

COUNCIL ACTION FORM

**SUBJECT: ZONING TEXT AMENDMENT FOR TEMPORARY BATCH PLANT
REDUCED SETBACKS FROM HOTELS WITHIN THE HOC ZONING
DISTRICT**

BACKGROUND:

The City established a Special Use Permit process and location standards for temporary use of a Highway Oriented Commercial (HOC) zoning district property for asphalt or concrete batch plants in 2011. The request to create such standards was made by Manatt's Inc. in response to a project they had desired to operate at the former Cyclone Truck Stop at 1811 South Dayton Place. The City determined that allowing for the uses on a temporary basis may be appropriate to facilitate infrastructure projects and to limit potential impacts on City streets from permanent locations on industrial streets.

The adopted standards allow for the batch plant use for no more than 9 months total and must be located more than 500 feet from a property with a residential use and 250 feet from a property with a commercial use. The standards were designed to ensure separation from potentially impacted properties adjacent to any batch plant site. There is no specific separation distance from industrial or other types of uses.

Although the Special Use Permit process was established in 2011, no project has requested approval since then, until this year. **Manatt's recently applied for a Special Use Permit for 1811 South Dayton Place and staff determined the site was not eligible for a temporary batch plant based upon the location setback criteria as short term lodging (hotels) properties are within 500 feet of the 1811 South Dayton Place property.** Short term lodging is a residential use according to the Ames zoning ordinance. Hotel properties are within 270 feet of the 1811 South Dayton Place property.

Proposed Amendments

In accordance with the direction from City Council on April 25, 2017, Manatt's has requested a text amendment to clarify that the residential use distance does not apply to short-term lodging.

The proposed changes specify that a residential use means either a Group Living or Household Living use. The minimum 500-foot separation requirement would apply to these types of residential uses. Short-Term Lodging would be added to the 250-foot separation standards along with commercial uses. Commercial uses include Office, Retail Sales and Services, and Restaurant, Recreation, and Entertainment uses. See Attachment A for the existing standards and proposed changes. A typographical error in the last paragraph is also addressed.

Planning and Zoning Commission Recommendation:

The Planning and Zoning Commission reviewed the requested amendment at its May 3rd meeting and recommended approval (5-0). If the City Council approves the text amendment, the applicant will present their application for Special Use Permit to the Zoning Board of Adjustment on May 10th.

ALTERNATIVES:

1. The City Council can approve on first reading a text amendment for 250-foot minimum separation requirements from Short Term Lodging for Temporary Batch Plants and approve on second and third reading.

In accordance with the direction from City Council on April 25th, the applicant has requested all three readings of the ordinance on May 9th to facilitate approval of their plans before the end of May.

2. The City Council can deny the request.

CITY MANAGER'S RECOMMENDED ACTION:

Locally, there have been few instances of a project large enough to require the establishment of a temporary concrete or asphalt batch plant. The most recent instance was in 2011. However, when such a use is needed, it has a large impact on the surroundings due to the high levels of truck traffic and the industrial nature of the use. The current Special Use Permit process allows for review and consideration of these impacts and includes minimum separation standards of 250 feet for commercial properties (including short-term lodging) and 500 feet for household and group living properties.

The unique situation is whether to apply the 250 or 500-foot setback to hotel properties. Staff does not believe that the 500-foot setback was intended in 2011 to apply to hotel properties, but by the use of the term "residential use" it does apply based upon short-term lodging listed as a residential use in Article V of the Zoning Ordinance. Staff believes that the reduced minimum separation in regards to short-term lodging is appropriate as a standard that can be further evaluated as part of the Special Use Permit process.

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1 to approve the zoning text amendment. The Council may also choose to waive its rules and complete the second and third readings of the ordinance on May 9th.

Attachment A- Proposed Amendment.

Sec 29.1311. Temporary Concrete and Asphalt Batch Plants

- (1) It is recognized that certain large private and public projects require the establishment of temporary facilities for the preparation of Portland cement concrete or asphaltic cement concrete. These facilities have been constructed rarely within or near the City and it is anticipated that they will continue to be a rare occurrence. However, it is necessary to accommodate them on a temporary basis and in a manner that will reduce their expected impacts on surrounding properties.
- (2) The Zoning Board of Adjustment can authorize a Special Use Permit for a temporary concrete or asphalt batch plant only after a public hearing in accordance with the submittal and approval procedures set out in Section 29.1503.
- (3) The Special Use Permit shall not be granted:
 - a. If the tract, parcel or lot on which the proposed use is located is less than 500 feet from a tract, parcel or lot containing a residential use **of household or group living.**
 - b. If the tract, parcel or lot on which the proposed use is located is less than 250 feet from a tract, parcel or lot containing a commercial use **or short term lodging.**
 - c. For more than six months although an approved use can receive a single extension of up to an additional three months by the Board provided the initial approval has not expired.
- (4) Additional Requirements
 - a. All temporary principle and accessory structures and storage of materials shall meet the setbacks of the zone in which it is located.
 - b. The temporary establishment of such a use is exempt from the General Development Standards of Article 4 of the Zoning. However, the Board may apply such standards, or any other appropriate standard, as a condition of approval as it **seems deems** necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY RPEALING SECTION 29.1311 AND ENACTING A NEW SECTION 29.1311 THEREOF, FOR THE PURPOSE PERMITTING TEMPORARY BATCH PLANTS WITH REDUCED SETBACKS FROM HOTELS WITHIN THE HOC ZONING DISTRICT; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 29.1311 and enacting a new Section 29.1311 as follows:

“Sec 29.1311. Temporary Concrete and Asphalt Batch Plants.

(1) It is recognized that certain large private and public projects require the establishment of temporary facilities for the preparation of Portland cement concrete or asphaltic cement concrete. These facilities have rarely been constructed within or near the City, and it is anticipated that they will continue to be a rare occurrence. However, it is occasionally necessary to accommodate them on a temporary basis and in a manner that will reduce their expected impacts on surrounding properties.

(2) The Zoning Board of Adjustment can authorize a Special Use Permit for a temporary concrete or asphalt batch plant only after a public hearing in accordance with the submittal and approval procedures set out in Section 29.1503.

(3) The Special Use Permit shall not be granted:

- a. If the tract, parcel, or lot on which the proposed use is located is less than 500 feet from a tract, parcel, or lot containing a residential use of household or group living.
- b. If the tract, parcel, or lot on which the proposed use is located is less than 250 feet from a tract, parcel, or lot containing a commercial use or short term lodging.
- c. For more than six months, except that an approved use can receive a single extension of up to an additional three months by the Board provided the initial approval has not expired.

(4) Additional Requirements

- a. All temporary principal and accessory structures and storage of materials shall meet the setbacks of the zone in which it is located.
- b. The temporary establishment of such a use is exempt from the General Development Standards of Article 4 of the Zoning Ordinance. However, the Board may apply such standards, or any other appropriate standard, as a condition of approval as it deems necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed.”

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor