

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

AMES, IOWA

FEBRUARY 13, 2019

The Ames Zoning Board of Adjustment met, pursuant to law, in regular session at 6:00 p.m. on February 13, 2019, in the Council Chambers of City Hall with the following members present: Amelia Schoeneman, Kyle Perkins, Matthew Koehler, and Susan Bradbury. Rob Bowers was absent. Assistant City Attorney Jane Chang and City Planners Eloise Sahlstrom and Justin Moore were also present.

APPROVAL OF MINUTES: Board Member Koehler asked for one correction. Page three, second paragraph from the top, the address “Kenyon” should be “Kinyon”. Moved by Bradbury, seconded by Perkins, to approve the Minutes of the meeting of January 9, 2019, with correction. Vote on Motion: 4-0. Motion declared carried unanimously.

CASE NO. 18-15

EXCEPTION – Haila-ASP, Public Hearing on application for an Exception for a Minor Area Modification to allow a reduced side setback for the construction of a second floor addition for the property located at 2006 Kildee Street.

City Planner Eloise Sahlstrom introduced the request and reviewed the site plan, project description, applicable law, and Findings of Fact and Conclusions.

Planner Sahlstrom stated that the property at 2006 Kildee Street is located in a residential, low density zone within the South Campus Area Neighborhood. The property owner would like to build a second story onto the existing first story. The side yard to the west currently has a setback of 7’-6-3/4”. This is greater than the setback that is required for the existing structure as a one story house, but the zoning code requires a two story structure to have an eight-foot setback. The applicant is requesting a reduction of the required setback for the second floor for as much as six inches.

Board member Bradbury asked if the neighboring property had been notified and if the City Planner had heard anything from them. Planner Sahlstrom stated that she received a call inquiring about the sign that had been put out and what it meant, but no opposition from neighbors.

Board member Schoeneman questioned if the neighboring property address is 2010 Kildee Street and if this was the property owner that signed the adjoining property owner statement. Planner Sahlstrom was unsure of the house number of the adjoining property. Mr. Koehler stated that he did look up the adjoining address and it was 2010 Kildee Street.

Applicant Eric Badding, 5213 Thackeray Drive, Ames, was sworn in and testified under oath. He stated that he talked to the owners to the south and west, brought them the plans for the home, and also talked through what would be happening to the house.

Notification of the public hearing was made to all owners of property within 200 feet. In addition, a notice was published in the newspaper and a sign placed in the front yard at 2006 Kildee St.

Ms. Sahlstrom stated that based upon the Findings of Fact and Conclusions, it is the recommendation of the Department of Planning and Housing that the Zoning Board of Adjustment act in accordance with Alternative #1 with conditions, allowing an Exception for a Minor Area Modification to allow a reduced setback for the construction of a second story for the property located at 2006 Kildee Street, by adopting the Findings of Fact and Conclusions stated herein.

No comments were made from the public.

Ms. Schoeneman stated that she appreciates that the encroachment is only 6 inches and that the 6-inch encroachment is a width of 16 feet and not the whole width of the dwelling.

Moved by Schoeneman, seconded by Perkins, to approve ORDER NO. 18-15, thereby approving an exception for a Minor Area Modification to allow a reduced side setback for the construction of a second floor addition for the property located at 2006 Kildee Street. The approval of this Minor Area Modification must be recorded in the office of the County Recorder.

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

CASE NO. 18-16

SPECIAL USE PERMIT – Fareway Stores, Inc., Public Hearing on application for a Special Use Permit to allow a greater than 20,000 SF site development in the Neighborhood Commercial (NC) Zoning District and an Alternative Landscape Plan for the property located at 619 Burnett Avenue.

City Planner Eloise Sahlstrom introduced the request and reviewed the site plan, project description, applicable law, and Findings of Fact and Conclusions.

Ms. Sahlstrom stated that the Fareway Grocery Store is located in the Neighborhood Commercial Zoning District. Fareway has existed at this site since 1969. They are wishing to build a new store that would be a modern medium size of approximately 24,247 square feet. Within the Neighborhood Commercial Zoning regulations, development of properties greater than 20,000 sq ft is allowed, but are subject to approval of a Special Use Permit. While the new store is being constructed, Fareway would like to keep the existing store open. Because of the acquisition of the two properties on 6th and Clark, this property has four street frontages. This lends some difficulties to what would be the normal requirements for the property while also trying to accommodate the construction of a new building. Neighborhood Commercial districts typically have smaller parcels with smaller buildings on it. Most of the parcels have buildings with footprints of less than 2,500 sq ft. This entire site is 2.33 acres, which is something that makes this property unusual. Because Residential Zoning is adjacent to the property, the project needs to be reviewed to ensure that the scale and design used is compatible with what is surrounding the property.

The new store will have its building located along Burnett Avenue with a small setback. It would have access from 6th Street, Clark Avenue, and 7th Street. Fareway is proposing to have angled parking. On the north side of the building will be the loading and truck area so trucks can turn in and back up into the loading area. There is also a refrigeration unit and dumpster in the area that will be screened by a wall which continues the appearance of the building and that wall is set back five feet. Sixth Street would be considered the primary frontage and Burnett is considered the secondary frontage. The setback is 10 feet from Burnett but the code allows a reduced setback to 5-feet. Fareway is proposing a 7.9-foot setback along Burnett. This enables constrained sites, such as Fareway, to have a way to implement a smaller setback with inclusion of certain design features.

Planner Sahlstrom reviewed the three phases of construction and demolition.

Board Member Bradbury asked what the setback on 6th Street would be. Ms. Sahlstrom stated that the primary setback cannot exceed 60 feet and it is at 57.5 feet to 6th Street.

Planner Sahlstrom continued with the proposed site plan stating that once the site is fully developed it will have 108 parking spaces though only required to have 81. During construction, available parking will be reduced to 60 spaces. Fareway can utilize on-street parking and they have also requested as many as 20 remote spaces that they would have access to from the city lot to the east of City Hall. The parking lot and loading area will be lighted with dark sky fixtures. Sidewalks currently exist along all four frontages. New six-foot sidewalks are proposed along 6th Street, Clark Avenue, and 7th Street where replacement walkways are needed. It is anticipated that the majority of the sidewalk along Burnett can remain without being damaged during construction.

Part of the request is for an alternative landscape plan. It was prepared by a licensed landscape architect. Planner Sahlstrom proceeded to review the planting diagram, the exterior façade, and design plan of the Fareway Store.

Notification was made to all owners of property within 200 feet. A notice of public hearing was placed on the property and published in the newspaper. As of this writing, no comments have been received.

Mr. Koehler asked Planner Sahlstrom if she could show the property assessor's page and asked if there are businesses on Burnett. Ms. Sahlstrom stated that there are businesses on Burnett, and some businesses have dwelling units above.

Applicant Cody Pritchard, 715 8th Street, Boone, was sworn in and testified under oath. He stated that Ms. Sahlstrom did a thorough job explaining the plans for the Fareway store site and that he would be happy to answer questions.

Ms. Bradbury asked when construction would be starting on the project. Mr. Pritchard explained that the project would be done in three phases. The first phase would begin in May with the parking lot being extended. This would lead into phase two of the construction of the new store

starting in July. The opening of the new building in April of 2020 is the final step of phase two which would allow for the transition to phase three. In Phase three, the demolition of the old Fareway will take place. Completion of the project will hopefully be in August of 2020 before the students return to ISU.

Peter Hallock, 114 8th St, Ames, was sworn in and testified under oath. Mr. Hallock stated that he is a member of the Old Town Neighborhood Association and he also represents residents of Historic Preservation Commission. He and fellow citizens in the neighborhood are very supportive of the new Fareway building.

Planner Sahlstrom had no concluding remarks. She also stated that staff supports Alternative #1.

Moved by Bradbury, seconded by Koehler, to approve ORDER NO. 18-16, for the request of a Special Use Permit and also to accept the alternative landscape plan for 619 Burnett to allow for a site development greater than 20,000 SF for a new Fareway downtown grocery store in the Neighborhood Commercial (NC) Zone.

- a. Subject to the following conditions: Prior to the final occupancy of this site and completing of the parking lot improvements.
- b. Fareway must obtain final approval to the storm water management plan as well as the storm water pollution protection plan from the City's engineer.

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

CASE NO. 18-17

SPECIAL USE PERMIT – Chamness Technology, Inc., Public Hearing on application for a Special Use Permit to allow a yard waste collection and transfer facility at 220 and 400 Freel Drive

City Planner Justin Moore introduced the request and reviewed the site plan, project description, applicable law, and Findings of Fact and Conclusions.

Mr. Moore stated that Chamness Technology, Inc. has applied for a Special Use Permit to allow a yard waste collection and transfer facility at 220 and 400 Freel Drive. The proposal is for the collection and occasional transfer of yard waste as will be dropped off by the public. The request at this location follows previous approval for a Special Use Permit for the same activity. The permits have been temporary. The reasoning for it is that the City of Ames has extended a contract for an additional two years with Chamness to collect and transfer yard waste at this location.

The site will operate on Monday, Wednesday, and Friday afternoons and Saturday 8am-4pm through late fall. Yard waste can be brought in and, for a fee, left at the facility where Chamness employees will reduce it and transfer it out. No more than a handful of customers are expected during the morning or afternoon. Community wide free yard waste collection days will also be hosted at the site; once in spring and four times in the fall. These events occur on Saturdays.

Planner Moore reviewed the traffic flow map. Ms. Bradbury asked why there were two attachments depicting traffic flow through Chamness. Planner Moore stated that one of the maps has a few more details than the other. Mr. Moore also stated that a flood plain development permit has been approved for use of this site based on the proposed activities.

City staff has reviewed the information submitted by the applicant. Staff concludes that the criteria of Section 29.1503 are met. This use has been in operation for three years serving the needs of the City for yard waste management. The traffic patterns and management of potential nuisance issues have been adequately addressed previously and support allowing for a two-year extension. The applicant has indicated that this is acceptable as they are seeking another site outside the city limits. If they are unsuccessful in that endeavor and need to continue at this site, the applicant would need to apply for a new Special Use Permit.

Ms. Bradbury asked if the neighboring property owners had been notified of the renewed request. Mr. Moore stated that he had received one phone call asking for details of the request.

Mr. Koehler asked if Mr. Moore had a color copy of the where the flood fringe is located. Mr. Moore stated that he had no color map, but that most of entire site is covered in floodway fringe. He also said that the Floodplain Development Permit on file from 2017 is still current.

Applicant Doug MacCrea, 913 Tennyson Ave, Ames, was sworn in and testified under oath. Mr. MacCrea stated that there are two traffic flow maps, one for daily flow and the other for yard waste free days due to higher traffic volume. The Floodplain application requires that the portable lavatory sit on a podium so that it is above the floodplain. The grinder comes and goes as needed. It is portable. If there were flooding in the area, the grinder would go away.

Board Member Schoeneman questioned whether the internal traffic plan for the free day would allow for an additional row of yard waste to be dumped or for waste to be dumped on both sides. Mr. MacCrea stated that it would allow for people to dump on both sides and would also allow for a walking floor trailer to collect bagged waste.

Planner Moore concluded that staff supports the approval of Alternative #1 with the conditions.

Board Member Bradbury asked if the Floodplain permit that was issued in 2017 has a lifespan. Planner Moore informed the Board that the Floodplain permit is indefinite, but if there were additional activities or alterations to the site, then the floodplain permit would need to be updated.

Board Member Schoeneman questioned whether the traffic management plan had been changed. Mr. Moore said that the traffic plan had not changed.

No comments were made from the public.

Moved by Bradbury, seconded by Perkins, to approve ORDER NO. 18-17, thereby approving the request for a Special Use Permit to allow a yard waste collection and transfer facility at 220

and 400 Freel Drive based upon the Findings of Fact and Conclusions stated in the report, subject to two conditions:

- a. That the approval and use be allowed through December 31, 2020, by which time all material and equipment shall be removed from this site and the site shall be restored to its current or better condition.
- b. If the site is sought for use again in 2021, the applicant will need to seek a new Special Use Permit.

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

ADJOURNMENT: Moved by Koehler, seconded by Bradbury, to adjourn the meeting at 7:09 p.m.

Jacque Clark, Recording Secretary

Matthew Koehler, Chair