

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

AMES, IOWA

JULY 25, 2018

The Ames Zoning Board of Adjustment met, pursuant to law, in regular session at 6:00 p.m. on July 25, 2018, in the Council Chambers of City Hall with the following members present: Amelia Schoeneman, Kyle Perkins, Matthew Koehler, and Rob Bowers. Board Member Susan Bradbury was absent. Assistant City Attorney Victoria Feilmeyer and City Planner Julie Gould were also present.

APPROVAL OF MINUTES: Moved by Perkins, seconded by Bowers, to approve the minutes of the meeting of June 27, 2018.

Vote on Motion: 4-0. Motion declared carried unanimously.

CASE NO. 18-07

SPECIAL USE PERMIT – Andrew Allen, Youth and Shelter Services, Inc., Public Hearing on application for a Special Use Permit to allow a Social Service Provider in a Residential District on the property located at 140 Lynn Avenue

City Planner Julie Gould introduced the request and displayed a site map. The applicant is seeking approval of a Special Use Permit for a Social Service Provider in a Residential High Density (RH) Zoning District at 140 Lynn Avenue for a temporary amount of time. A Social Service Provider is an institutional use as classified by the Zoning Ordinance and includes a variety of social service types of activities, including shelters and treatment programs. The house located at 140 Lynn Avenue was constructed in 1928 and most recently occupied by the Sigma Alpha Epsilon Fraternity. Currently, there is no fraternity occupying the house.

In late June 2018, a fire at the Youth and Shelter Services (YSS) property located at 712 Burnett Avenue sustained enough damage to leave the structure unable to be occupied. The property at 712 Burnett Avenue was used as a residential addiction treatment facility for girls. YSS desires to establish a temporary location for this residential treatment program since being displaced by the fire while evaluating options for a permanent location. It is anticipated that the process for finding a permanent location will take anywhere from six months to two years.

The proposed location will be a temporary site for the all-girls residential treatment facility. The YSS license allows up to 15 girls, and currently averages eight to 10 clients for this particular treatment facility. The average stay per resident varies between 20-150 days, but averages out to around 90 days. This residential treatment facility will be fully staffed 24-hours a day, seven days a week.

YSS will occupy only part of the building as it is larger than their overall need. YSS believes the 140 Lynn Avenue site is a good fit because the layout is similar to the facilities at the 712 Burnett house, i.e., several bedrooms, shared kitchen, parking for staff, room to provide programming and services. Occupancy of the structure is subject to building code compliance for use as a shelter facility rather than as a fraternity.

The site plan, project description, applicable law, and Findings of Fact and Conclusions were reviewed in detail by Ms. Gould. She explained that RH zoning allows for high-density residential, group living, and social service providers. The treatment facility will provide housing for a specific Social Service Provider and will run in a similar manner to the surrounding residential structures, many of which are sororities and fraternities, but will have fewer residents. The proposed use will also include supervision on-site to monitor activities.

The site is situated adjacent to the St. Thomas Aquinas church parking garage and across from commercial uses in Campustown. The site also abuts other high-density zoned properties. There are no changes proposed to the interior or exterior of the structure, the use will not create additional requirements at public cost, and all public facilities are available to serve the site. The use as proposed will not create excessive smoke, fumes, glare, or odors. The traffic generated for the site can be expected to be generally similar or less than nearby uses, and access and circulation will remain as is. The driveways serving the site are off of Lynn Avenue.

Ms. Gould explained that staff felt 24 months was a reasonable amount of time for the applicant to find a permanent location. If not relocated by 2020, the applicant must request approval again from the Board or find an alternative location.

Andrew Allen, President and CEO, YSS, 420 Kellogg Avenue, Ames, Iowa, was sworn in and testified under oath. He addressed the concerns expressed by Mr. Bowers on the mix of college students and treatment patients living in close proximity to one another. Mr. Allen explained that the organization has operated in a residential area for over 35 years, and after scouring the community, he believes the proposed site is the most viable location. The staff is well experienced and is aware of potential risks. He stated the facility will be staffed 24-hours a day, seven days a week, and the girls will always be supervised. The organization has been proactive with informing the surrounding Greek Community, and are working together to provide additional staff and guidance. Mr. Allen explained that YSS is working with an insurance company to acquire additional staffing for evenings and weekends, and added that the facility will also have security alarms.

Mr. Bowers believes the applicant has given the location great thought and agreed that the proposed location is a good fit.

Ms. Feilmeyer reminded the Board that a 24-month term is requested, but a shorter term can be approved instead.

Mr. Bowers stated that he cannot think of any conditions to add and does not want to take a step too far without knowing what the applicant's insurance will provide.

Mr. Allen stated that the organization's insurance company will pay for lost revenue. If additional staff is needed for instances like the case presented, the insurance provider will pay if the case is justified. He mentioned that the insurance company has already asked if YSS is required to provide additional staff. He said if the permit was approved with a condition to add more staff, or if it was strongly recommended, it would assist in justifying the case for the insurance company.

Mr. Allen answered Ms. Schoeneman's question about activities. He stated that the girls will be involved in many activities and will be able to leave the facility regularly. The organization has multiple vans for transportation to accommodate all. Generally, the girls will be in the facility in the evening.

Ms. Schoeneman asked if the facility had any fences or existing buffer. It was said that there was a fence located to the east and to the north. Mr. Allen stated that a fence is being considered because people often travel through the site on the way to Campustown.

Mr. Bowers asked Mr. Allen if it would be a burden to seek approval again if a 12-month term was approved. Mr. Allen stated that it would not, but he believes a 24-month term would be best.

Ms. Feilmeyer clarified that the Special Use Permit would not lapse after 12 months if activities had been established. She added that it would not be unusual if the Board decided to limit the permit to a year.

The Board agreed that it was not necessary to limit the permit to a year.

Moved by Bowers, seconded by Perkins, to approve ORDER NO. 18-07, thereby approving the request for a Special Use Permit for a Social Service Provider as a temporary use, limited to two years ending on July 31, 2020, at 140 Lynn Avenue based on the findings of fact and conclusions stated herein, as detailed on the submitted Site Plan documents.

Vote: 4-0. Motion declared carried unanimously.

COMMENTS: There were no comments by the Board.

ADJOURNMENT: Moved by Perkins, seconded by Schoeneman, to adjourn the meeting at 6:21 p.m.

Heidi Petersen, Recording Secretary

Matthew Koehler, Chair