

**MINUTES  
ZONING BOARD OF ADJUSTMENT  
NOVEMBER 5, 2013  
5:30 P.M.  
CITY HALL COUNCIL CHAMBERS**

**Present:** Allen Harvey, Rochelle Conway, Jim Edgmond, and Jane Reischauer

**Excused:** Larry Wolf

**Staff Present:** Steve Boka, Community Development Director  
Andrew Fangman, City Planner  
Adam Thompson, Planning & Community Development Coordinator  
Stephanie Oien, Office Coordinator, Community Development

Chairperson Harvey called the meeting to order at 5:30 p.m.

**Minutes:** Edgmond motioned to approve the minutes from the October 1, 2013, meeting; seconded by Conway. All ayes, motion carried.

**Appeal Case No. 915, filed by Muscatine Community School District, to construct a new Jefferson Elementary school building at 1000 Mulberry Avenue. The proposed school would be located nearer than 25 feet from the property line as required for the R-4 Zoning District.** Tyler Riley of 1118 Iowa Avenue, was present to discuss the request. Mr. Riley is the architect for the project. He stated that the hardship driving the request is the desire to keep the current building open while the new school is constructed over the next two years. There is also a strong desire to keep the building limited to two stories. If the footprint needs to shrink then they will have to redesign the building to three stories. Harvey asked when they discovered that they were going to have a problem meeting the setbacks. Mr. Riley responded that it was approximately a month and a half ago. He added that during prior review with city staff he and the staff member were looking at different code sections for setbacks. As a result the wrong setback requirements were given. Edgmond asked how critical the two pieces of the building were that were closest to Mulberry Avenue. Riley responded they were the two classroom wings and were considered prime real estate. Edgmond questioned if they could be adjusted. Riley explained that the space between the wings is the pre-kindergarten play area that has to be separated from other play areas. He added that they can't go wider because of their plan for classroom sizes. He further explained that the classrooms are tied together with a walk-through door which is needed for safety and part of the school's intrusion prevention plan. Riley stated there was no way to squeeze the building down and meet codes without going up which is quite undesirable. Charles Lorensen of 1808 Briarwood Lane asked for some sympathy to the school. Fangman noted that Mr. Riley had contacted him in June 2013 and he incorrectly told Riley that the setback was 15 feet. Fangman added that the initial design was even closer to Mulberry Avenue. Riley stated that they had both looked at the wrong code section. After getting the setback requirements from Fangman Riley started working with the school to determine their needs. Once they had a design they came back to the City to discuss a number of issues. It was at that time that the correct setback requirement was pointed out. Edgmond asked if the 9<sup>th</sup> Street abandonment was the preferred plan with the school. Boka noted that one option is the vacation of 9<sup>th</sup> Street. He added that a site plan review will be needed prior to the vacation. The vacation of 9<sup>th</sup> Street is a 60-90 process so the school is moving forward with the variance request to keep the project rolling. Riley responded it was the preferred plan and it will give them a better option for parent drop off and pick up. Boka interjected that this is not a perfect system but it is much better than the current situation. He added that the school is proposing to

split the elementary and middle school drop offs if they get the 9<sup>th</sup> Street vacation approved. Boka explained that the school is requesting a variance of setbacks on both street in case the vacation request does not get approved. Michael Maharry, 207 Broadway Street, questioned why a 25 foot setback was required versus the 15 feet. Boka explained that the school is located in the R-4 zoning classification. R-4 zones have a regular setback of 25 feet and were designed to make front yards. He added that the setback is measured from the property line which is located behind the sidewalk. The school will actually sit further back from the street than the setbacks requested. Maharry was concerned about the safety of the children if the setbacks were less than required by City Code. Fangman noted that if the school were located in a commercial zone the setback requirement would be much less. Maharry asked if the Board was presented with a design that shows the bulk of the building. One was not submitted. Fangman asked Riley a rough estimate of the heights of the buildings. Riley responded that the current building is 2 ½ stories at grade, roughly 32 feet. The proposed building will be lower at 2 stories and roughly 20 feet above grade. Riley explained that a portion of the first level will be below grade. Boka stated that residential zones allow for structures up to 35 feet high. Harvey asked if this appeal was putting the cart before the horse with the vacation desired. Boka responded that the vacation of 9<sup>th</sup> Street is a legislative decision by City Council. He added that city staff has the desire to work with the school to reduce traffic congestion on city streets and increase safety. Boka believed that city staff would encourage the vacation approval. Jeff Miller who is in charge of building and grounds for the school district was present. Mr. Miller serves as the appointed liaison for the school. Miller also works with staff as a member of the Traffic Committee. Harvey asked if there would be any exits or entrances on the wings nearest Mulberry Avenue. Riley replied that there will be emergency exits as required by Code. He explained that due to the topography there will be no easy access to Mulberry Avenue. Exits will run parallel to Mulberry toward the bus lanes and southeast to 9<sup>th</sup> Street. Edgmond motioned to approve the appeal as requested; seconded by Conway. All ayes, motion carried.

Adjourned.

Respectfully Submitted,

ATTEST:

Steve Boka, Secretary  
Director of Community Development

Allen Harvey  
Chairperson