



STAFF REPORT

CONDITIONAL USE PERMIT

DATE OF MEETING:

July 2, 2012

SUBJECT:

CUP02-12: Jensen Conditional Use Permit Request

PROPOSED USE:

Golf Course

APPLICANT:

Dickson and Luann Jensen

STAFF PROJECT MANAGER:

Charlie E. Dissell, AICP

PROPERTY INFORMATION

PROPERTY OWNER

Dickson and Luann Jensen

GENERAL PROPERTY LOCATION

Parcel C and a part of Parcel E in the Southwest Quarter of Section 23, Washington Township, located at 3935 S US Highway 69 on the northwest corner of S US Highway 69 and Timber Creek Drive.

PARCEL IDENTIFICATION NUMBER

09-23-300-305

09-23-300-405

SIZE OF PARCEL:

20.96 Gross Acres

20.16 Net Acres

CURRENT ZONING:

A-1 Agricultural

CURRENT LAND USE:

The property is classified as an agricultural use as it contains agricultural crop-production ground as well as a farmstead.

LAND USE FRAMEWORK MAP DESIGNATION:

The *Ames Urban Fringe Plan*, a component of the *Story County Development Plan* designates this property as Agricultural and Farm Services with some Environmentally Sensitive Land.

CITIES WITHIN TWO MILES:

Ames

BACKGROUND

The applicants in this case are proposing what they call a “golf performance center”. While the layout is not your traditional golf course, Staff feels that the plan does fall within the definition of a golf course, which is:

A lot, parcel, or tract of land laid out for at least nine holes for playing the game of golf, whether public or private, and improved with tees, greens, fairways, and other game related hazards within which the area is not artificially illuminated. A golf course may include a clubhouse, restrooms, driving range, pitch-and-putt practice range, and shelters as accessory uses, but excludes miniature golf courses. The clubhouse may provide additional services customarily furnished such as swimming and related retail sales that may include a restaurant and cocktail lounge if approved as part of the required Conditional Use Permit.

The proposal includes twelve (12) greens/holes, with various tees, fairways, and hazards. There will be one building associated with this site that will have locker rooms, video camera equipment, as well as shelter for golfers for driving practice. The proposal is meant to be private in nature; however, the applicant will allow the Iowa State University’s Men and Women’s Varsity Golf Teams exclusive access to this site. The applicant notes that the State of Iowa Board of Regents has approved Iowa State University entering into a long term year round lease agreement with the applicant for their use of the proposed facility.

FINDINGS

1. The subject area contains a 2,017 SF single-family dwelling which was built in 1952.
 2. Story County first adopted zoning through Zoning Ordinance Number One on September 2, 1958. The subject property has been in the A-1, Agricultural Zoning District since that date.
 3. Zoning Ordinance Number One allowed Golf Courses as a permitted use.
 4. Conditional uses were not added to Story County’s Zoning Ordinance until June 30, 1977. Golf Courses have been a listed conditional use since that date.
 5. The applicant attended a conceptual review meeting with the Interagency Review Team on June 13, 2012.
 6. Development Application for a Conditional Use Permit was submitted on June 15, 2012, by Dickson and Luann Jensen.
 7. The proposal underwent the usual Interagency Review.
 8. Letters were mailed to surrounding property owners on June 20, 2012, regarding the subject hearing on the request.
 9. Legal Notices were published in the Ames Tribune, Nevada Journal, and Tri-County Times on June 21, 2012, regarding the subject hearing on the request.
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ANALYSIS/STANDARDS FOR APPROVAL

Section 10.30: Standards for Approval

- A. The Board of Adjustment shall review the proposed development for conformance to the following development criteria:**
1. **Compatibility.** The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious, nor offensive in appearance to abutting or nearby properties.
Staff Comment:
Approximately two-thirds of the land surrounding this site is in an agricultural use. While that number shows a majority of the lands surrounding the property being in an agricultural area, that number

would be considered low when compared to most of Story County's unincorporated area. This site's north and west sides are about one-quarter mile from the City of Ames. Areas this close to Ames typically have a greater amount of non-agricultural uses. There are seven estate lots directly to the south and southwest of this site, as well as three rural residential lots to the southeast. The Story County Land Development Regulations allows for golf courses as a conditional use in the A-1 district, and in prior versions of the Story County zoning ordinances, golf courses were an allowed use in the A-1 district.

- 2. Transition.** The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.

Staff Comment:

As previously mentioned, approximately two-thirds of the land surrounding this site is in an agricultural use. This sites north and west side are about one-quarter mile of from the City of Ames. There are seven estate lots directly to the south and southwest of this site, as well as three rural residential lots to the southeast. The concept plan included in the application shows a mowed berm, pond and native plant area on the site's south side, trees on the west side, a native berm on the north side, and the parking lot and structure that will have a rural appearance and is intended to look like a barn. These factors provide a buffer for suitable transition between surrounding uses/properties.

- 3. Traffic.** The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.

Staff Comment:

Ingress/egress is provided through an existing 35' wide driveway off of US Highway 69. According to Iowa Department of Transportation 2011 Annual Average Daily Traffic counts, this area of US Highway 69 has an ADT of 7,100. Application materials submitted show that the total potential daily users from the Iowa State University Golf Programs are twenty-two (22), and the concept plan submitted shows a parking lot with seventeen (17) available parking spaces.

- 4. Parking and Loading.** The development shall provide all off-street parking and loading areas as required by this Ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.

Staff Comment:

As previously mentioned, ingress/egress is provided through an existing 35' wide driveway off of US Highway 69. Application materials submitted show that the total potential daily users from the Iowa State University Golf Programs are twenty-two (22), and the concept plan submitted shows a parking lot with seventeen (17) available parking spaces. For golf courses, a maximum of three (3) spaces for every hole, plus one (1) space for every two hundred (200) square feet of enclosed area is allowed. Staff estimates the proposed building to be around three-thousand (3,000) square feet, which would allow up to fifteen (15) parking spaces. The twelve (12) holes would allow thirty-six (36) parking spaces for a total maximum allowed number of parking spaces of fifty-one (51).

- 5. Signs and Lighting.** Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.

Staff Comment:

According to the applicant, minimal signage and lighting is expected with this proposal. However, if used, up to thirty-two square feet of external signage is allowed which cannot exceed twenty (20) feet in height, cannot be illuminated, and cannot be portable. Unlimited internal signage is allowed. By definition, a golf course in not allowed to be illuminated.

- 6. Environmental Protection.** The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.

Staff Comment:

This property is within the South Skunk River watershed. There is a creek that enters the property on

the southern portion of the west side of the property. That creek flows into a small pond at the southwest corner of the property, which empties into a larger pond on the western edge of the south property line. The property, however, does not contain any floodplain. The site has a change of elevation of 20 feet, with the lowest point of the site being located at the small pond. The sites highest point is located towards the southeast corner of the property. The property drains to the north-northeast and to the southwest, and those areas of the property are proposed to be planted in native planting which will help control runoff from the use.

B. If the Commission concludes that all the above development criteria will be met, it must recommend approval of the application unless it concludes that, if completed as proposed, there is a strong probability the development will:

1. not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property.
2. impair an adequate supply (including quality) of light and air to surrounding properties.
3. unduly increase congestion in the roads, or the hazard from fire, flood, or similar dangers.
4. diminish or impair established property values on adjoining or surrounding property.
5. not be in accord with the intent, purpose and spirit of the Land Development Regulations or County Development Plan.

Staff Comment:

Staff does not believe the proposed use will have a strong probability to do any of these.

C. Burden of Persuasion.

1. The burden of persuasion as to whether the development, if completed as proposed, will comply with the requirements of this Chapter is at all times on the applicant.
2. The burden of presenting evidence to the Board of Adjustment sufficient enough for it to conclude that the application does not comply with the requirements of this Chapter is upon the person or persons recommending such a conclusion, unless the information presented by the applicant warrants such a conclusion.

COMMENTARY

The following comments are part of the official record of the proposed **Jensen Conditional Use Permit Request, Case No. CUP02-12**. If the Commission finds it necessary, conditions of approval may be formulated based off these comments.

Comments from the Interagency Review Team:

The proposal underwent the usual Interagency Review. The following were comments documented by the Interagency Review Team:

David Swanson, Story County Assessor's Office

No comments.

Scott Wall, Story County Auditor's Department:

Our only comment at that time was that if Mr. Jensen ever decides to split the east approximately 70' off his parcel 09-23-300-305 it will trigger a subdivision plat. This is the area the golf facility will cover on this particular parcel. Since Mr. Jensen owns both parcels and will continue to own them we do not require such a split at this time.

Mike Cox, Story County Conservation Director:

No comments.

Keith Morgan, Story County Emergency Management Coordinator

No comments.

Darren Moon, Story County Engineer:

No comments.

Margaret C. Jaynes, Story County Environmental Health:

No comments.

Charlie Kuester, City of Ames Planning:

The City does not have any issues with this since it is an allowable use in this zoning district with a CUP.

Floodplain Management Program Comments:

The property is not located in a Special Flood Hazard Area as defined by FEMA. As such, requirements of the Floodplain Management Ordinance are not applicable.

Comments from the General Public:

Letters were mailed to surrounding property owners on June 20, 2012, regarding the subject hearing on the request.

No public commentary was received or recorded at the time this report was published.

CONDITIONS

Section 10.40: Recommendations on Applications

A. Before being presented to the Board of Adjustment, an application for a Conditional Use Permit shall be referred to the Planning and Zoning Commission for recommendation. When presented to the Commission, the application shall be accompanied by a report from the planning staff setting forth findings concerning the application's conformance to this Chapter, and any recommendations for requirements or conditions to be imposed on the proposed development by the Board of Adjustment.

ALTERNATIVES

The Story County Planning and Zoning Commission may consider the following four alternatives:

- 1) The Story County Planning and Zoning Commission recommends approval of the Conditional Use Permit as put forth in case CUP02-12, as submitted, to the Story County Board of Adjustment, and directs staff to place the case on the August 1, 2012, Board of Adjustment agenda.
- 2) The Story County Planning and Zoning Commission recommends approval, with conditions, of the Conditional Use Permit as put forth in case CUP02-12, as submitted, to the Story County Board of Adjustment, and directs staff to place the case on the August 1, 2012, Board of Adjustment agenda.
- 3) The Story County Planning and Zoning Commission recommends denial of the Conditional Use Permit as put forth in case CUP02-12, as submitted, to the Story County Board of Adjustment, and directs staff to place the case on the August 1, 2012, Board of Adjustment agenda.
- 4) The Story County Planning and Zoning Commission tables the Conditional Use Permit as put forth in case CUP02-12, back to the applicant for further review and/or modifications.