfront Crossings District and zoned RFC-SG; and therefore, eligible to request a waiver from standards outlined in 14-4B-12h and 14-4B-12i of the zoning code.

- The applicant has requested a waiver from 14-4B-12i, which requires that properties located in the Riverfront Crossings District must comply with the standards outlined in the Riverfront Crossings Form-Based Code. Specifically, the Riverfront Crossings Form-Based Code requires that buildings in the RFC-SG zoning district are a minimum of 2-stories. The applicant is requesting that the Board of Adjustment waive the minimum 2-story building requirement.
- The proposed use is a convenience store, which is typically a 1-story building.
- The site is approximately 1.15 acres in size. Currently, the plans show 21 parking spaces with no additional space for more parking. An additional story would require more parking. Without changes to the number of gas pumps or a reduction in the size of the building, the site would not be able to accommodate the additional parking required by a second story.
- The applicant has proposed higher external building walls, which range from 22' to 24'8", which give the appearance of a 2-story building.
  - Staff recommends that the proposed higher external building walls be a condition of this special exception. For the proposed gas station use, a higher external wall will give the appearance of a 2-story building and meet the intent of the code requirement.
- The intent of the 2-story minimum requirement is to promote the creation of economically vital, mixed use, and pedestrian friendly districts. The standards of the code ensure that projects are consistent with the goals, objectives, and guidelines of the Downtown and Riverfront Crossings Master Plan.

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

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

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

**FINDINGS:**

- There is an existing convenience store with fuel sales located on this site.
- The Board of Adjustment recently approved allowing a new convenience store with fuel sales at this site.
- The proposed request will not change the use or access to site.
- The proposed request will result in a 1-story building instead of a 2-story building.

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

**FINDINGS:**

- The proposed request will not change the use or access to the site.
- A reduction in the height of the building will not be injurious to the use and enjoyment of other property in the immediate 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.**

FINDINGS:

- The surrounding properties are developed, but eligible for redevelopment under the Riverfront Crossings Form Based Code.

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

FINDINGS:

- The subject property has access to all necessary utilities and facilities, and the redevelopment would not require off-site improvements.

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

FINDINGS:

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

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

FINDINGS:

- Through the design review process, staff will ensure compliance with the Riverfront Crossings Form-Based Code.
- Approval of the requested special exception will waive the requirement that the convenience store in this location in the RFC-SG zoning district be a minimum of 2-stories.

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

FINDINGS:

- The Future Land Use Map of the Comprehensive Plan has designated this area for Mixed Use Development.
  - The Mixed Use land use designation includes a variety of retail, office, and residential uses.

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

**STAFF RECOMMENDATION:**

Staff Recommends approval of EXC20-03, a request by Kum & Go, LLC to waive the 2-story minimum building requirement in the RFC-SG zoning district for the proposed quick vehicle servicing station on approximately 1.15 acres of property located at the northeast corner of S. Gilbert St. and Highland Ave. subject to the following condition:

1. That the proposed convenience store be built with higher external building walls a minimum of 22' in height, to give the appearance of a 2-story building.

**ATTACHMENTS:**

1. Location Map
2. Zoning Map
3. Application Materials
4. Concept Plan

Approved by: \_\_\_\_\_



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



0 0.04 0.08 0.16 Miles

EXC20-03

1310 S Gilbert St & 348 Highland Ave



Prepared By: Jade Pederson  
Date Prepared: March 2020



An application submitted by Britni Andreassen on behalf of Kum & Go, LLC for a special exception to request a waiver from the 2-story building requirement, for approximately 1.15 acres of property located at 1310 S Gilbert St and 348 Highland Ave.





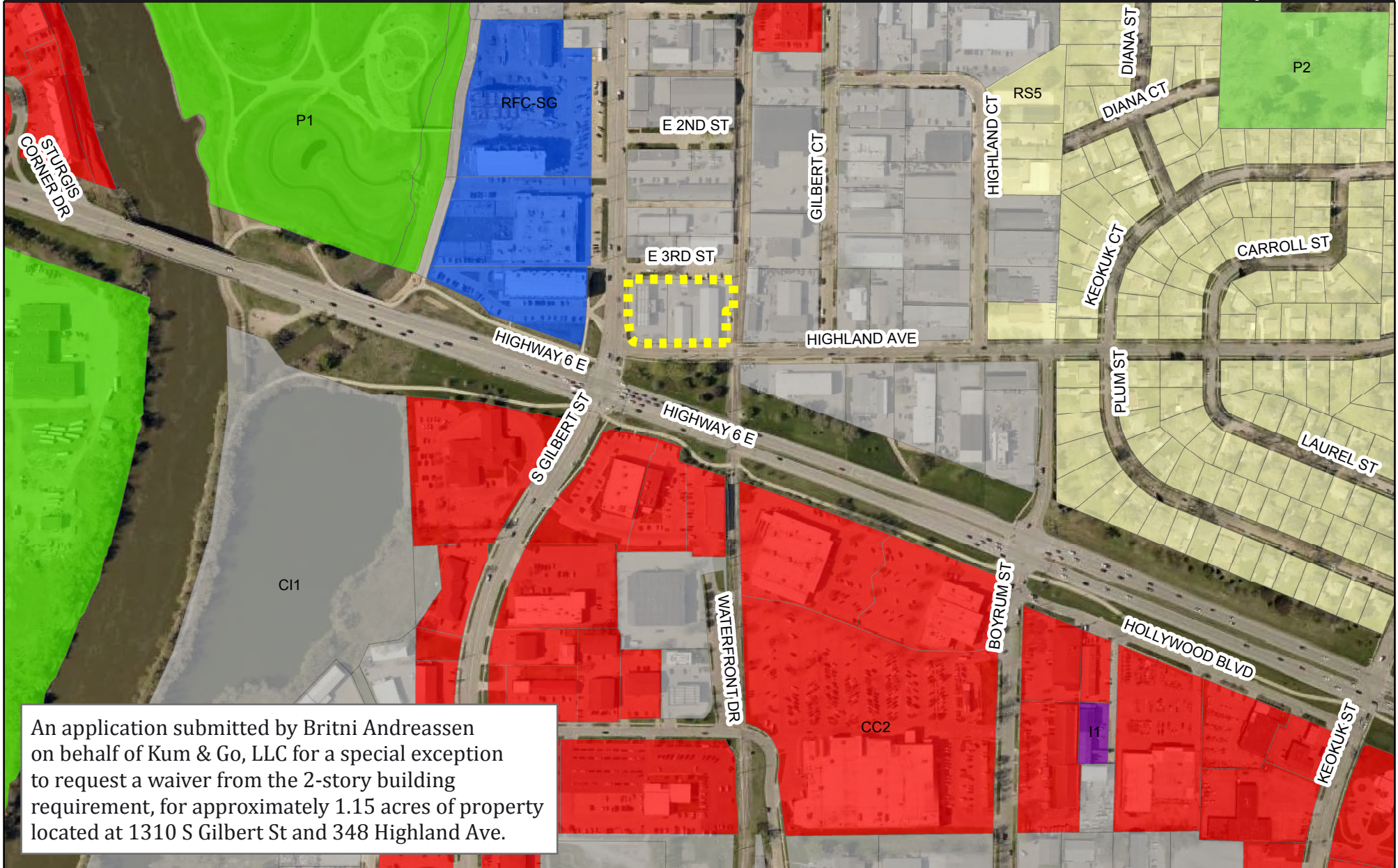
0 0.04 0.08 0.16 Miles

# EXC20-03

## 1310 S Gilbert St & 348 Highland Ave



Prepared By: Jade Pederson  
Date Prepared: March 2020



# APPLICATION TO THE BOARD OF ADJUSTMENT SPECIAL EXCEPTION

DATE: February 26, 2020PROPERTY PARCEL NO. See Attached List of OwnersPROPERTY ADDRESS: 1310 South Gilbert & 348 Highland AvePROPERTY ZONE: RFC-SGPROPERTY LOT SIZE: 1.15 AC

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

Specific Requested Special Exception; please list the description and section number in the zoning code that addresses the specific special exception you are seeking. If you cannot find this information or do not know which section of the code to look in, please contact Anne Russett at 356-5251 or e-mail [anne-russett@iowa-city.org](mailto:anne-russett@iowa-city.org).

**Purpose for special exception:** Approval of "Quick Vehicle Servicing" to allow the use of a convenience store with fuel sales having only one usable interior level (story) within the building, but with a 2-story exterior wall height.

Date of previous application or appeal filed, if any: 10/11/19

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

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

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

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

A convenience store with fuel sales currently exists (proposed use will not change). Approval would allow complete reconstruction of the existing building/fuel canopy - the site will be significantly improved physically and aesthetically, thus improving the use/enjoyment of other property in the immediate vicinity and will not diminish/impair neighborhood property values. While only having one usable floor within, proposed building would be constructed with a 2-story facade, giving the appearance of a 2-story building, consistent with the intent of the subdistrict.

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

The establishment of the specific proposed exception will improve the normal and orderly development and improvement of the surrounding property for uses permitted in the Riverfront Crossing district as circulation through S Gilbert st will be improved by removing accesses to store on S Gilbert St. While only having one usable floor within, proposed building would be constructed with a 2-story facade, giving the appearance of a 2-story building, consistent with building and frontage types identified for the subdistrict.

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

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

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

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

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

Except for the specific regulations and standards applicable to the special exception being considered, the specific proposed exception in all other respects conforms to the applicable regulations or standards of the zone in which it is to be located. For example, the building will be located within the appropriate setbacks, the building will conform to code requirements, and pedestrian access will be provided. While only having one usable floor within, proposed building would be constructed with a 2-story facade, giving the appearance of a 2-story building, consistent with building and frontage types identified for the subdistrict, meeting the intent for building height identified within the RFC-SG subdistrict.

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

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

FILED  
2020 MAR -4 AM 11:34  
CITY CLERK  
OWA 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)	(See attached)

FILED  
2020 MAR -4 AM 11:34  
CITY CLERK  
IOWA CITY, IOWA





CIVIL DESIGN ADVANTAGE L.L.C.

ENGINEERS, LANDSCAPE ARCHITECTS,  
PLANNERS & SURVEYORS

**Legal Description:**

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

And

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

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

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2020 MAR -4 AM 11:31  
CITY CLERK  
IOWA CITY, IOWA

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

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

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

Date: 03/03/20, 20\_\_

Britni Andreassen, Kum & Go

  
Signature(s) of Applicant(s)

Date: \_\_\_\_\_, 20\_\_

Scott McDonough, McDonough Structures

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

Date: \_\_\_\_\_, 20\_\_

Kam Properties, LLC

2020 MAR -6 AM 11:34  
CITY CLERK  
IOWA CITY, IOWA

Date: \_\_\_\_\_, 20\_\_

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

GKLZ LLC

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

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

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

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

Date: \_\_\_\_\_, 20 \_\_\_\_

Britni Andreassen, Kum & Go

Date: 3-2-  
Scott McDonough, 20 20

Signature(s) of Applicant(s)

Scott McDonough, McDonough Structures

Date: [Signature], 20 \_\_\_\_

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

Kam Properties, LLC

Date: 2/28, 20 20

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

GKLZ LLC - [Signature]

2/28/ 2020

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



CIVIL DESIGN ADVANTAGE L.L.C.

ENGINEERS, LANDSCAPE ARCHITECTS,  
PLANNERS & SURVEYORS

**List of Owners:**

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

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

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

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

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

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

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

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CITY CLERK  
IOWA CITY, IOWA



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ENGINEERS, LANDSCAPE ARCHITECTS,  
PLANNERS & SURVEYORS

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

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

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2023 MAR -4 AM 11:34  
CITY CLERK  
IOWA CITY, IOWA



**Civil Design Advantage**

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

# Transmittal

<b>To:</b>	Kellie Fruehling or Anne Russett	<b>From:</b>	Keith Weggen
<b>Company:</b>	City of Iowa City	<b>Date:</b>	March 3, 2020
<b>Address:</b>	City Clerk's Office 410 East Washington Street Iowa City, Iowa 52240	<b>Subject:</b>	Kum & Go 3504 – Special Exception Application
<b>Project Number:</b>	1902.078	<b>Via:</b>	Mail
<b>CC:</b>	File		

☐ **URGENT** ☒ **For Your Use** ☐ **Please Comment** ☐ **For Your Approval** ☐ **Sign & Return**

## Transmitted Material:

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

## Comments:

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

Keith

2020 MAR - 4 AM 11:34  
CITY CLERK  
IOWA CITY, IOWA  
FILED

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

011302-0051 David S. 03/04/2020 11:39AM

**MISCELLANEOUS**

Description: URBAN

PLANNING SPECIAL

EXCEPTIONS (URBAN2)

URBAN PLANNING SPECIAL

EXCEPTIONS (URBAN

2020 Item: URBAN2

1 @ 460.00

URBAN PLANNING SPECIAL

EXCEPTIONS (URBAN2)

460.00

460.00D

460.00C

95900000-101100-

10610620-341200-

Payment Id: 395343

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460.00

Subtotal

Total

460.00

460.00

460.00

CHECK

Check Number 6007

-----  
0.00

Change due

paid by: CIVIL DESIGN ADVANTAGE

THANK YOU FOR YOUR PAYMENT

CUSTOMER COPY



March 5, 2020

City of Iowa City  
ATTN: Anne Russett & Iowa City Board of Adjustment  
410 East Washington  
Iowa City, Iowa 52240

RE: Kum & Go Special Exception Application Supplemental Information

Dear Ms. Russett:

In response to your request for responses to the Specific Approval Criteria related to the recently applied for Special Exception Application filed by Kum & Go, in regard to building height, we offer the following:

Iowa City's City Code, Title 14 – Zoning Code, Chapter 2, Article G, Section 14-2G-3: Subdistrict Standards states the following, as it relates to "Building Height and Façade Step Backs:"

"In the Park, South Gilbert, and University Subdistricts, buildings shall be two (2) stories minimum and six (6) stories maximum in height above grade."

City Staff have interpreted this to mean that, because this site lies within the South Gilbert subdistrict, the building needs to have a minimum of two (2) usable floors inside the building. For redevelopment of the existing convenience store, this cannot be achieved for the following reasons:

1. Limited Site Area

After dedicating Right of Way (ROW) to the City of Iowa City for future street and ROW improvements, the site is approximately 1.15 acres in size. Iowa City's Code requires 13 parking spaces for the proposed 6,262 SF convenience store, which is significantly less than the number of spaces typically needed to efficiently operate a store (which is typically around 25 spaces). The current Site Plan for the site proposes 21 parking spaces within the site and there is no remaining area to provide any additional parking spaces.

If the building were to have a second floor of 6,262 SF one could anticipate having approximately 6 living units within a second floor. If it were assumed that these living units were 2-bedroom units, the residential use would require an additional 9 parking spaces, which the site does not have adequate room for.

If the building were to have a second floor of 6,262 SF of non-residential use, the site would be required to have an additional 13 parking spaces, which the site does not have adequate space for.

2. Lack of Economic Feasibility

If a second usable floor within the building were to be required, the construction costs would undoubtedly intensify significantly to a point where it is not economically feasible to pursue the project and redevelop the site.

3. Incompatible Uses and Impracticality of Tenants

In a multi-use building situation, there is an operational need for the convenience store to remain on the ground level while a non-convenience store use would be above on the second level. Traditionally, finding a non-convenience store tenant or use to be located above a convenience store is very difficult to achieve and a mixed use of convenience store with other uses is impractical and at times considered incompatible.

4. Interpretation of Code

While City Staff has interpreted the code to require 2 usable floors within the building, we and the Applicant interpret the code to be written regarding building "height above grade," as it states, and that it implies to actual building wall height above grade and not "usable floors within the building."





CIVIL DESIGN ADVANTAGE L.L.C.

ENGINEERS, LANDSCAPE ARCHITECTS,  
PLANNERS & SURVEYORS

Intent of the Development Standards

As indicated with the recent submittal(s), Kum & Go is proposing a new convenience store for the site, which would be limited to a single usable floor within the building. Recognizing that Iowa City's code requires a two-story building wall height, as indicated above, Kum & Go has proposed higher external building walls (ranging from 22' to 24'8"), which would give the appearance and massing of a two-story wall façade. The proposed wall heights are consistent with the Code's intent for building and frontage types, creating the façade appearance and massing that the intent of the code desires.

Please include this supplemental information with the Application to the Board of Adjustment. Please let us know if you have any questions or need anything else.

Sincerely,

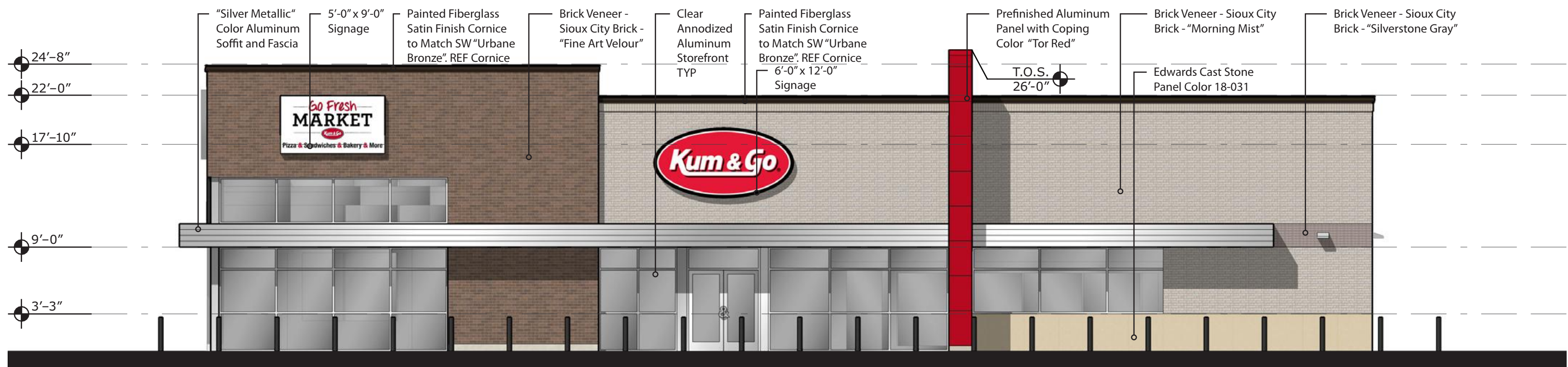
CIVIL DESIGN ADVANTAGE

Keith Weggen, ASLA

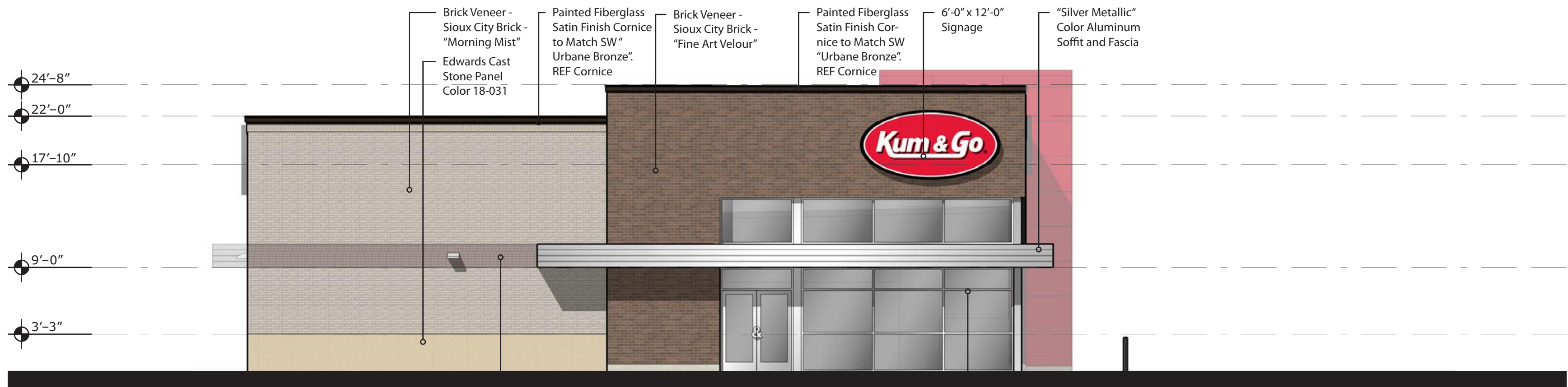
Copy: Siobhan Harman, Kum & Go  
Britni Andreassen, Kum & Go  
File



Proposed Building Signage			
Location	Sign	Size	Area
East Elevation	"Kum & Go" Sign	6' x 12'	72 SF
	"Go Fresh Market" Sign	5' x 9'	45 SF
South Elevation	"Kum & Go" Sign	6' x 12'	72 SF
West Elevation	"Kum & Go" Sign	6'x12'	72 SF
North Elevation	No Signage	---	0 SF
Total			261 SF



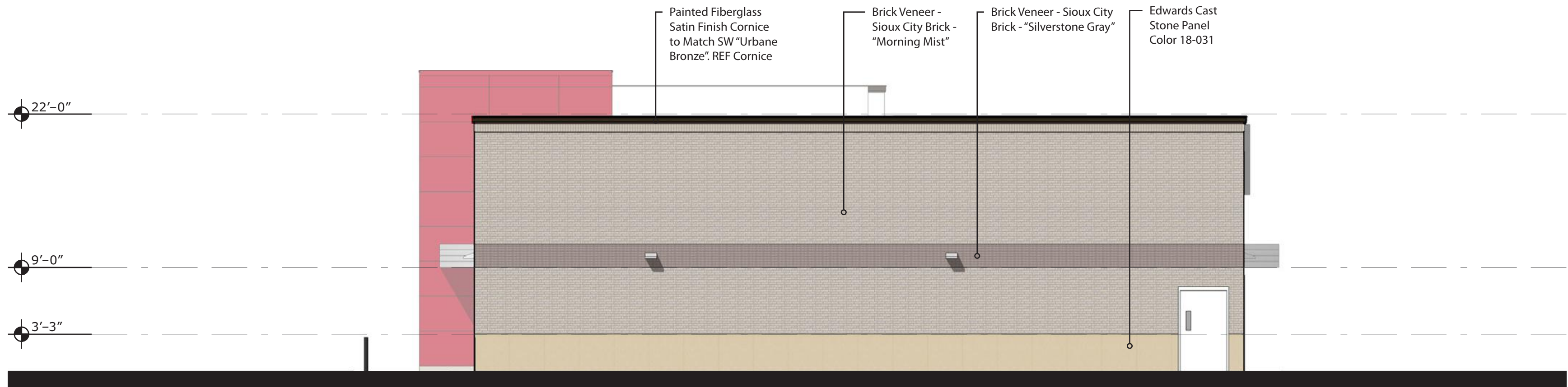
East Elevation  
NTS



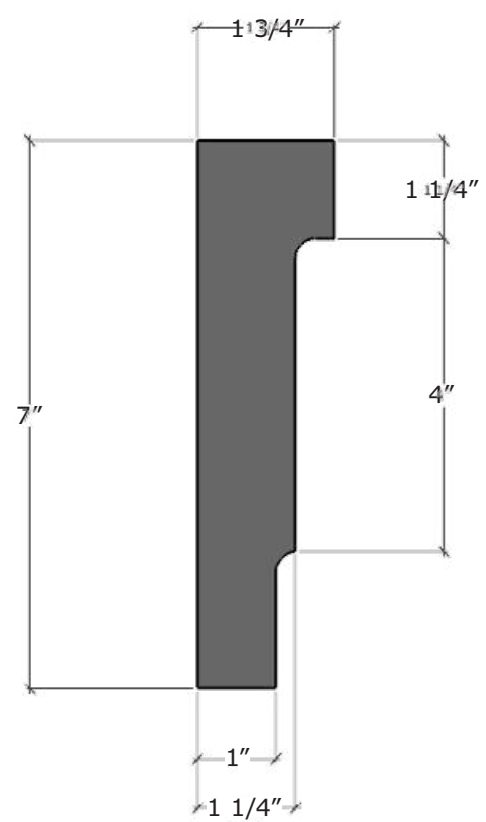
South Elevation  
NTS



West Elevation  
NTS



North Elevation  
NTS



Cornice Profile  
NTS



ARCHITECT OF RECORD:  
BRR ARCHITECTURE, INC.  
6700 ANTIPOCH PLAZA  
SUITE 300  
MERRIAM, KS 66204  
www.brrarch.com  
TEL: 913-262-9095  
FAX: 913-262-9044



6400 Westown Parkway  
West Des Moines, Iowa  
50266  
P: 515-226-0128  
F: 515-223-9873

#3504 - IOWA CITY, KS  
1310 GILBERT STREET

EXTERIOR ELEVATIONS

KG PROJECT TEAM:  
RDM:  
SDM:  
CPM:

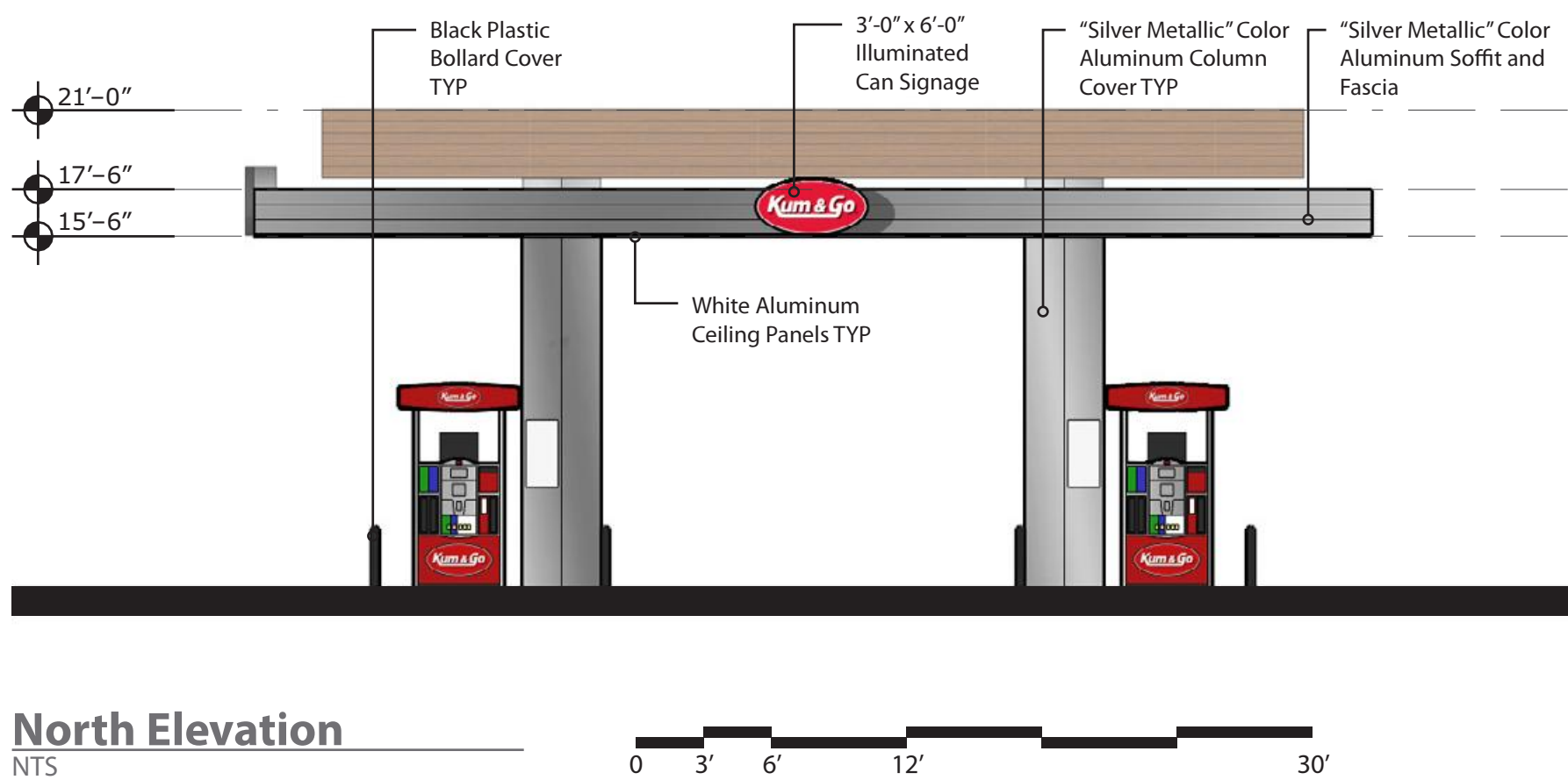
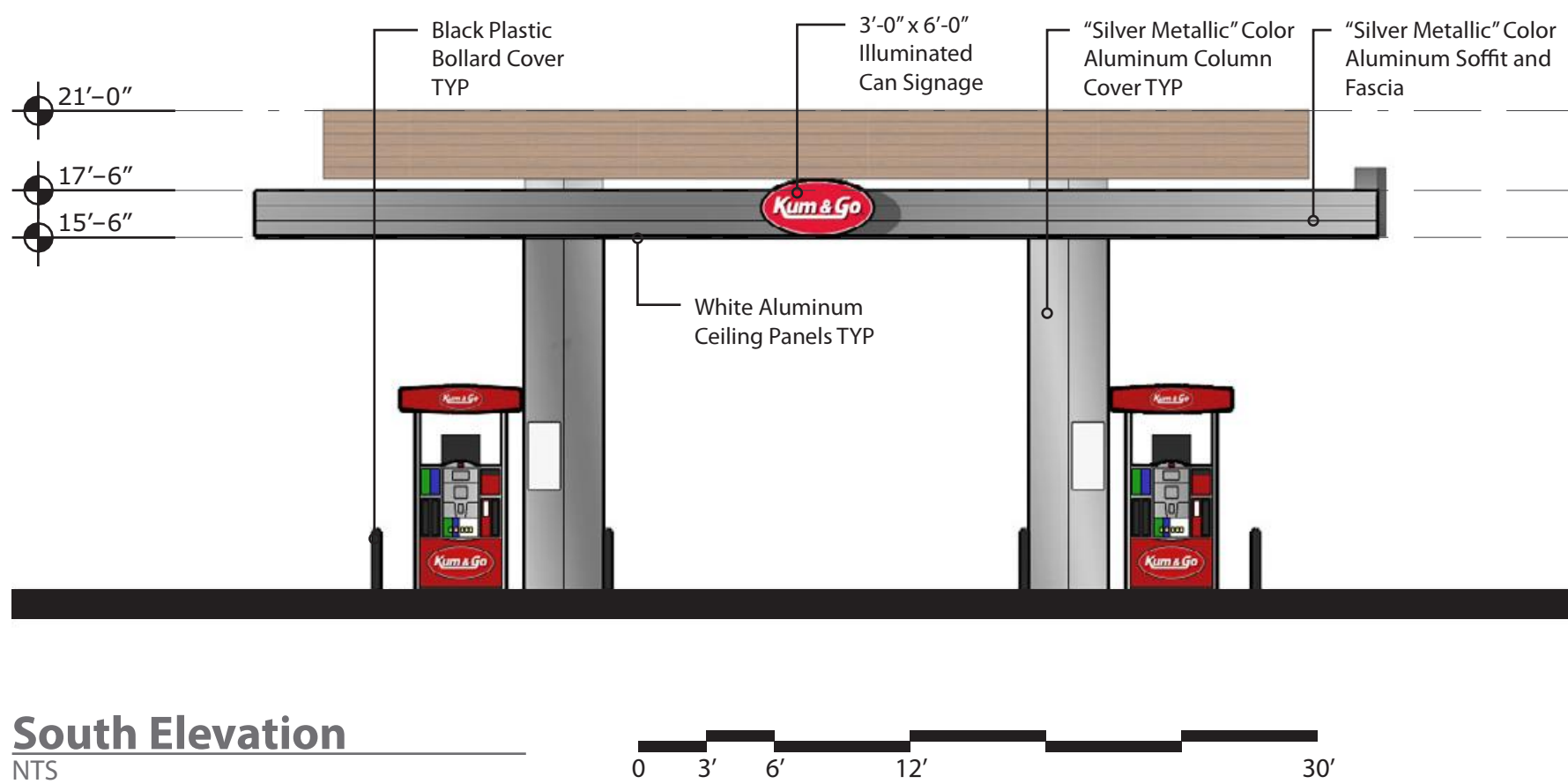
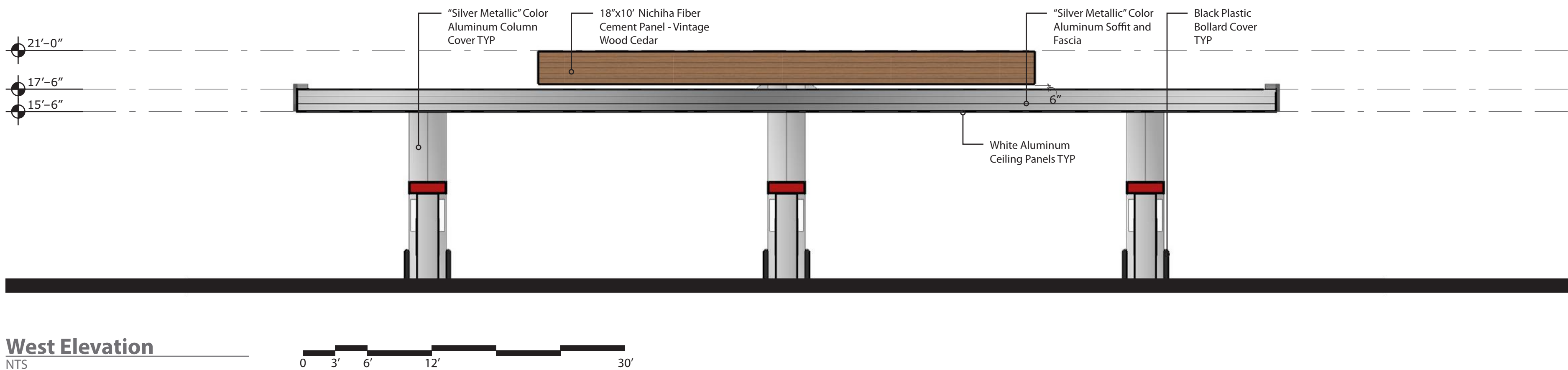
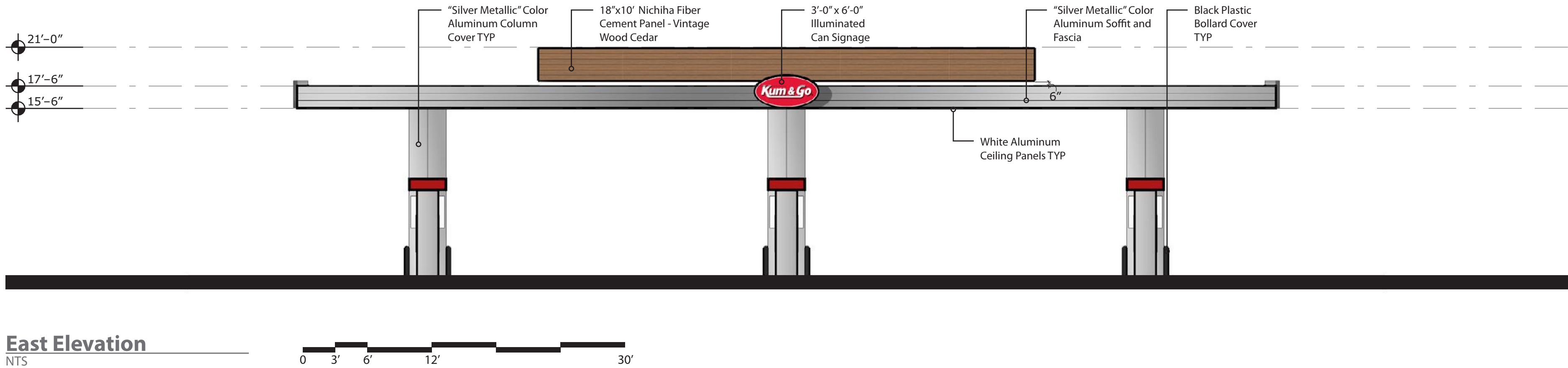
REVISION DESCRIPTION	DATE	BY	CHKD

DATE: 10/22/2019

SHEET NUMBER:



Proposed Canopy Signage			
Location	Sign	Size	Area
XXXX Elevation	"Kum & Go" Sign	3' x 6'	18 SF
XXXX Elevation	No Signage	---	0 SF
XXXX Elevation	"Kum & Go" Sign	3' x 6'	18 SF
XXXX Elevation	"Kum & Go" Sign	3' x 6'	18 SF
Total			54 SF



**brr**

ARCHITECT OF RECORD:  
BRR ARCHITECTURE, INC  
6700 ANTIOCH PLAZA  
SUITE 300  
MERRIAM, KS 66204  
www.brrarch.com  
TEL: 913-262-9095  
FAX: 913-262-9044

SEAL

6400 Westown Parkway  
West Des Moines, Iowa  
50266  
P: 515-226-0128  
F: 515-223-9873

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1310 GILBERT STREET

CANOPY ELEVATIONS

KG PROJECT TEAM:  
RDM:  
SDM:  
CPM:

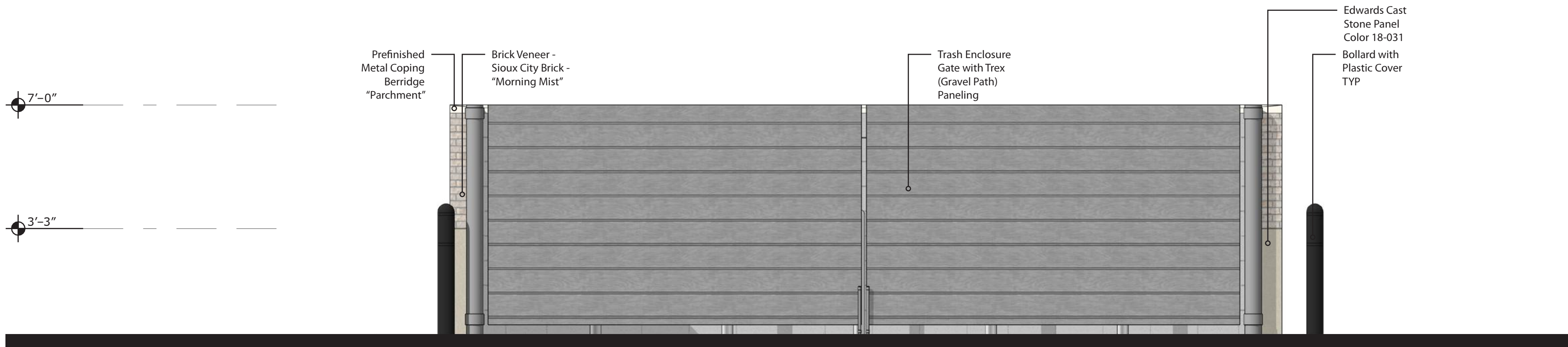
REVISION DESCRIPTION	DATE				

REVISIONS

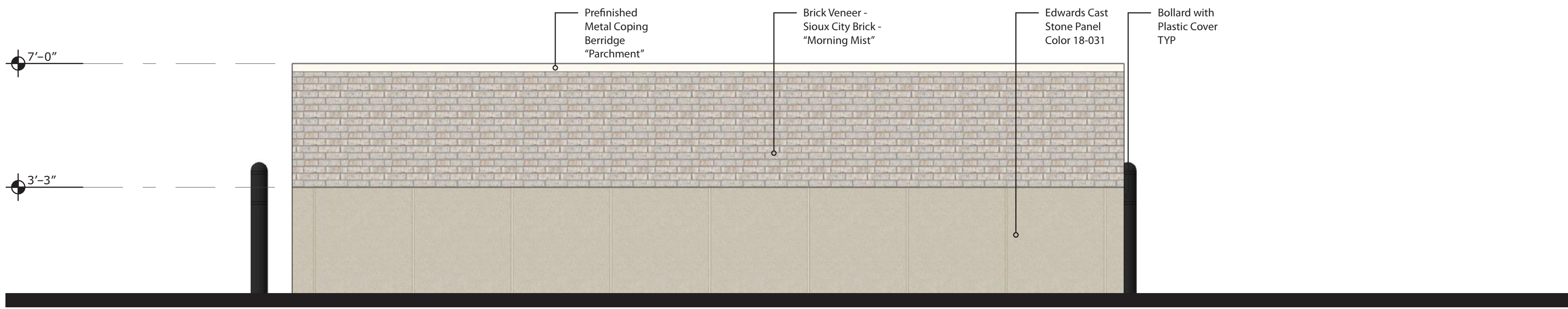
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SHEET NUMBER:

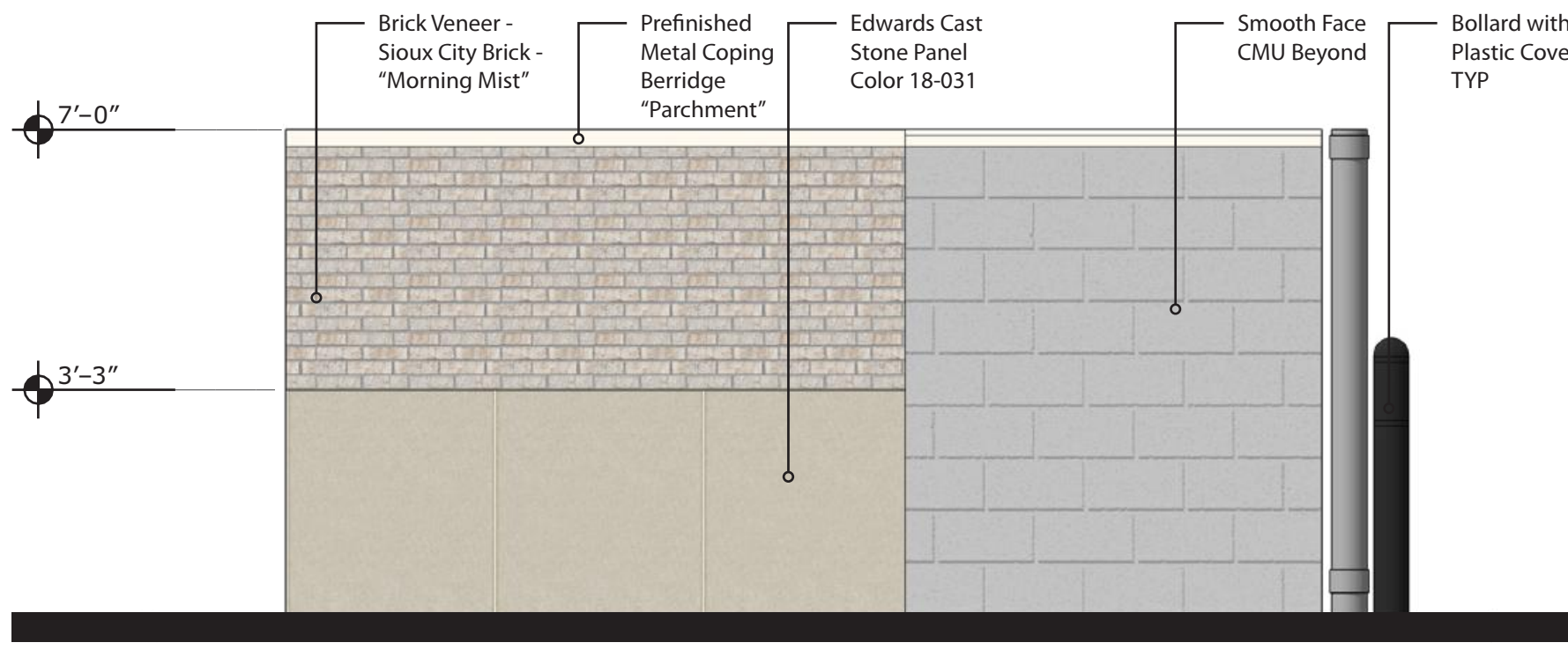




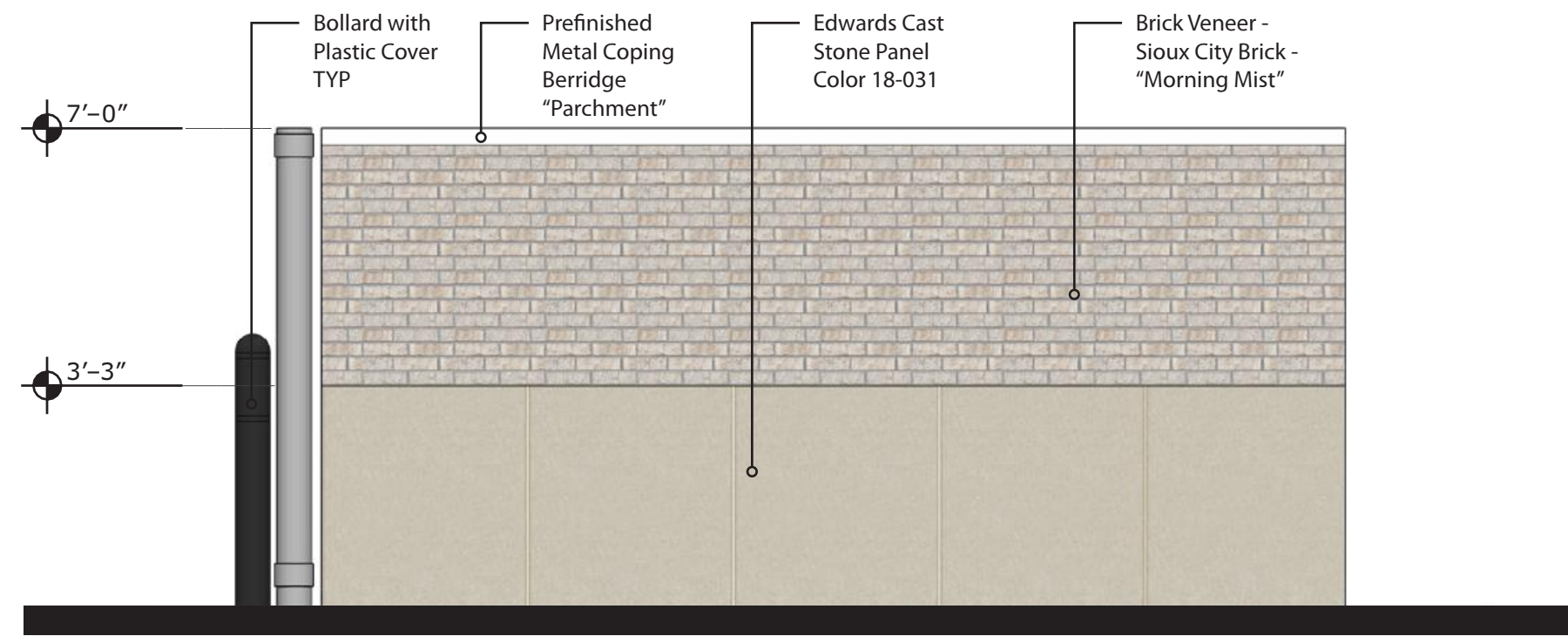
**West Elevation**  
NTS



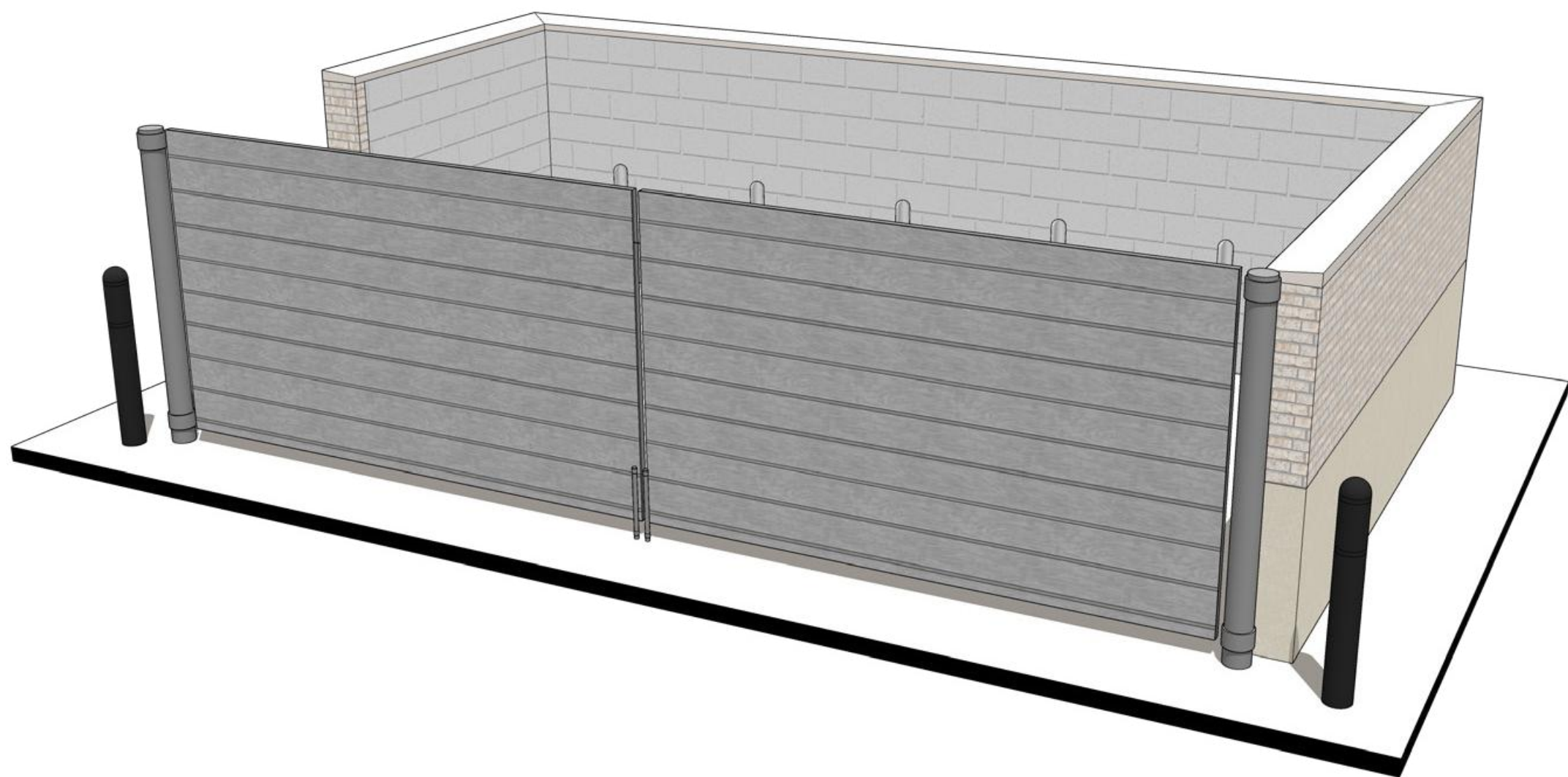
**East Elevation**  
NTS



**North Elevation**  
NTS



**South Elevation**  
NTS



**Perspective**  
NTS

ARCHITECT OF RECORD:  
BRR ARCHITECTURE, INC.  
6700 ANTIPOCH PLAZA  
SUITE 300  
MERRIAM, KS 66204  
[www.brrarch.com](http://www.brrarch.com)  
TEL: 913-262-9095  
FAX: 913-262-9044

SEAL

6400 Westown Parkway  
West Des Moines, Iowa  
50266  
P: 515-226-0128  
F: 515-223-9873

#3504 - IOWA CITY, KS  
1310 GILBERT STREET

TRASH ENCLOSURE ELEVATIONS

KG PROJECT TEAM:  
RDM:  
SDM:  
CPM:

REVISION DESCRIPTION	DATE

REVISIONS

DATE: 10/22/2019

SHEET NUMBER:



Installation Examples



Front



Front



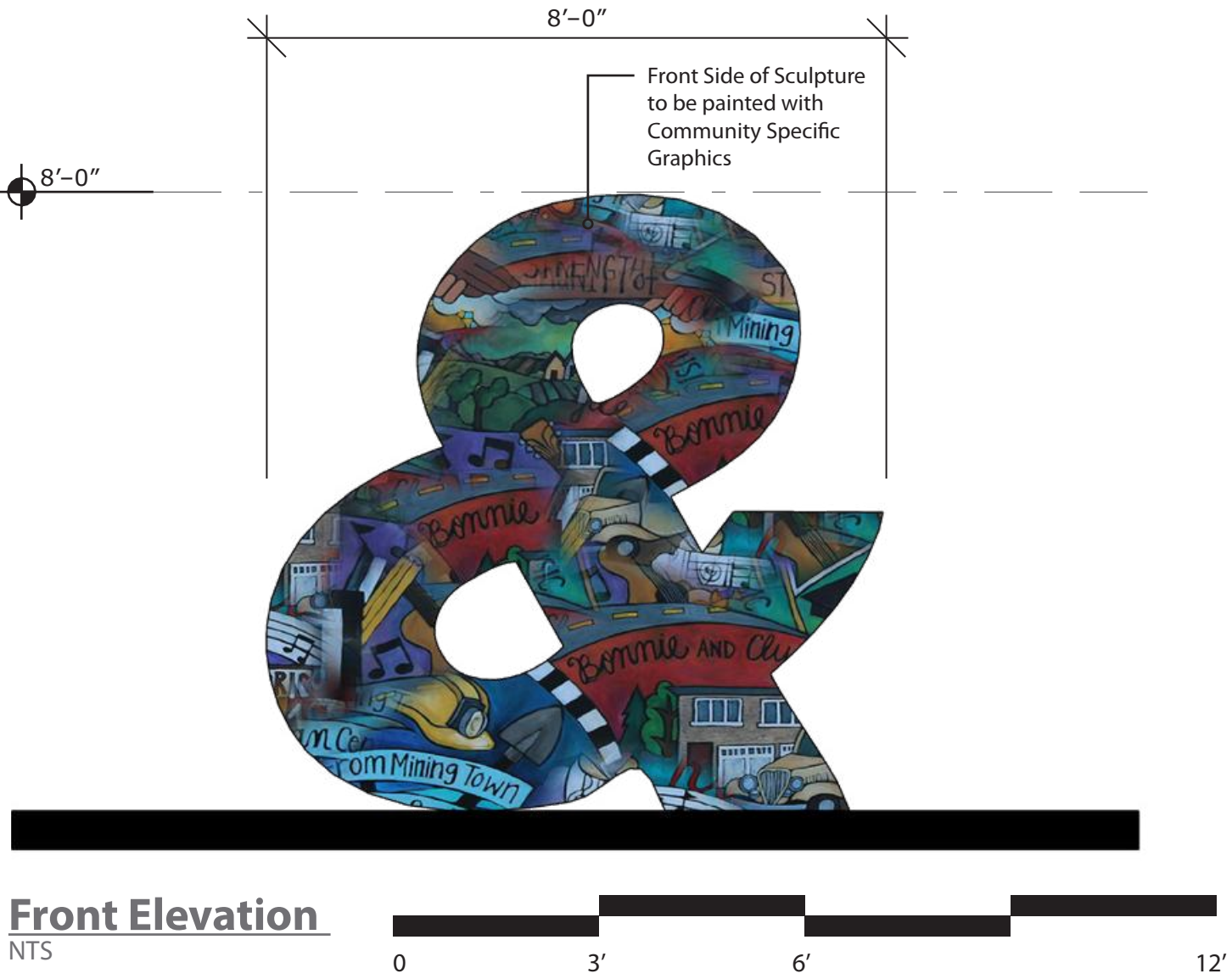
Front



Back

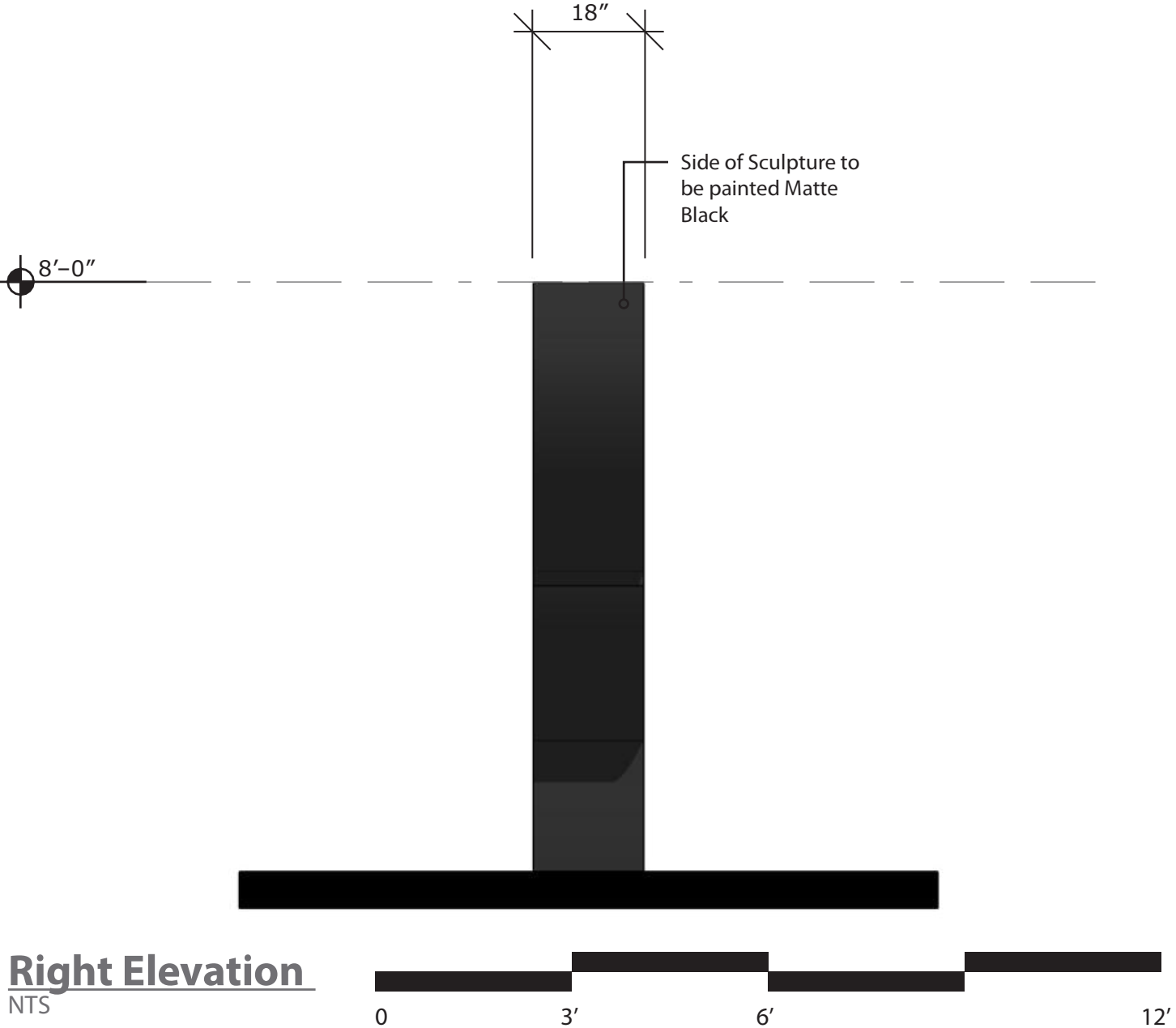


Back



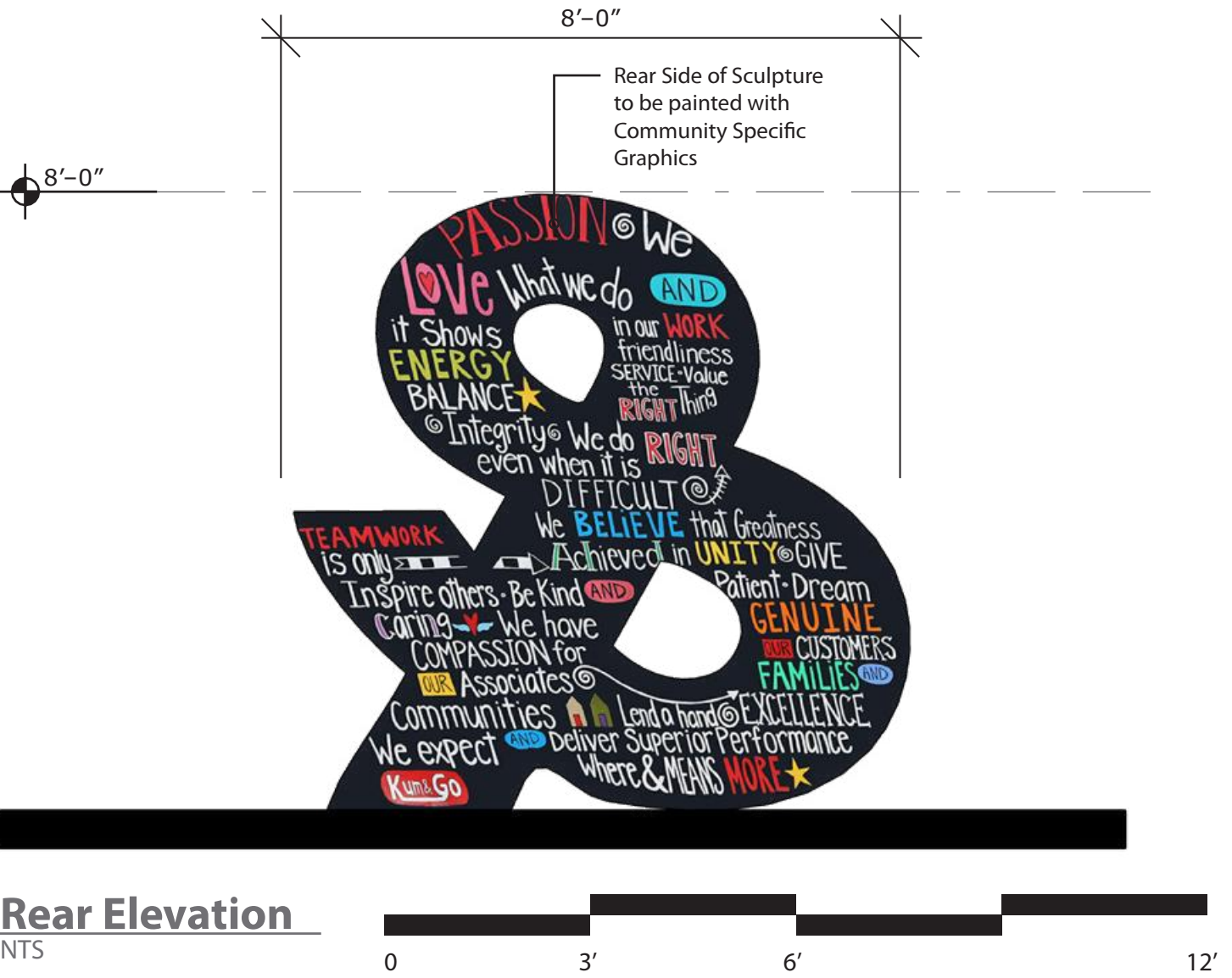
Front Elevation

NTS 0 3' 6' 12'



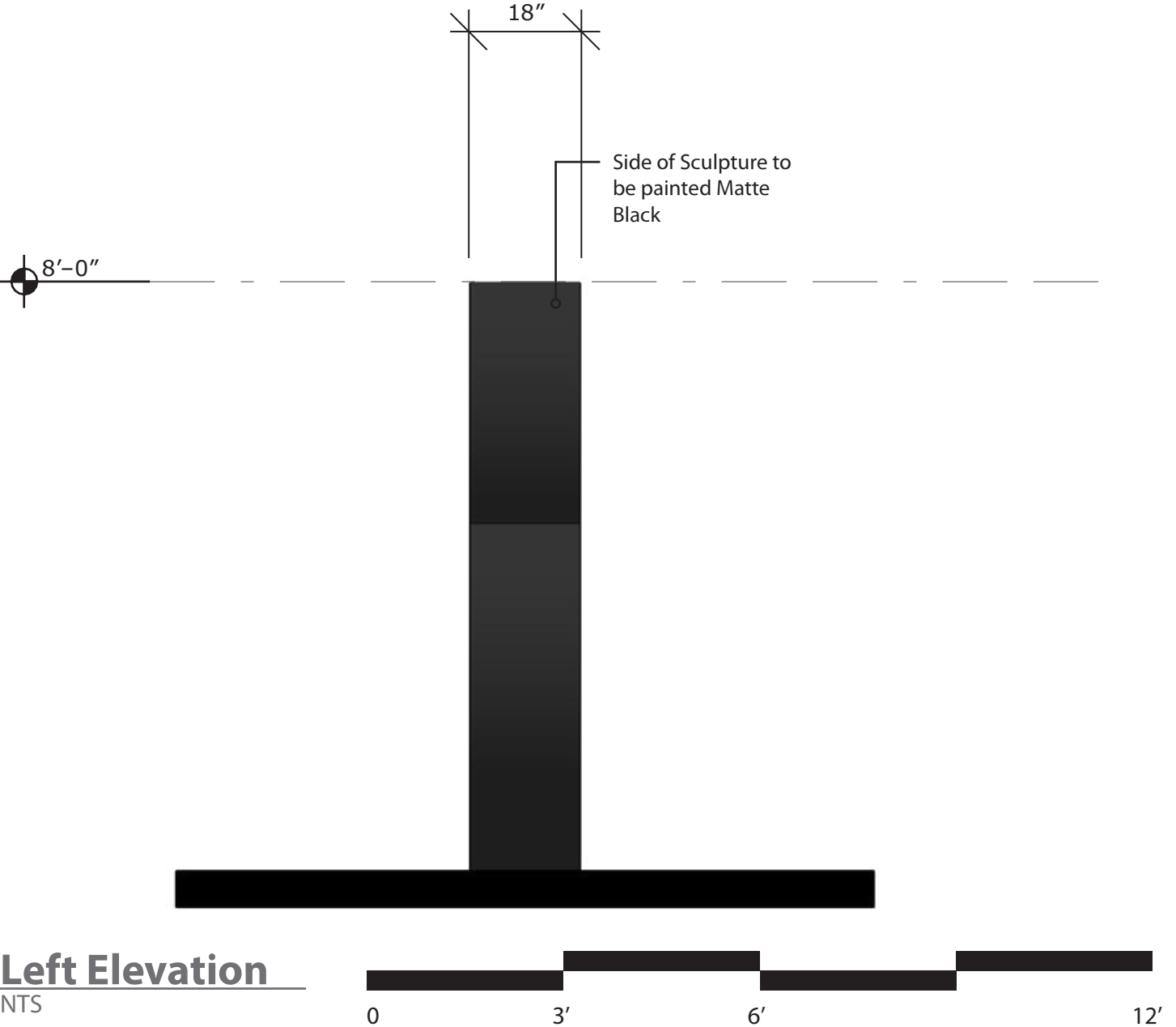
Right Elevation

NTS 0 3' 6' 12'



Rear Elevation

NTS 0 3' 6' 12'

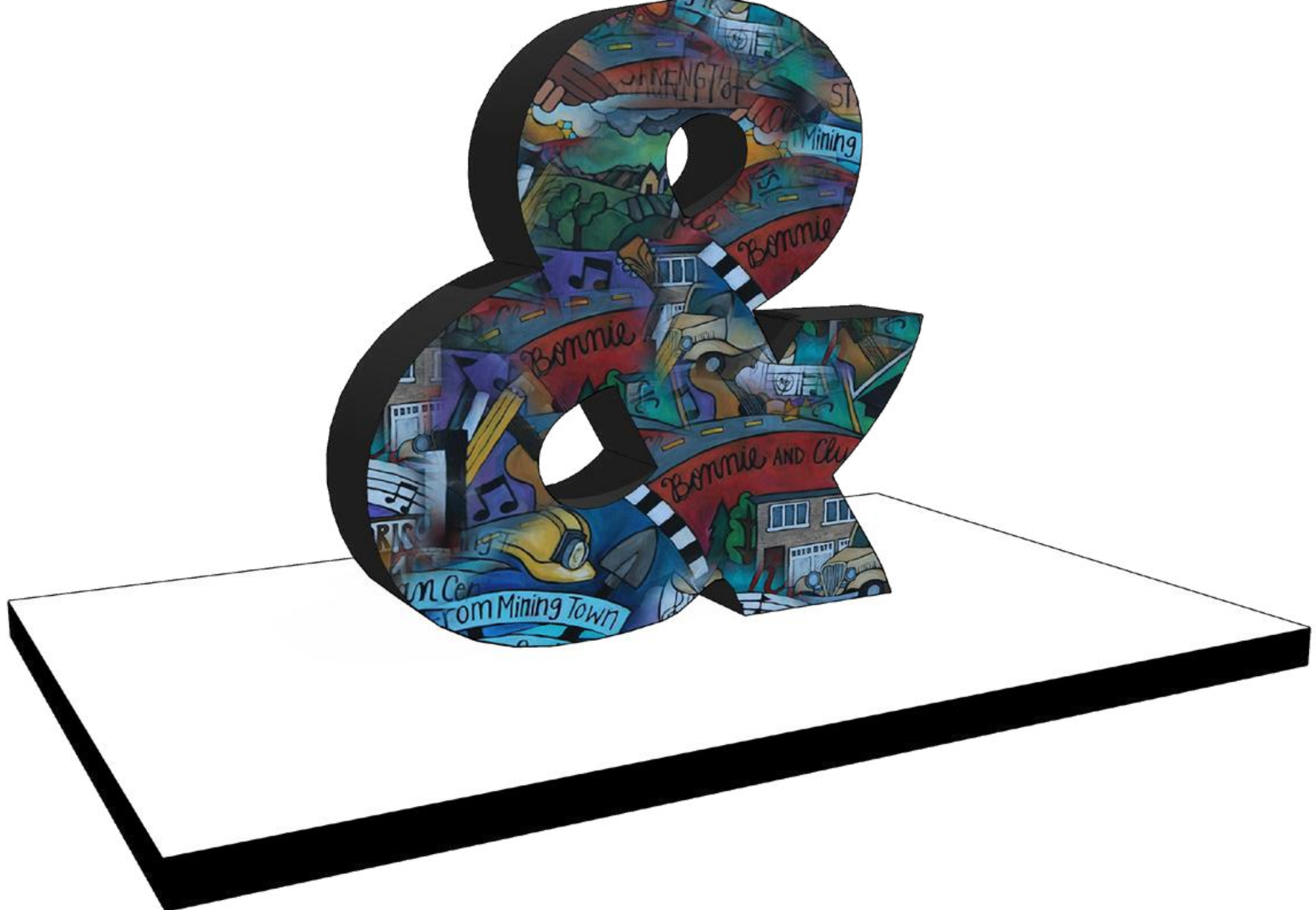


Left Elevation

NTS 0 3' 6' 12'

Perspective

Not To Scale



ARCHITECT OF RECORD:  
BRR ARCHITECTURE, INC  
6700 ANTIOCH PLAZA  
SUITE 300  
MERRIAM, KS 66204  
www.brrarch.com  
TEL: 913-262-9095  
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SEAL

6400 Westown Parkway  
West Des Moines, Iowa  
50266  
P: 515-226-0128  
F: 515-223-9873

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1310 GILBERT STREET

AMPERSAND CRITERIA DRAWING

KG PROJECT TEAM:  
RDM:  
SDM:  
CPM:

REVISION DESCRIPTION	DATE

REVISIONS

DATE: 10/22/2019

SHEET NUMBER:



**From:** [Keith Weggen](#)  
**To:** [Anne Russett](#)  
**Cc:** [Siobhan Harman - Kum & Go \(Siobhan.Harman@kumandgo.com\)](#); [Britni Andreassen](#); [Nicole Neal](#)  
**Subject:** Kum & Go 3504 - Board Of Adjustment Special Exception Extension Request  
**Date:** Wednesday, March 4, 2020 5:01:34 PM

---



Iowa City Board of Adjustment:

On January 8, 2020, the Iowa City Board of Adjustment approved a Special Exception request by Kum & Go, LC to allow a quick vehicle servicing use (convenience store) for property located at 1310 South Gilbert and 348 Highland. This Special Exception included a time limitation, stating the Special Exception would expire six months from the date which it was filed with the City Clerk, unless the Applicant shall have taken action within such time period to establish the use or construct the improvement.

Portions of the site are currently occupied by tenants other than Kum & Go. Kum & Go is required to provide those tenants with a certain amount of notice to vacate the existing eastern building(s).

The notice period extends beyond the six month expiration period noted above, which results in Kum & Go not being able to start construction prior to the Special Exception expiring. It is anticipated that construction of the project therefore could not likely start until August of 2020, at the soonest, which is beyond the expiration of the approved Special Exception.

As such, we respectfully request a six month extension of the previously approved Special Exception.

In addition to the previously approved Special Exception noted above, Kum & Go, LC has recently applied for a Special Exception in regards to building height requirements. Should the newly applied for Special Exception related to building height also be approved, we request that its expiration be extended to match that of the previous Special Exception.

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

Keith Weggen, ASLA | *project manager*  
**CIVIL DESIGN ADVANTAGE LLC**  
3405 SE Crossroads Drive, Suite G Grimes, IA 50111  
o 515.369.4400 f 515.369.4410 c 515.313.5445  
[KeithW@CDA-eng.com](mailto:KeithW@CDA-eng.com) [www.CDA-eng.com](http://www.CDA-eng.com)

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Prepared by Anne Russett, Senior Planner, 410 E. Washington, Iowa City, IA 52240; 319/356-5251

## DECISION

IOWA CITY BOARD OF ADJUSTMENT  
 WEDNESDAY, JANUARY 8, 2020  
 EMMA J. HARVAT HALL

MEMBERS PRESENT: Zephan Hazell, Ernie Cox, Amy Pretorius, Gene Chrischilles

MEMBERS ABSENT: Bryce Parker

STAFF PRESENT: Sue Dulek, Anne Russett

OTHERS PRESENT: Siobhan Harman, Scott McDonough

### SPECIAL EXCEPTION ITEMS:

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

The Board concludes that all vehicular areas, including parking and stacking spaces, drives, aisles, and service lanes, will be screened from the public right of way to the S2 standard and to the S3 standard along any side or rear lot line that abuts a residential zone boundary based on the following findings:

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

The Board concludes that the proposed quick vehicle servicing use will have sufficient vehicle stacking spaces to prevent congestion and vehicle conflicts along abutting streets based on the following findings:

- The concept plan shows sufficient vehicle stacking and parking spaces to accommodate anticipated traffic volumes.
- The current access points off S. Gilbert St. create congestion and safety issues due to their proximity to nearby intersections and the amount of traffic this street experiences daily. Additionally, Highland Ave. experiences a significant amount of traffic as it is one of the few through east/west streets that cross the CRANDIC railroad. To help mitigate these issues, the condition that both Gilbert St. access points and one Highland Ave. access point must be closed was attached to the rezoning of this property on December 17, 2019.

The Board concludes that the unenclosed canopies over gas pump islands will be setback at least 10' from any street right of way and that fuel dispensing equipment will be setback at least 10' from any street right of way and at least 50' from any residential zone boundary based on the following findings:

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

The Board concludes that the lighting will comply with the provisions of title 14, chapter 5, article G, "Outdoor Lighting Standards," based on the following finding:

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

The Board concludes that the quick vehicle servicing use will comply with the standards set forth in title 14, chapter 2, article G, "Riverfront Crossings and Eastside Mixed Use Districts Form Based Development Standards," based on the following finding:

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

The Board concludes that the quick vehicle servicing use will not have any detrimental or endangering effects on the surrounding public realm based on the following findings:

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

The Board concludes that the quick vehicle servicing use will not be injurious to the use of other property in the immediate vicinity based on the following findings:

- As there is an existing convenience store with fuel sales on site, the proposed use would not change.
- Approval of this special exception would allow for a reconstruction of this site with an updated building and landscaping, improving the building both aesthetically and physically.
- Any additional lighting and noise created by this redevelopment will not be injurious because of its location near Highway 6, its location on an arterial street (S. Gilbert St.), and all the development across S. Gilbert St. to the west.

The Board concludes that the quick vehicle servicing use will not impede normal and orderly development and improvement of surrounding properties based on the following findings:



- The surrounding properties are developed, but eligible for redevelopment under the Riverfront Crossings Form Based Code.
- The redevelopment of the subject property will improve circulation on S. Gilbert Street as the two current access points to the site will be closed.

The Board concludes that 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.

The Board concludes that adequate measures have been taken to provide ingress and egress designed to minimize traffic congestion based on the following findings:

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

The Board concludes that the property complies with all other regulations and standards of the zone in which it is located.

The Board concludes that the exception is consistent with the Comprehensive Plan of the City based on the following findings:


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

DISPOSITON: by a vote of 4-0, the Board approved a special exception allowing a quick vehicle servicing use in the RFC-SG zone at the northeast corner of S. Gilbert St. and Highland Ave.

#### TIME LIMITATIONS:

All orders of the Board, which do not set a specific time limitation on Applicant action, shall expire six (6) months from the date they were filed with the City Clerk, unless the application shall have taken action within such time period to establish the use or construct the improvement authorized under the terms of the Board's decision. City Code Section 14-8C-1E, City of Iowa City, Iowa.

FILED  
 2020 JAN 30 AM 11:30  
 CITY CLERK  
 IOWA CITY, IOWA

  
Amy Pretorius, Chairperson

Approved by:

 1-29-20

City Attorney's Office

STATE OF IOWA )

JOHNSON COUNTY )

I, Kellie K. Fruehling, City Clerk of the City of Iowa City, do hereby certify that the Board of Adjustment Decision herein is a true and correct copy of the Decision that was passed by the Board of Adjustment of Iowa City, Iowa, at its regular meeting on the 8<sup>th</sup> day of January, 2020 as the same appears of record in my Office.

Dated at Iowa City, this 30<sup>th</sup> day of January, 2020

  
Kellie K. Fruehling, City Clerk

FILED  
2020 JAN 30 AM 8:09  
CITY CLERK  
IOWA CITY, IOWA