

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

AMES, IOWA

November 14, 2018

The Ames Zoning Board of Adjustment met, pursuant to law, in regular session at 6:00 p.m. on November 14, 2018, in the Council Chambers of City Hall with the following members present: Amelia Schoeneman, Kyle Perkins, Matthew Koehler, Rob Bowers, and Susan Bradbury. Assistant City Attorney Victoria Feilmeyer and City Planner Julie Gould were also present.

APPROVAL OF MINUTES: Moved by Bradbury, seconded by Perkins, to approve the Minutes of the meeting of October 10, 2018.

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

CASE NO. 18-12

SPECIAL USE PERMIT – A Special Use Permit to allow a religious institution on the second floor of an existing building at 300 Main Street.

City Planner Julie Gould introduced the request and reviewed the site plan, project description, applicable law, and Findings of Fact and Conclusions. The applicant was not present.

The applicant has requested a Special Use Permit to operate a religious institution, Graceway Church of God, on the second floor at 300 Main Street. The second floor is approximately 1800 square feet and currently divided into several smaller rooms. This site is located on the southwest corner of Main Street and Kellogg Avenue. The building is located in the middle of the Downtown/Main Street business area.

According to Ms. Gould, in conversations with the applicant, it was explained that Graceway Church of God operates in a small group setting, rather than a large traditional Sunday service. There are currently three office staff who will utilize the space during the week. Meetings will occur throughout the year. Small group sessions are provided for five to 20 people at a time throughout the week in 12-week sessions.

Parking is not required in the DSC district for religious institutions. Parking will be available on the street or in the public parking lot to the south of the building, as is typical for most downtown uses. If the use was located outside of DSC zoning, it would require either one space per four seats in a worship/gathering area or one space per 60 square feet of worship/gathering area. Most church activities will be held during non-peak commercial hours and will not impact existing uses in the area.

Ms. Gould advised that the applicant is not proposing any changes to the exterior or interior of the building. If the Special Use Permit is approved, they will need to obtain any necessary inspections or permits from the Inspections Division. The review will be for both Building and Fire Code compliance determinations.

John Doyle of 1916 Northcrest Circle, Ames, owner of buildings at 312 & 314 Main, expressed

concerns regarding possible future expansion of the Church to the first floor, overcrowded parking, and fire safety with a large group on the second floor. He said he is against the approval of the Special Use Permit if the Church intends to expand to the first floor of the building at a later date.

Planner Gould explained the condition for approval states that the Church use only the second floor. If they were to expand, they would have to come back and reevaluate the use. She also noted that the City Council directed staff during the November 13, 2018 City Council Meeting to hire a consultant to do a comprehensive downtown study on parking. Fire safety also had been addressed in the discussions with the applicant and the Fire Inspector. The applicant is aware of the requirements and still wishes to proceed. Approval of the Special Use Permit is conditioned on confirmation of compliance from the Inspections Division.

Board Member Matthew Koehler asked for staff or audience comments. None were given. Board Member Schoeneman wanted it noted that the applicant mistakenly came to the Story County office and was referred to City Staff. She did not provide any council to the applicant.

Moved by Bradbury, seconded by Koehler, to approve ORDER NO. 18-12, thereby approving the request for a Special Use Permit to allow the use of the second floor of the existing building at 300 Main Street as a religious institution, Graceway Church of God, subject to the following condition:

- a. Prior to operating the use, applicant must receive confirmation of compliance from the Inspections Division for building occupancy requirements.

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

CASE NO. 18-13

SPECIAL USE PERMIT – A Special Use Permit to allow an Interior Climate Controlled Mini-Storage Warehouse Facility in the Highway-Oriented Commercial zone.

City Planner Julie Gould introduced the request and displayed a site map depicting the location in question.

The applicant, NLA Ames, LLC, proposes to retrofit the rear portion of an existing building (formerly the Kmart building) into a two-story Interior Climate Controlled Mini-Storage Facility at 1405 Buckeye Avenue. The portion of the existing building proposed to be converted is 46,000 square feet (about 38% of the original structure). The property is located within the (HOC) High-Oriented Commercial zone.

The proposed use is just one part of a redevelopment plan for the entire site, which includes concurrent review of a Preliminary Plat and Major Site Development Plan that includes nine lots, retrofitting the existing Kmart building into five tenants and constructing three new commercial buildings for multiple tenants. Two additional lots (1404 and 1410 Buckeye Avenue) are also part of the proposed development with two additional commercial buildings.

The overall site plan and layout were reviewed by the City Council as an Integrated Site Plan, which was approved at the November 13, 2018 City Council agenda. The review of the

Integrated Site Plan includes reference to the applicant seeking approval of a separate Special Use Permit for the proposed climate controlled mini-storage facility.

The developer proposes a climate controlled facility that is a two-story facility with no more than 800 storage units. The interior space and height of the Kmart building is large enough for two stories of storage without altering the height of the existing building. The conceptual floor plan indicates two levels with 800 mini-storage units and necessary office space. At the present time, the gross floor area of the area delineated for the storage use is 46,000 square feet.

A high screen is required along the west property to screen the commercial uses from the adjacent residentially zoned property. There is an existing screen that meets the screening requirements of Section 29.403(3)(F) that consists of a berm, shrubs, and trees the length of the property line. The developer is proposing to keep the existing landscaping and maintain the screen along the west and southwest edge of the site. A condition of approval of the Major Site Development Plan is for the landscaped berm to remain and have it protected during construction.

The proposed use has special standards for building design as defined in Section 29.130(8) for exterior materials and architectural treatments. The building is required to have materials on the façade that have a high degree of architectural interest, such as brick, stone, and split face concrete block, and that the overall design is compatible with the character of the surrounding retail commercial environment. Smooth concrete walls, painted masonry, concrete block, and steel siding are examples of prohibited materials. Colors are required to be muted earth tones. The applicant proposes to add architectural elements to the building to meet those standards.

The building is constructed of split face concrete block. It will be required to be painted in a color scheme consistent with muted earth tones. Articulation is required every 20 feet of wall plane for buildings longer than 40 feet. The building elevations do not indicate names of colors. It is implied by the elevations that it will comply with the requirement of muted earth tones. However, the developer wants to let the tenants determine the final building details. The proposed wall treatments have a minor degree of variation with approximately one inch of relief.

The entrance into the facility will be on the south side of the building where the former automotive area of Kmart was located, facing South 16th Street. The number of overhead doors will be reduced from six to two. The remainder of the former overhead doors will be converted to a series of windows and one store front entrance. No access to the facility or doors for storage are proposed along the west façade.

A photometric plan was submitted as part of the Integrated Site Plan submittal. The plan shows three existing 30-foot poles along the west property line. The adjacent property is residentially zoned. All site lighting on buildings and in parking areas will need to comply with the City's Outdoor Lighting Code for downlighting and glare control. As submitted, the lighting plan may not comply with all of the City's Outdoor Lighting Code stated in Section 29.411. One of the requirements, Section 29.411(11), states fixtures should prevent light trespass and not cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby properties. The photometric plan indicates that light trespass will likely occur on the residentially

zoned property to the west. However, a grandfather clause does exist and will allow existing fixtures to stay and be replaced as needed as long as less than 50% of the fixture are changed. Staff has placed a condition on the approval of the Major Site Development Plan that the entire site must comply with the Outdoor Lighting Code. No other lighting is being proposed on this side of the property.

Board Member Bradbury asked if neighbors had been notified and if they had concerns. Planner Gould said that they were originally concerned about the light pollution and were advised it will be addressed at the Zoning Board of Adjustment meeting. There has been no communication from neighbors since the original concern was brought up.

Board Member Matthew Koehler asked for audience comments. Chad Williams with Netlease Alliance reviewed the highlights of the proposed plan. They intend to build out a 10,000 -12,000 square foot restaurant space. The Kmart building is currently 300 feet deep and tenants don't typically use that much space, so it would be dead space if it were used just for retail. Alternative 1A provides a solution for the dead space, with Phase One starting with Building A, Phase Two will be Building B or C. Mr. Williams requested the condition be changed to modify the condition of approval for Alternative 1. Instead of additional square footage, he asked that the ZBA require building façade improvements along with parking and landscaping improvements associated with the parking lot at South 16th and Buckeye; Buildings B, C, and D will be later phases and are not associated with the use of Building A.

Discussion among Planner Gould, Mr. Williams, and the Zoning Board Members clarified the details on the climate controlled interior storage unit. Mr. Williams explained an elevator will be used to haul items to the storage units on the second floor. The only access is through the two overhead doors on the side of the building. Outdoor storage and vehicle storage is not permitted in this location. Dumpsters will not be available for the storage units, only for the retail tenants.

Mr. Williams stated that a study was conducted by the developer on the need for a mini-storage unit. Negotiations are still being made to secure a tenant for the storage space; it can take six months to obtain a fully negotiated and signed lease. According to Mr. Williams, there has been a strong interest in tenants for the rest of Building A.

Board Member Koehler asked how tenants will receive deliveries. Mr. Williams explained that Suite D and C will have access from the North side of the building. Suite D will possibly have an overhead door with direct access to the store. Suite C will have a loading dock and corridor to the suite. Suites A and B will have access from the South side of the building. Suite B will have an overhead door and corridor, and Suite A will have two overhead doors.

Mr. Williams discussed the landscaping changes. All new landscaping will be added in the area that formerly was the outdoor sales area for Kmart; it will hide the fully enclosed dumpster. Attention to the light spilling on adjacent property line will be solved with "shoeboxes" on the lights.

Board Member Bradbury asked staff for the rationale behind Building B. Planner Gould explained there would be a loss of 50,000 square feet of commercial retail space with the new

mini-storage units. Building B would replace the lost space in Building A as it is located in a prime commercial location.

Mr. Williams proposed to modify the condition for approval No. 1: instead of constructing additional square footage, require Building A façade improvements and the creation of new retail tenant spaces within Building A along with parking and landscaping improvements for the site as depicted in the approved Integrated Site Development Plan. The improvements will include modifications to the parking lot and landscaping associated with the parking lot and South 16th Street frontage and the corner of Buckeye and South 16th.

Assistant City Attorney Feilmeyer suggested tabling the decision and asking staff to study the new recommended conditions and come back with an analysis. Mr. Williams advised he was hoping to have approval in November so as not to negatively impact his development timeline and potentially the sale. Board Member Bowers said tabling the discussion could lose the City 100,000 square feet of retail space to gain 50,000 square feet of retail space. He believes that having Kmart sit undeveloped would be a mistake on their part.

Board Members Schoeneman, Koehler, Bowers, and Bradbury discussed amending the Findings of Fact to support the applicant's requested changes. Planner Gould assisted with providing the correct wording.

Findings of Fact Number Seven (vii) was amended to state:

Be consistent with the intent and purpose of the Zone in which it is proposed to locate such use.

Findings of Fact: The proposed use is an allowed use in the Highway-Oriented Commercial zoning district subject to a Special Use Permit issued by the Zoning Board of Adjustment. The purpose of the zone concludes providing well situated land for commercial purposes that principally include auto oriented, office, and trade uses. While mini-storage is otherwise an industrial use, the proposed mini-storage facility is designed to be internal and climate controlled and can be permitted subject to the special design standards and Special Use Permit review. The applicant contends the reuse of the existing building with all retail is not feasible for a multi-tenant retail configuration. The rear square footage and secondary façade location along South 16th have limited national retail tenant appeal. Based on the sizing requirements of tenants and the rear space not being a viable commercial space arguably, without dividing the space, reuse of the building would be delayed, requiring a large single user taking over the entire building. It is proposed to divide the front of the store into multiple tenants and the rear portion is viable and acceptable as a storage use because of the tenant sizing requirements.

Conclusions:

This site is a primary area for commercial development in need of redevelopment for some time. It is located adjacent to the busiest corridor in the City. The proposed internal climate controlled design and commercial look of the building is consistent with the character of the area. The proposed use is secondary to redevelopment of the site as a shopping center that will include

commercial use as permitted within HOC zoning. The rear portion of the Kmart building does not meet modern tenant size requirements and is not viable as usable commercial space. **It can be concluded that the use meets General Standard (vii) for a Special Use Permit.**

Findings of Fact Commercial Zone Standards One (i) was amended to state:

Be compatible with commercial development and use of property planned to occur in the area.

Findings of Fact: The proposed use, as it is designed, fits the criteria of what could be expected in a Highway-Oriented Commercial zoning district. Property usage in the area is a mix of varying intensities, with a large big box retail store to the immediate north, small shops and restaurants to the west, with additional small and medium sized business, mostly service oriented, in the area.

Conclusions: The proposed use is not incompatible with the planned use of the property in the general area, as there are a variety of commercial uses in the immediate vicinity. The proposed location of the use is at the rear of the building and at the periphery of this prime commercial development site. The use does not interrupt a commercial development pattern for the area or shopping center itself that would detract from the desirability of locating other commercial uses in the area. The developer shall make the architectural treatments and tenant space improvements to Building A prior to operating a mini-storage use.

This will enhance the commercial appeal of the site and allow for new commercial uses to occur on the site. **It can be concluded that the use meets the Commercial Zone Standard (i) for a Special Use Permit.**

Findings of Fact Commercial Zone Standards Two (ii) was amended to state:

Represent the sufficiently desirable need for the entire community that the loss of commercial land is justifiable in relation to the benefit.

Conclusions: The proposed use itself is tied to redevelopment of a site with desirable commercial space. Although a portion of the commercial space is used by the proposed use, that area is not viable as commercial space; however, the developer is willing to make architectural and landscape improvements to enhance the appeal of the building that will benefit the entire community. There is replacement development in terms of both overall square footage and large format retail space to mitigate the loss of existing space. The developer will commit to the site improvements upfront that will support the complete buildout of the site in phases as shown in the Major Site Development Plan. **It can be concluded that the use meets Commercial Zone Standard (ii) for the Special Use Permit.**

Board Member Koehler asked if there was a need to reference the City Council Meeting discussion on architectural improvements. Planner Gould said the new commercial buildings proposed in the site layout have their backs facing the public right-of-way. The back of Building C faces South 16th, the back of Building E faces South Duff, and D faces South 16th. Because of

the significant amount of rear building, a condition was added to add architectural enhancements to break up rear facades.

Board Member Schoeneman clarified that the proposed amendment to condition 1A will not require additional landscaping and extra architectural features; it will be completed prior to occupancy. It was clarified by Planner Gould that the conditions for the Special Use Permit for extra landscaping and architectural features prevent the developer from dividing Kmart and provide site improvements that were approved at City Council in the Integrated Site Plan even though there are no buildings yet. It provides some relief from zoning requirements and access and parking so they can be shared across the development.

Board Member Bradbury inquired if site improvements should be listed individually. It was decided that site-wide improvements are tied to the Integrated Site Plan. Board Member Schoeneman asked if the site-wide improvements include storm water improvements. Ms. Gould explained that keeping the area by Building B green meets the requirements. A plan was approved for underground detention when the green space ultimately goes away, but the green space may be there for a while. Storm water will not be an issue.

Mr. Williams asked to change the number of tenants to multiple tenants instead of four tenants in order to provide flexibility in leasing spaces. He advised that no architectural improvements will be made until leases are signed so as to better accommodate the needs of the tenants.

Board Member Bradbury suggested that the Board approve this request for a Special Use Permit at 1405 Buckeye Ave for an interior climate controlled mini-storage facility by adopting the findings & conclusions as amended above with the following conditions:

1. Prior to occupancy of building with an interior climate controlled mini-storage facility, the applicant shall make the site-wide improvements tied to the Integrated Site Plans.
2. Prior to the issuance of the building permit for the climate controlled facility, the applicant shall provide updated plans for the floorplan and layout and comply with all applicable storage requirements as stated in section 29.130(8)(1) and section 29.130(8)(8) with final compliance approval by the planning director.
3. Outdoor storage and vehicle storage are not permitted in conjunction with the interior climate controlled mini-storage facility.

Moved by Bradbury, seconded by Perkins, to approve ORDER NO. 18-13, thereby approving the request for a Special Use Permit to allow an Interior Climate Controlled Mini-Storage Warehouse Facility in the Highway-Oriented Commercial zone.

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

ADJOURNMENT: Moved by Perkins, seconded by Koehler, to adjourn the meeting at 7:12 p.m. Motion declared carried unanimously.

Rachel Knutsen, Recording Secretary

Matthew Koehler, Chair