

Staff Report

Story County Board of Adjustment

Date of Meeting:
August 9, 2012

CUP02-12: Jensen Conditional Use Permit Request

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. The entire property is also located in the Airport Protection Area.

CITIES WITHIN TWO MILES

Ames

BACKGROUND INFORMATION

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 of Fact

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 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. The entire property is also located in the Airport Protection Area.
6. The applicant attended a conceptual review meeting with the Interagency Review Team on June 13, 2012.
7. Development Application for a Conditional Use Permit was submitted on June 15, 2012, by Dickson and Luann Jensen.
8. The proposal underwent the usual Interagency Review.
9. Letters were mailed to surrounding property owners on June 20, 2012, regarding the subject hearing on the request.
10. 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.

Analysis

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.



- 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).

- 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 is not allowed to be illuminated.

- 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 Board 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 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.

Planning and Zoning Commission

The Story County Planning and Zoning Commission recommends approval, with a condition being Development Application for this property shall be accompanied by an FAA "Determination of No Hazard to Air Navigation", 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.

Motion: Miller

Second: Gast

Voting Aye: Gast, Couser, Vegge, Miller, Merfeld

Voting Nay: None

Not Voting: None

Absent: Struthers, Weigel

Comments from the General Public

Letters were mailed to surrounding property owners on July 25, 2012, regarding the subject hearing on the request. No public commentary was received or recorded at the time this report was published.

Alternatives

The Story County Board of Adjustment may consider the following alternatives:

1. The Story County Board of Adjustment accepts the recommendation of the Story County Planning and Zoning Commission and approves the Conditional Use Permit as put forth in case CUP02-12, with conditions.



2. The Story County Board of Adjustment acknowledges the recommendation of the Story County Planning and Zoning Commission, however approves the Conditional Use Permit as put forth in case CUP02-12, without conditions.
3. The Story County Board of Adjustment acknowledges the recommendation of the Story County Planning and Zoning Commission, however denies the Conditional Use Permit as put forth in case CUP02-12.
4. The Story County Board of Adjustment tables the Conditional Use Permit as put forth in case CUP02-12, back to the applicant for further review and/or modifications.



Ames

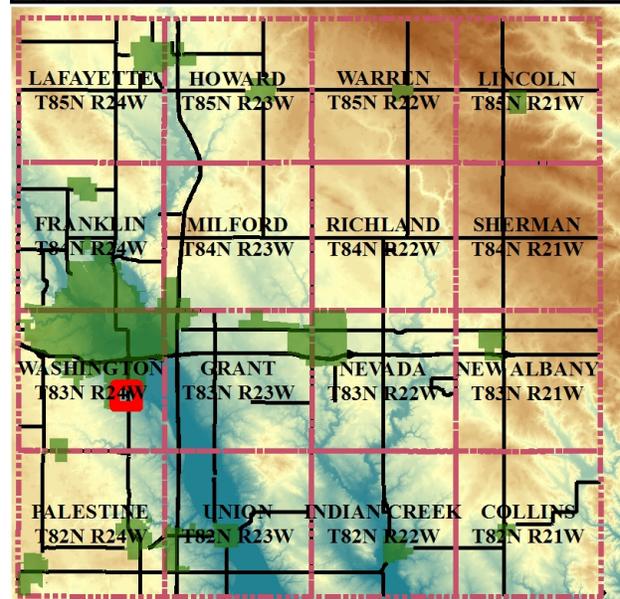
S DUFF AVE

EMERALD DR

KEN MARIL RD

S US HIGHWAY 69

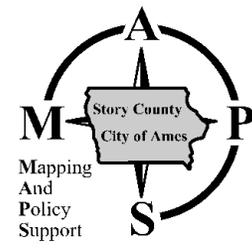
TIMBER CREEK DR



**CUP02-12
JENSEN
CONDITIONAL USE
PERMIT
REQUEST**

Legend

- CUP0212_JENSEN
- City of Ames



Map created on
6/15/2012
by the
Story County
Planning and Development
Department.



DISCLAIMER:
Story County's digital cadastral data is a representation of recorded plats and surveys for use within the Geographical Information System for the purpose of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.
0.45

* CUP 02-12

FORM D - Development Application



Type of Request Please indicate the type of application(s) submitted by checking the box preceding the appropriate request.

BOARD OF ADJUSTMENT

- Appeal of Director's Decision
- Conditional Use Permit
- Conditional Use Permit Modification
- Floodplain Variance
- Variance

BOARD OF SUPERVISORS

- Agricultural Subdivision Plat
- CDP Amendment
- LDR Text Amendment
- Major Subdivision—Preliminary and Final
- Minor Subdivision
- Official Zoning Map Amendment
- R-C Overlay District Initial
- Right-of-Way (ROW) Vacation
- RMH Site Development Plan
- Road Renaming
- Waiver Request
- Zoning Permit—Commercial and Industrial

ADMINISTRATIVE (STAFF)

- Agricultural Exemption*
- Conditional Use Permit Modification
- E911 Address
- Floodplain Permit*
- Home Business Permit*
- Property Research
- Sign Permit Application
- Zoning Permit—Non-commercial

*See Form E on reverse.

GENERAL INFORMATION TO BE COMPLETED

A part of 09-23-300-305 & Parcel Number (PIN): 09-23-300-405
 * See attached Site Plan

E911 Address: _____ Dimensions: _____ Height: _____

Type of Structure/Use: Golf Course

Applicant/Property Owner: Dickson D. Jensen & Luann C. Jensen
(Last Name) (First Name)
4611 Mortensen Road, Ste. 106, Ames IA 50014
(Address) (City) (State) (Zip)
515-233-2128 ddjensen2010@gmail.com
(Phone) (Email)

Contractor Information: Dickson D. Jensen
(Last Name) (First Name)
4611 Mortensen Road, Ste. 106, Ames IA 50014
(Address) (City) (State) (Zip)
515-233-2128 ddjensen2010@gmail.com
(Phone) (Email)

SITE PLAN REQUIREMENTS

Applicants must SUBMIT A SITE PLAN for the following types of applications: Zoning Permits, Floodplain Permits, E911 Address, Agricultural Exemption Request, and Sign Permits showing the following:

SETBACK DISTANCES FROM ALL EXISTING AND PROPOSED STRUCTURES (INCLUDING SIGNS) MUST BE SHOWN, MEASURED AT A RIGHT ANGLE FROM LOT LINES.

- | | |
|--|--|
| Indicate the front of the principal building. | Dimensions of all lot lines. |
| Location and size of existing and proposed signs (if permitted). | All roads and private lanes abutting the property. |
| Location, size, height and use of all existing and proposed buildings | Landscaping: location, type and size of plant materials |
| Parking lots, driveways and loading areas: signage/ markings, parking stalls including total | Wells/waste treatment systems: location and type. |
| Any other information determined need by Planning and Development staff. | Drainage patterns: method/area for disposal of surface runoff with calculations of design. Identify erosion and siltation control. |
| | Outside lighting: location, height and type of existing and proposed. |

For SIGN PERMITS, please include a SKETCH/DRAWING for the sign(s) demonstrating proposed sign and support structure; location, dimensions and height of all existing external signs on the structure. (if applicable); dimensions of and location on the surface to which the sign will be attached.

CERTIFICATION I/we certify that the information and exhibits submitted are true and correct to the best of my knowledge and that in filing this application I am acting with the knowledge, consent and authority of the owners** of the property. Pursuant to said authority, I hereby permit County officials to enter upon the property for the purpose of inspection, and, if necessary, for posting a public notice on the property.

SIGNATURE Dickson D. Jensen DATE 6/14/12

**If signature is not the owner of the property, a written statement from the owner of record stating the applicant signing this form may act on his/her behalf must be submitted.

JENSEN Conditional Use Permit Request for Golf Performance Center

Form B – Submittal

Legal Description of Subject Area

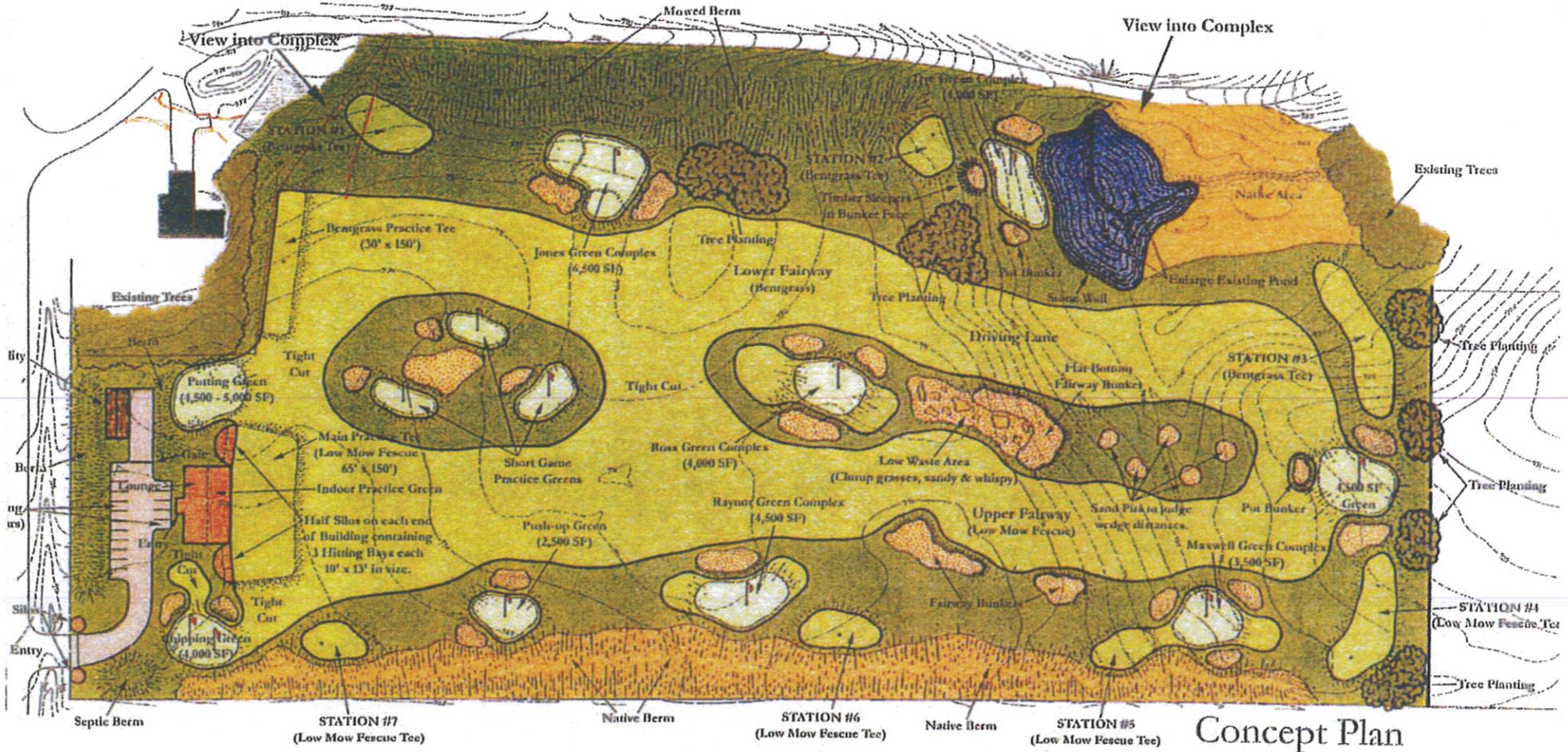
Parcel "C" a part of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Twenty-three (23), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa, as shown on the "Plat of Survey" filed in the office of the Recorder of Story County, Iowa, on July 9, 1996, as Inst. No. 96-06983, Book 14, Page 9. (*Story County Treasurer's Parcel No. 09-23-300-405*).

AND

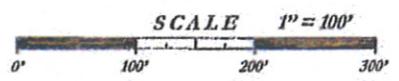
An area comprising no more than the East 70 Feet of the North 504 Feet of:

Parcel "E" a part of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Twenty-three (23), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa, as shown on the "Plat of Survey" filed in the office of the Recorder of Story County, Iowa, on July 9, 1996, as Inst. No. 96-06984, Book 14, Page 11. (*Story County Treasurer's Parcel No. 09-23-300-305*).

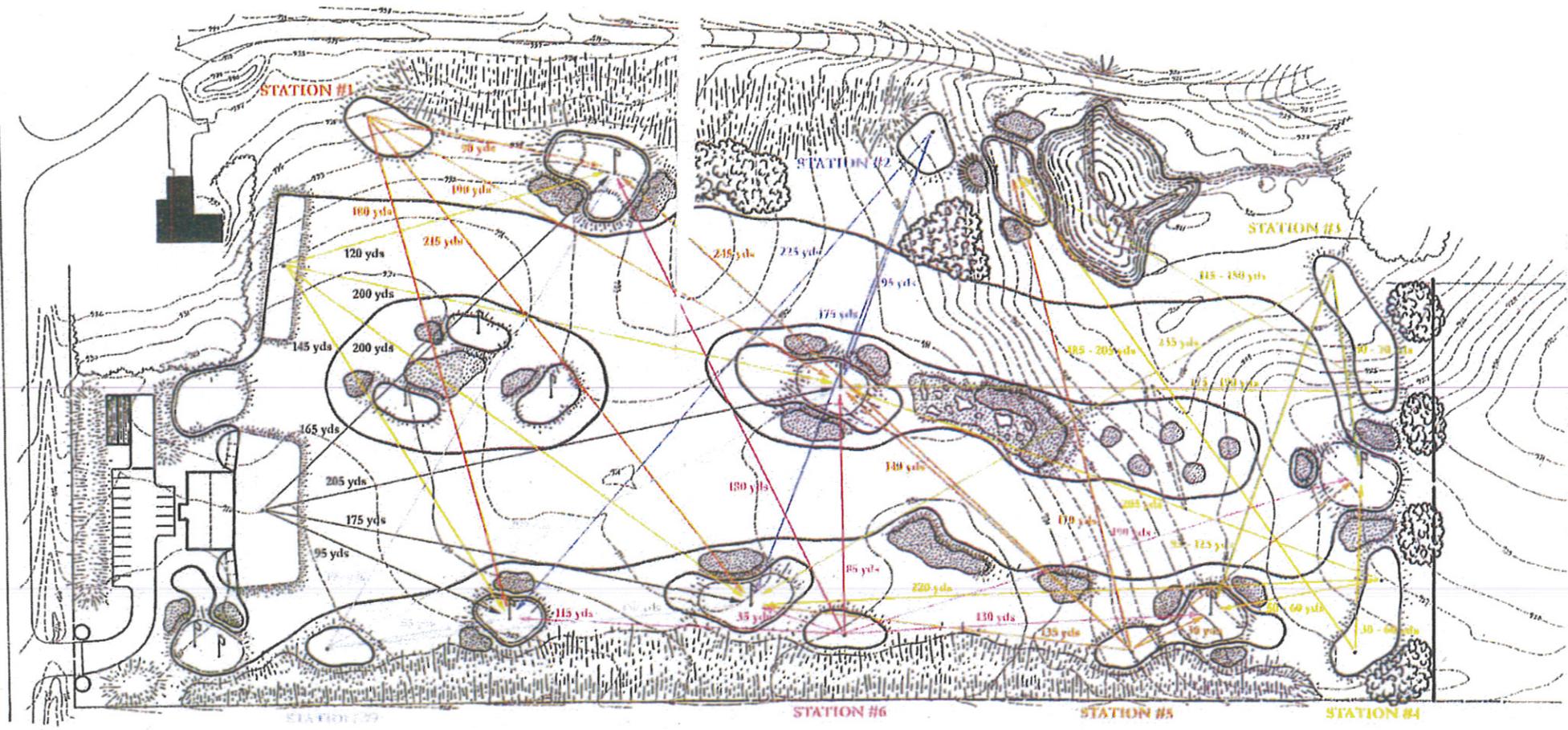
**For reference copies of the Plat of Survey for the above described Parcel C and Parcel E are attached.*



Foster
TECT



Concept Plan
for
Golf Performance Center
March 14th, 2012



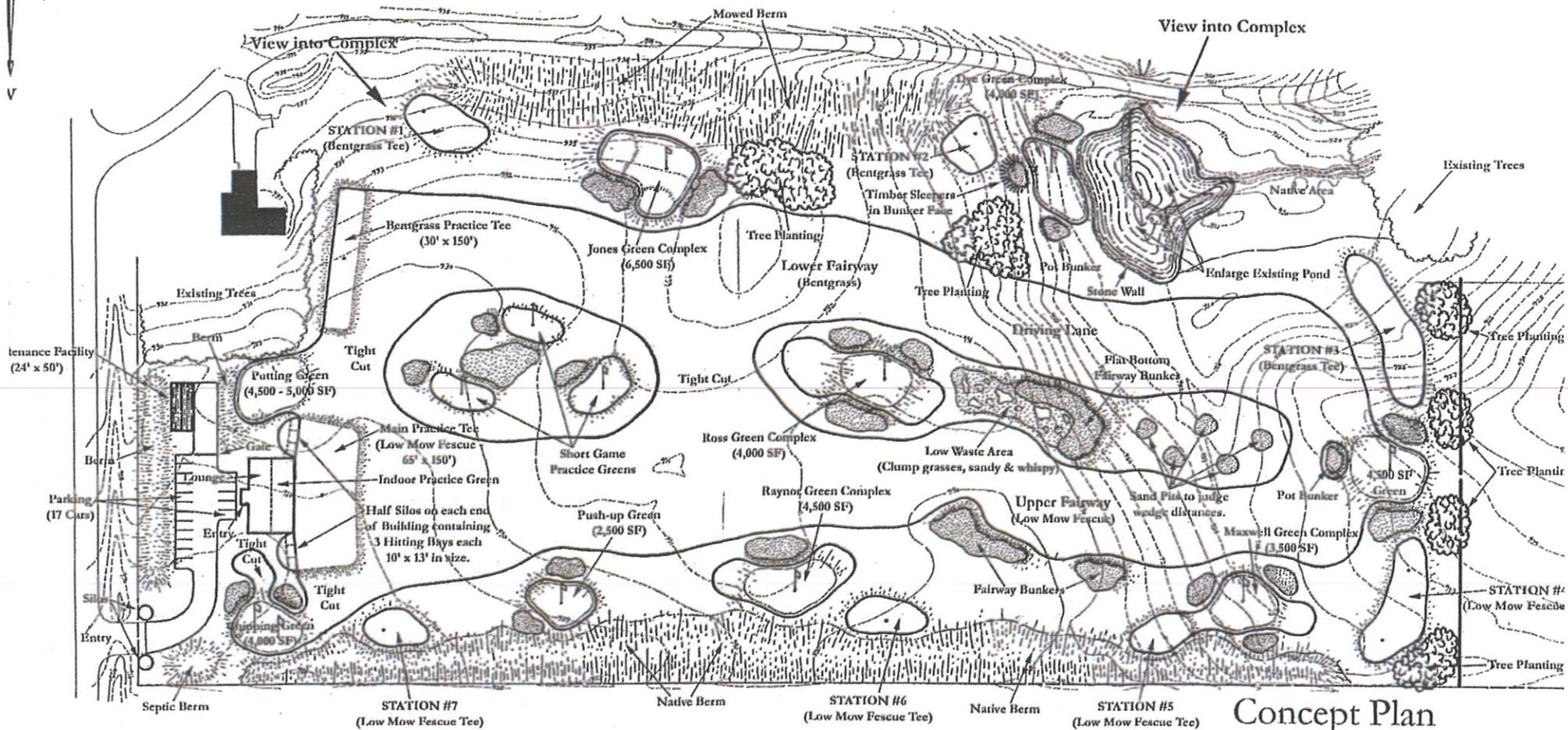
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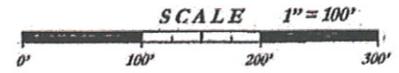


Yardage Plan
March 14th, 2012

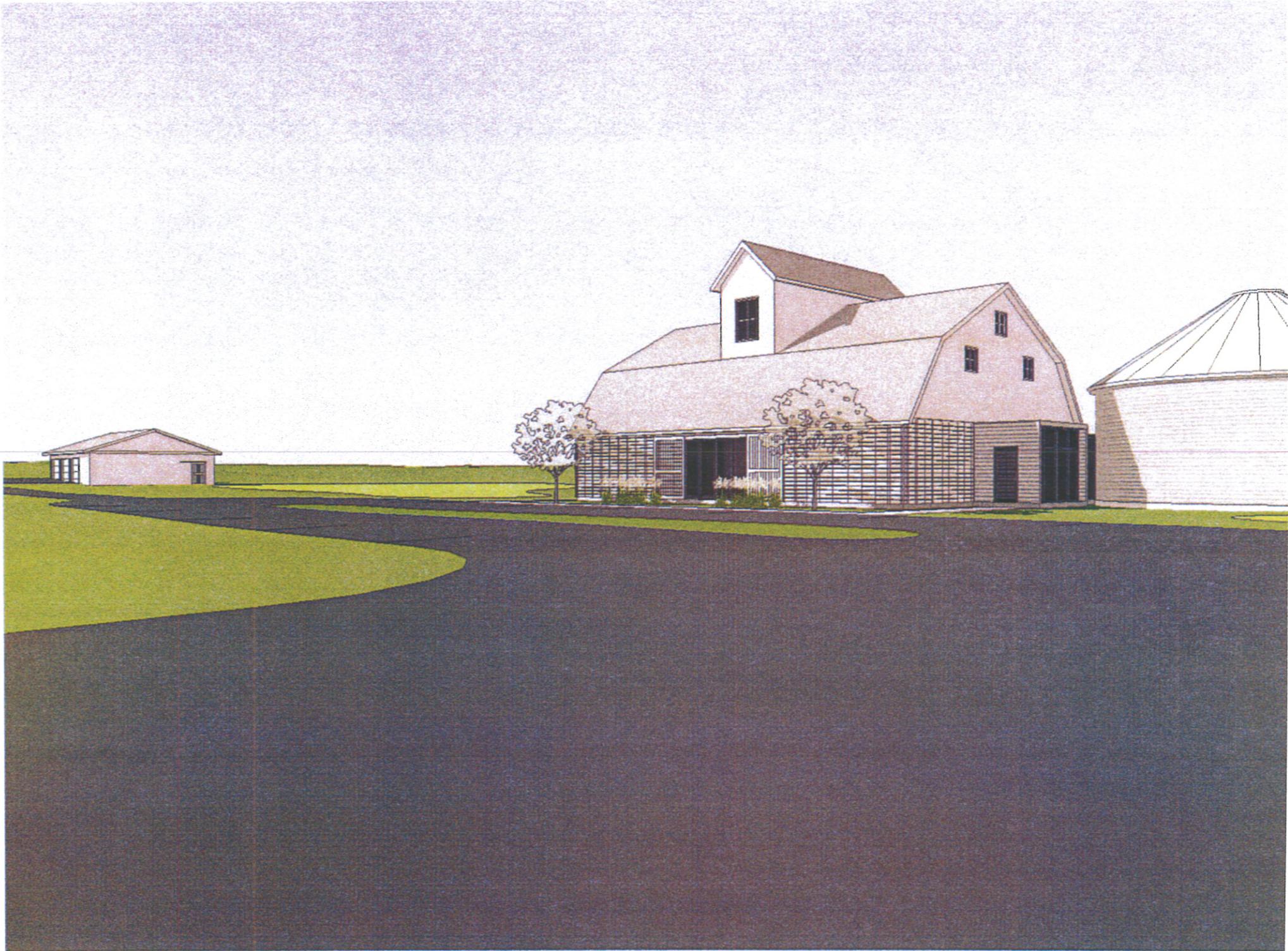


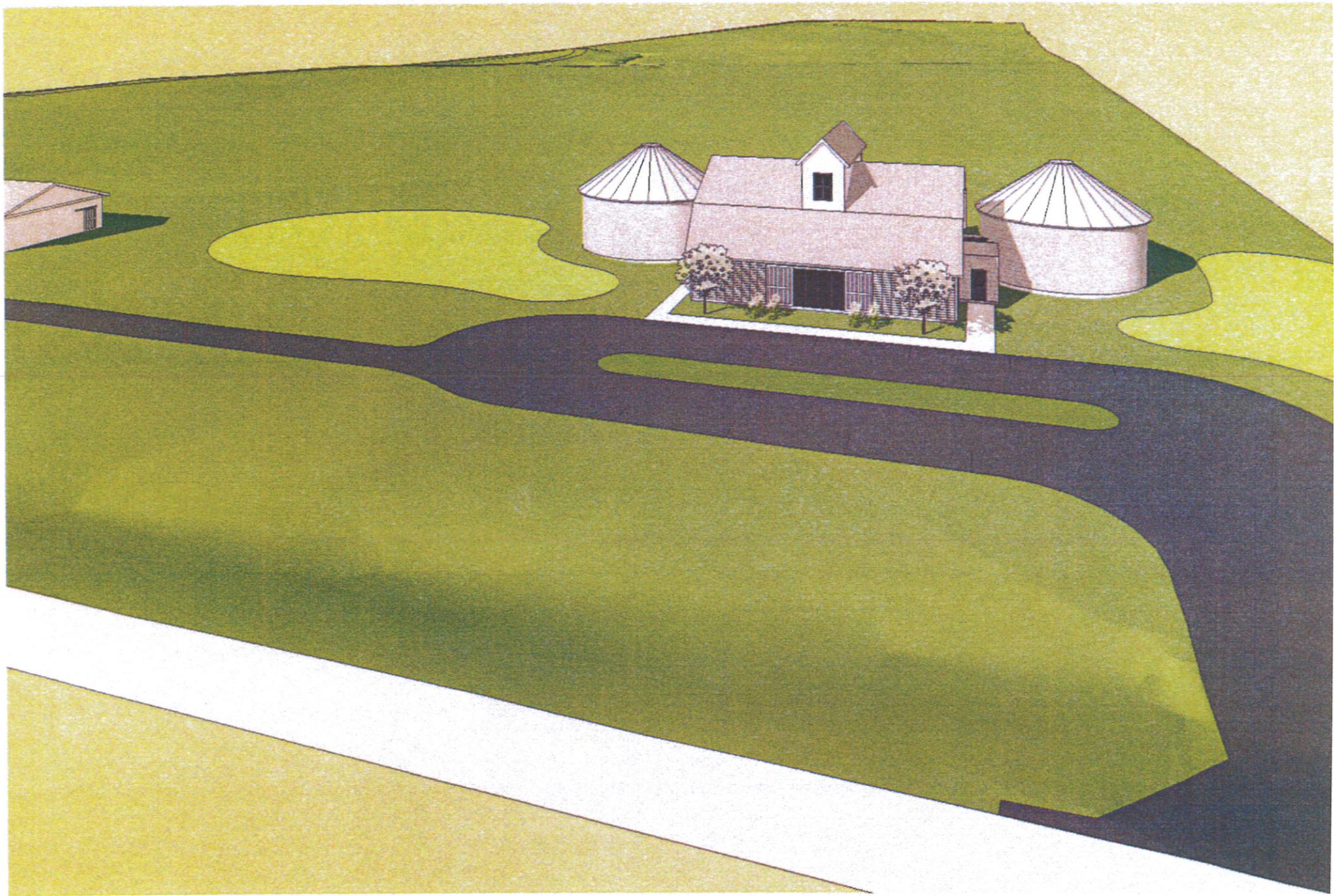


H. Foster
ARCHITECT



Concept Plan
for
Golf Performance Center
March 14th, 2012







JCorp, Inc.

CONSULTING ENGINEERS

2710 Ave 17th

Provo, UT 84601

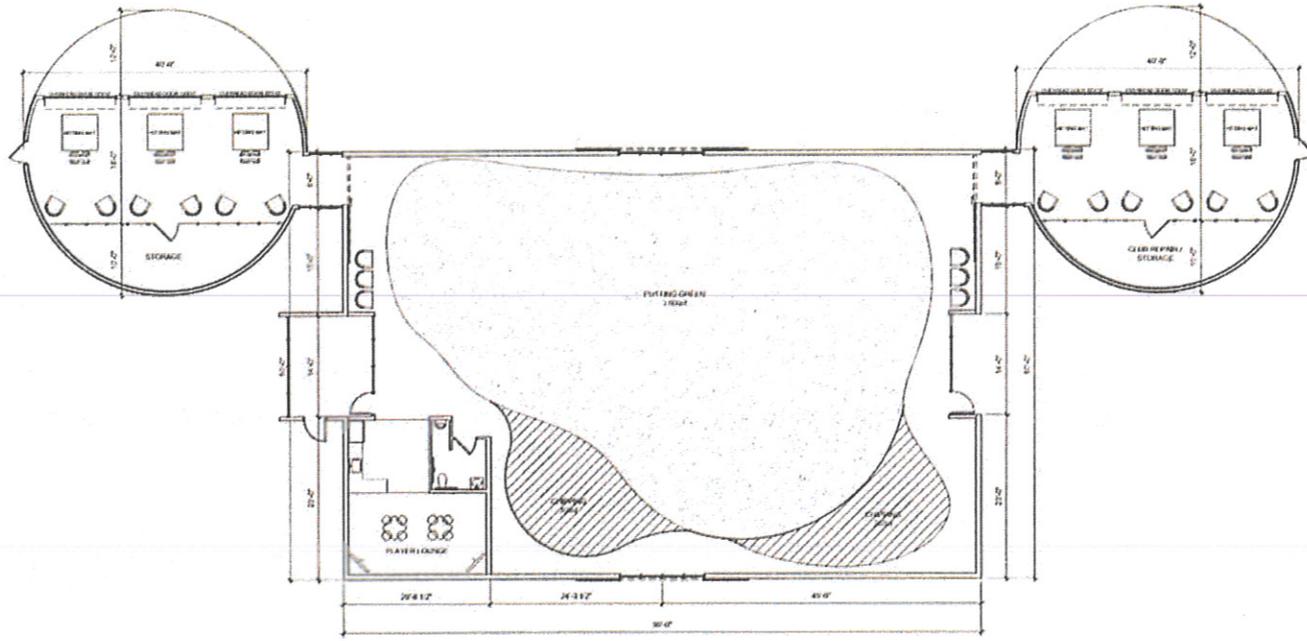
Phone (435) 471-4431

Fax (435) 471-4437

www.jcorp.com

PROFESSIONAL ENGINEER LICENSE NO. 36822

PROFESSIONAL ARCHITECT LICENSE NO. 200000002



1 FLOOR PLAN
SCALE: 1/8"=1'-0"

PROJECT
ISU Golf Practice Facility



DATE: **05/08/12**

PROJECT NO: **12-006**

CONTRACT NO:
FLOOR PLAN

SHEET NO:
A-1

JENSEN Conditional Use Permit Request for Golf Performance Center

Form B – Submittal

Written narrative providing a description of the development and outlining purpose of the request and conformance with the Story County Land Development Regulations and County Development Plan

Project: Applicant Dickson D. Jensen proposes to construct a Golf Performance Center (hereinafter “GPC”) on an area North and West of Highway 69 and Timber Creek Drive. This area is just South of Ames. The GPC will not be open to the public. It is being built for the use of the Iowa State University Men’s and Women’s Varsity Golf Teams. The State of Iowa, through the Board of Regents, has approved Iowa State University entering into a long term year round lease agreement with the Applicant for the use of the proposed facility. ISU will be the exclusive lessee of the GPC.

Zoning: The proposed area for the GPC covers approximately 16 acres and it is zoned A-1. Under the Story County Land Development Regulations, the GPC constitutes a “Golf Course” and is permissible in an area zoned A-1 with a Conditional Use Permit. See LDR §2.10 & Table 10-1.

Standards for Approval:

- (1) **Compatibility.** The subject area currently has a home on the parcel and is in the near vicinity of a number of other homes in a rural residential development setting. The GPC will use native trees and plantings and the buildings that will be constructed are designed to have a rural appearance. The main structure associated with the GPC has been designed to have a barnlike appearance and will house the locker room facility; it is also expected that this facility will also house video camera equipment to assist the golf teams. Two adjacent structures will appear as half-silo structures, and they will be used for shelter for the golfers for driving practice. The Applicant intends to maintain the rural nature of this area aesthetically and intends that the GPC blend with the current surroundings and have minimal impact on adjacent landowners, who include the Applicant and members of his family.
- (2) **Transition.** The GPC provides a suitable transition and buffer between proposed buildings, uses and surrounding properties. As stated earlier, the Applicant intends to maintain the rural nature and appearance of the subject area and the proposed design is consistent with this rural appearance. Although the vast majority of the area will have a golf course-like appearance, the intended structures are consistent with a rural setting.

- (3) **Traffic.** Traffic to the area will be minimally affected. Applicant has included with this application a letter dated May 29, 2012, from Chris Jorgensen, Senior Associate Athletics Director, concerning the expected traffic to the facility. No more than 15 cars would be at the facility during any single day, and use of the facility would be weather dependent.
- (4) **Parking & Loading.** The GPC will have minimal parking needs and Applicant will comply with the LDR requiring no more than 25 parking spaces. See Site Plan attached and Jorgensen letter.
- (5) **Signs & Lighting.** Minimal signage and lighting is expected as set forth on the Site Plan, and the Applicant will comply with the LDR (Section 7.90) and terms of the proposed Conditional Use Permit.
- (6) **Environmental Protection.** The GPC will be operated in a manner that will safeguard environmental and visual resources. The GPC will not generate excessive noise, vibration, smoke, fumes, odor, groundwater pollution or other undesirable, hazardous or nuisance conditions. Applicant has provided for runoff control and will ensure minimal impact on the adjacent pond.

The GPC is consistent with all of the Development Criteria required under the Story County Land Development Regulations and it poses no risk to any of the following:

- (1) Health, safety or welfare of the persons residing or working in adjoining or surrounding property.
- (2) The GPC does not impair the quality of light and air to the surrounding property.
- (3) The GPC does not appreciably increase congestion on the road or present a hazard to fire, flood or similar damage.
- (4) The GPC is expected to be a world-class facility that will not diminish or impair property values on adjoining or surrounding property.
- (5) The GPC is in accordance with the intent, purpose and spirit of the Story County Development Plan and applicable Ordinance.

The Applicant respectfully requests that the Commission recommend approval of this application for a Conditional Use Permit.



May 29, 2012

Mr. Dickson Jensen
4611 Mortensen Road
Suite 106
Ames, IA 50014-6228

Dear Dickson,

Per your request, we are communicating our parking needs and estimated traffic to the proposed location along U.S. 69 just north of Ames.

The facility will not be open to the general public, and it will have very limited access since it is being specifically built for the use of our men's and women's golf teams.

Based on rosters from this most recent year, the daily users of this facility would be as follows.

Men's Golf Staff	2
Men's Golf Student-Athletes	9
Women's Golf Staff	2
Women's Golf Student-Athletes	8
Other Support Staff	<u>1</u>
Total Potential Daily Users	22

Not all of these daily users, especially the students, have automobiles on campus. Several of our student-athletes currently car pool to practice. The golf teams typically practice in the mid-afternoon. Golf team/staff members would also have individual access to the facility. Based on discussions with the golf coaches, the maximum number of cars they would anticipate at the facility at any one point in time would be approximately 15 cars.

If you have any questions about this information, please do not hesitate to contact me at 515-294-0123.

Sincerely,

Chris Jorgensen
Senior Associate Athletics Director

Cc: Jamie Pollard, Athletics Director