

**MINUTES OF THE REGULAR MEETING OF THE
AMES ZONING BOARD OF ADJUSTMENT**

AMES, IOWA

MARCH 20, 2024

The Ames Zoning Board of Adjustment met, pursuant to law, in Regular Session at 6:00 p.m. on March 20, 2024, in the Council Chambers of City Hall. The following members were present: Chad Schneider, Caleb Whitehouse, Leila Ammar, Leah Patton, Michael Zenor. Also, present were Assistant City Attorney Jane Chang, and City Planners Ray Anderson and Amelia Schoeneman

Approval of Minutes; February 14, 2024:

Moved by Whitehouse seconded by Zenor to approve the minutes of the February 14, 2024, Zoning Board of Adjustment meeting.

Vote on Motion: 5-0. Motion declared carried unanimously.

CASE NO. 24-04

Public Hearing on a request for a Temporary Special Use Permit for Yard Waste and Collection and Transfer Site at 220 and 400 Freel Dr. (Parcel numbers (220 Freel) 09-12-201-045 (400 Freel) 09-12-251-160)

City Planner Ray Anderson stated that this is a Special Use Permit for a Yard Waste and Collection Site. An extension was given a year ago from a SUP granted in 2022. The Code allows a Temporary SUP for one year and they can be granted a one-year extension on that SUP. This is a new Temporary Special Use Permit. It remains in the same location since 2017. The 220 Freel is used as an exit if needed for traffic control. The approval in 2023 included some conditions. One was that there could be no further extensions without filing for a new Temporary SUP with a time frame of 5/1/2023 through 5/1/2024. This current application must be approved prior to the expiration of that extension. There are no changes or site improvements it would continue to operate as it has this past year. There have been no complaints received about the site. There will be five free days, one spring day and four days in the fall. The time for Saturday free days has been extended to 4:00 PM instead of until noon. The staff has reviewed the conditions and standards and they have been met. This is in the General Industrial Zone and is a permitted use in the Industrial Zone with the SUP. Staff recommends approval with the conditions of a one-year Temporary SUP until 5/1/2025.

Questions for Staff:

Leila Ammar asked about the extension process. Mr. Anderson stated that this is a new Special Use Permit. The extension was last year but they must reapply for the Temporary SUP. Ms. Ammar asked if there was a more permanent permit. Mr. Anderson stated that the Code requires this process. Mr. Schneider asked about a previous discussion regarding pavement. Mr. Anderson said that there is no requirement in the Code for paving.

Applicant Doug McCrea of 913 Tennyson and a part time employee that operates the site. There were no questions for the applicant.

Caleb Whitehouse asked why this is temporary. Mr. Anderson said the only difference is the term of the permit.

Public Comment: None

Discussion: None

Moved by Zenor to accept Alternative 1, seconded by Ammar.

The Zoning Board of Adjustment approves the Special Use Permit for a one-year approval of a temporary yard waste and transfer site at 220 and 400 Freel Drive, based on the findings of fact and conclusions stated herein, with the following conditions:

- a. General operations on weekdays and weekends as described within the application and up to five large event days.
- b. Use of the site shall be consistent with the plan submitted as part of the Special Use Permit application.
- c. The term of the use shall begin on May 1, 2024, and may continue for one year through May 1, 2025. All yard waste material, equipment, and temporary structures shall be removed from the site and the site restored to its current or better condition within 60 days of the end of the permit.
- d. A single extension of up to one year may be granted by the Zoning Board of Adjustment provided the initial Special Use Permit has not expired.

Roll Call: Schneider, aye; Whitehouse, aye; Ammar, aye ; Zenor, aye; Patton, aye

Vote on Motion: 5-0. Motion declared carried unanimously.

Mr. Schneider stated that this decision can be appealed through the District Court within 30 days after the filing of the Decision and Order.

CASE NO. 24-05

Public Hearing on a request for a Special Use Permit to allow an expansion of parking and vehicle storage area for a non-conforming vehicle service facility use. (Parcel numbers (102 Hyland) 09-04-353-120 (116 Hyland) 09-04-353-130)

City Planner Amelia Schoeneman stated this Special Use Permit is to expand a non-conforming use. Campus Garage is a vehicle service facility. The original building was constructed in 1968 with the existing parking area. That vehicle service building is a non-conforming use which means it isn't permitted in that Zoning District. The property to the north was purchased by the owner of vehicle service center ten years ago. Previously it was rental apartment dwelling. That dwelling was torn down and has remained vacant. The expansion of the non-conforming use is to extend the parking area to the parcel to the north. There was rock added to that parcel without zoning review. This SUP will be the final step towards compliance for the rock on the parking area.

This SUP must have a Minor Site Development Plan which is what is before the Board this evening. The Minor Site Development Plan requires landscaping, screening, dumpster enclosures and parking. On the existing site it would be required that the applicant come into compliance as practical for those standards. Staff recommends for the existing site a seven-foot landscaping buffer along Hyland and Lincoln Way is permitted, usually this would require ten feet. The parcel to the north would require full compliance with development standards as this is a new use. The Board will need to approve an alternative landscaping plan to allow for the seven-foot landscaping buffer along Hyland for this parcel. Alternative landscaping designs can be approved if the quality of the design meets or exceeds the requirements. Staff has determined that this standard has been met with the higher quality landscaping plan. The site was recently rezoned as part of the Master Plan and was approved by City Council. This Master Plan shows where landscaping must occur. Both the Minor Site Development Plan and the Special Use Permit must be in compliance with the Master Plan. Staff found that this standard was also met.

Staff found due to the high screen buffer the alternative landscaping plan may be approved and all Commercial Zone and General Zone standards for this SUP were met. This site will be enhanced with additional landscaping, the paved parking, and the improved access configuration. It won't

impact the neighborhood nor would be an issue for potential of the site to be redeveloped and Staff found all the standards have been met. There was an additional memo received regarding a modification to the conditions. Condition C in Alternative 1 was to have the site rezoned and that has occurred. So that condition was removed. Staff has worked with the applicant regarding a timeline for the site improvements to be completed. The applicant has indicated that they will start and complete all the improvements on the north site by the original dates; start July 2024 and complete by November 2024. The applicant requested an extension to the timeline for the improvements to the site to the south. The request was for an extended time for the landscaping and reconfiguring the access. Since this was not a code compliance issue staff agreed to recommend an extended timeline to July 1, 2025, for those improvements.

Questions for Staff:

Mr. Whitehouse asked if the site was in compliance with the zoning change. Ms. Schoeneman stated that this is still non-conforming use even with the rezoning. This was a Residential Zone and within residential zones there are stricter requirements for parking lots. This has been rezoned to a Neighborhood Commercial Zone which gives them more parking area. The new zone also brings this area into conformance with the Comprehensive Plan. There will be opportunities along this corridor for infill and redevelopment. The Neighborhood Commercial Zone is more in line with the future land use plan than the previous Residential Zone. Mr. Whitehouse continued that the garage is still a non-conforming use. Ms. Schoeneman confirmed which is why the Special Use Permit is needed to expand the non-conforming use.

Mr. Schneider confirmed that the north lot will be paved. Ms. Schoeneman acknowledged yes.

Applicant:

Eric Cowles of Bolton-Menck at 1519 Baltimore Dr. sworn in. Thanked staff for their work on this project.

Public Hearing: None

Discussion: None

Moved by Ammar to accept Alternative 1, seconded by Zenor.

Approve the request for a Special Use Permit to allow the expansion of a parking and vehicle storage area at 116 Hyland for a nonconforming vehicle service facility, Campus Garage, at 102 Hyland, in the NC (Neighborhood Commercial) Zoning District with the alternative landscape plan by determining that the Findings of Fact and Conclusions in the Addendum, meet the criteria of Section 29.1503(5) and with the following stipulations and conditions:

- a) A 7-foot front yard landscaping buffer at 116 Hyland is permitted per the alternative landscaping plan.
- b) The proposed shrubs in the high screen buffer must be high shrubs (over 6 feet in height at maturity). A living ground cover is also required in the high screen buffer. The front yard trees and shrubs must be diversity standards (no more than 50% of one species). The landscape plan quantities shall be updated to match the provided landscaping.
- c) The improvements for the new parking area and abutting landscape planters at 116 Hyland shall commence by July 1, 2024, and the improvements shall be completed by November 1, 2024. The improvements including to close and modify the accesses and install landscaping at the existing parking area at 102 Hyland shall be completed by July 1, 2025.

The Planning and Housing Director may authorize performance extensions for

good faith performance that is hindered by unforeseen delays.

Absent extensions by the Planning and Housing Director, if work has not been initiated for grading of the site for new paving or creation of the new landscape planters at 116 Hyland by July 1, 2024, the approval shall be considered void if an extension has not been requested by the property owner to the Board. Failure to complete all improvements by the aforementioned deadlines (November 1, 2024, for 116 Hyland and July 1, 2025, for 102 Hyland), will be considered noncompliance unless otherwise approved for an extension.

Roll Call: Schneider, aye; Whitehouse, nay; Ammar, aye; Zenor, aye; Patton, aye

Vote on Motion: 4-1. Motion declared carried.

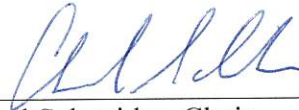
Mr. Schneider stated that this decision can be appealed through the District Court within 30 days after the filing of the Decision and Order.

ADJOURNMENT: Moved by Ammar seconded by Whitehouse to adjourn the meeting at 6:24 PM.

Vote on Motion: 5-0. Motion declared carried unanimously.



Natalie Rekemeyer, Recording Secretary



Chad Schneider, Chair