

DECISION

CEDAR FALLS BOARD OF ADJUSTMENT
TUESDAY, AUGUST 15, 2023

Members Present: Sue Beach, Ruby Hibben, Amy Lang, Michael Mangin, Mark Miller, Dr. Jennifer Rasmussen, and Gerald Sorensen

Member Absent: none

Staff Present: Thom Weintraut

Others Present: Juli Morris, Rayvynn Schauf, Bruce Rieks, Roger Hoeper, and Colleen Rieks

CU23-002 - public hearing regarding a condition use request as per the Cedar Falls Zoning Ordinance:

A request for a conditional use, as per Sec. 26-140 of the City Code, to allow the adaptive reuse of a church building located at 701 W 6th Street. The specific request is to allow a personal service use, therapy-based services, and a professional office use within the former church building.

The property is located at 701 W 6th Street and is owned by BAR M LLC (Dan and Juli Morris). The applicant for the conditional use is Juli Morris.

The Board concludes the anticipated characteristics of the proposed use, including, but not limited to, hours of operation, noise levels, lighting, traffic generation, signage, number of patrons/visitors/residents, and frequency, level, and type of activity will be compatible with the neighborhood based on the following findings:

- All services provided on the site will be indoors;
- The hours of operations will be limited to 9 AM to 7:30 PM Monday - Friday and 9 AM to 3 PM on Saturday and Sunday;
- Services will be by appointment only (no walk-in service will be allowed);
- The maximum number of practitioners/professionals on-site at any one time will be two (2);
- The existing six (6) parking spaces are sufficient to provide one parking space for each of the two (2) practitioners/professionals, which will leave two (2) client spaces for each of the practitioners or professionals;
- There is sufficient on-street parking available in the immediate vicinity of the site to meet the parking needs for some group classes during the regular hours of operation. However, to ensure that the potential traffic and parking congestion associated with group classes does not impact the quiet enjoyment of the residential neighborhood, the Board limited the frequency and time for the therapists/professionals to hold classes to two days a week during the regular approved hours of operation, with no more than 20 clients on-site at any one time;
- The parking lot shall be striped and screened from the 6th Street and the sidewalk according to the zoning ordinance; and
- The north entrance flood light shall be replaced with a residential-style light that is downcast to prevent spillover light on to abutting properties and the light bulbs that illuminate the spire shall be replaced with a lower illuminance light bulb to avoid being obtrusive to surrounding residences.

The Board concludes the proposed use will not be detrimental to or endanger the public health, safety, comfort, or general welfare based on the following findings:

- All services provided on the site will be indoors;
- The hours of operations will be limited to 9 AM to 7:30 PM Monday - Friday and 9 AM to 3 PM on Saturday and Sunday;

- Services will be by appointment only (no walk-in service will be allowed);
- The maximum number of practitioners/professionals on-site at any one time will be two (2);
- Classes are limited to two (2) days a week during the approved hours of operation with no more than 20 clients on-site at any one time.

The Board concludes the proposed use will not be injurious to the use and enjoyment of other property in the immediate vicinity based on the following findings:

- The maximum number of practitioners/professionals on-site at any one time will be two (2);
- The hours of operation are limited to 9 AM to 7:30 PM Monday - Friday and 9 AM to 3 PM on Saturday and Sunday;
- Group classes are limited to two (2) days a week during the approved hours of operation with no more than 20 clients on-site at any one time.

The Board concludes the proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district in which the property is located based on the following findings:

The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district in which the property is located because the use is confined within an existing building, formerly used as a church and no exterior changes are proposed to this building other than changes to the sign face and lighting, and improvements to the parking lot to stripe and buffer it from the public sidewalk with landscaping.

The Board concludes adequate utilities, access roads, parking, drainage and/or other necessary facilities are or will be provided based on the following findings:

The use will have adequate utilities, access, parking, drainage and/or other necessary facilities, provided the owner abides by the conditions and limitations set forth in this decision and otherwise meets all City Code requirements.

The Board concludes adequate measures have been or will be taken to provide ingress or egress designed to minimize traffic congestion on public streets based on the following findings:

- The property will have adequate ingress and egress designed to minimize traffic congestion by using the current alley for access;
- The parking lot is striped and an ADA parking space is provided, landscape screening and buffer is established meeting the requirements of the zoning ordinance for the w 6th Street parking lot frontage, the limit of two (2) practitioners of therapy-based and professional office uses, the limit of the classes two (2) days a week during the approved business hours of operation; 9 AM to 7:30 PM Monday - Friday and 9 AM to 3 PM on Saturday and Sunday.

The Board concludes the proposal will preserve the aesthetic attributes and the character of the neighborhood based on the following findings:

- The church building has been an integral part of the neighborhood since the 1960s and no changes to the exterior of the building are proposed, except minor changes to the monument sign and some lighting improvements.
- Improvements to the parking lot, including striping and landscape screening will enhance public safety and the residential character along the street.

The Board concludes the specific proposed use, in all other respects, conforms to the applicable regulations of the zone in which it is located based on the following findings:

- The proposed use is listed as a qualifying use as per Sec. 26-140(e)(1).
- The use, as proposed, will be confined to the interior of the previous church building. The site has 3 parking spaces per therapist/professional, which will provide adequate parking: one for the therapist/professional, one for their current client and one for an arriving client.
- The existing parking lot does not conform to parking lot screening standards for the district, and therefore, the owner shall install a 5 ft. wide landscaped buffer

between the public sidewalk and the parking area that meets the parking area screening standards in the Zoning Code.

- The owner/applicant will apply for all required permits associated with the improvements and uses proposed for the site, including, but not limited to, building permits, land use permits, and sign permits; and will maintain the property according to all City Code requirements.
- The Board also determined there is adequate on-street parking in the vicinity available for the therapists/professionals to conduct group classes a maximum of two (2) days a week during the approved business hours of operation; 9 AM to 7:30 PM Monday - Friday and 9 AM to 3 PM on Saturday and Sunday; with a maximum of 20 clients on site at any one time.

Disposition: By a vote of 7-0 the Board approved the conditional use request to allow the operation of a therapy-based service and/or professional office use with the following **condition(s)**:

1. The days and hours of operation shall be Monday through Friday 9 AM to 7:30 PM and 9 AM to 3 PM on Saturday and Sunday; and
2. The number of therapist-based or professional offices uses shall be limited to two (2) practitioners/professionals. Any future change to the requested use will require review and approval of the Board of Adjustment; and
3. Group classes shall be allowed on a maximum of two (2) days per week during the approved hours of operations, with a maximum of twenty (20) clients on-site at any one time; and
4. Prior to receiving any permits or approvals for the use of the building, the petitioner shall provide a site plan showing the dimensions of the parking area and shall delineate the number and size of the parking spaces; and
5. The owner shall provide an operational floor plan for the building noting the how the interior space on each floor will be used or is anticipated to be used prior to receiving any permits; and
6. The owner will apply for all required permits associated with the improvements and uses proposed for the site, including, but not limited to, building permits, land use permits, and sign permits; and will maintain the property according to all City Code requirements; and
7. The parking area shall be restriped according to the parking space dimensions for a commercial use. The petitioner shall provide the required number of accessible parking spaces; and
8. The owner shall install a 5 ft. wide landscaped buffer between the parking area and the public sidewalk that meets the parking area screening standards in the Zoning Code; and
9. One monument sign, not to exceed 30 square feet in area or five feet in height, shall be permitted. A separate sign permit is required; and
10. The lighting for the sign shall be limited to 8 am to 8 pm; and
11. The flood light bulbs illuminating the spire shall be replaced with low illuminance bulbs intended to highlight the architectural features of the spire, but not cause spillover light or glare that is disturbing to the surrounding residences. The flood light at the north entrance shall be replaced with a downcast light in scale with residential lighting that will meet building code exit requirements, but not cause spillover light or glare that is disturbing to the surrounding residences. The three soffit lights by the parking lot entrances may be retained and used; and
12. Any additional building lighting or exterior changes to the building, other than routine maintenance and repair, will require review by the Board of Adjustment.

PASSED AND ADOPTED this 15th day of August 2023.

CEDAR FALLS BOARD OF ADJUSTMENT

ATTEST


Thomas Weintraut, Secretary



Michael Mangin, Chair

August 17, 2023

Date

