

**COUNCIL ACTION FORM**

**SUBJECT: TEXT AMENDMENT TO THE ZONING ORDINANCE ALLOWING DRY CLEANING AND LAUNDRY FACILITIES IN THE HIGHWAY-ORIENTED COMMERCIAL (HOC) ZONE BY SPECIAL USE PERMIT**

**BACKGROUND:**

On June 26, 2018, based on the request of Kurt Friedrich of Friedrich Realty and Rick & Jay Kasperbauer of Mayfair Cleaners, the City Council authorized an application for a text amendment to expand opportunities for the on-site processing activities of Dry Cleaning and Laundry Facilities into the Highway Oriented Commercial (HOC) Zone. The Kasperbauers are interested in acquiring a site zoned HOC and moving their business currently located at 508 Lincoln Way. Dry Cleaning and Laundry Facilities are considered an Industrial Service Use and are currently permitted only in the General Industrial (GI) Zone. The existing operation is considered a nonconforming use in the HOC zone.

The term “Dry Cleaning” can be described as any cleaning process for clothing and textiles that uses a chemical solvent rather than water. Dry cleaning is used to clean fabrics that degrade in water, and delicate fabrics that cannot withstand the rough and tumble of a washing machine and clothes dryer. Dry Cleaning operations are traditionally viewed as an intensive process due to use of chemical solvents and the nature of large scale laundry activities. Due to concerns about the intensity of processing activities and use of chemicals, such uses are considered an industrial process.

The most common chemical solvent in dry cleaning is Perchloroethylene (PCE or referred to as Perc). It is used worldwide by 85% of the industry, because of its effectiveness in degreasing and deodorizing fabrics without shrinkage or fading. However, PCE is classified as a Toxic Air Contaminant by the Environment Protection Agency (EPA) underscoring the concerns related to long term exposure to solvents used in Dry Cleaning. Specifically, long term exposure of residential uses within the same building has been studied and found to increase the likelihood of detrimental health conditions. Some industry efforts have been made to phase out the use of Perc due to environmental and health concerns for long term exposure to the chemical.

The health risks of PCE as a dry cleaning solvent has spurred interest in alternative solvents to replace its use. “Green or earth-friendly dry cleaning” are not defined industry terms, but generally refer to any Dry Cleaning method that does not involve using PCE. Due to potential changes in chemical processes with Dry Cleaning, there is potential to reclassify the use as requested by the applicant. Regulations for alternative solvents and processes are still evolving.

Therefore, the unique characteristics of Dry Cleaning and Laundry Facilities merit careful consideration before expanding the use beyond the General Industrial zone. Staff proposes to classify the use as a Special Use Permit that allows for case-by-case

review of a proposed operation and its proximity to other properties that may have sensitive uses. **Staff also recommends adding special standards to Article XIII to clarify that the use of “Perc” is not allowable within the HOC zoning district. Additionally, it is important that facilities not be co-located in the same building with childcare or educational facilities, or any residential use, due to the potential effects of solvent exposure on human health.**

The special use permit process would also be consistent with the approach utilized for other uses of an industrial nature. The Special Use Permit criteria are included for reference as Attachment 1.

### **PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission reviewed the requested amendment at its July 18, 2018 meeting. The Commission reviewed the need for the changes and consistency with the requirements of the zoning district. The Commission then voted 6-0 to recommend approval of the text amendment to allow dry cleaning and laundry facilities in the HOC zoning district by special use permit, as proposed by staff.

### **ALTERNATIVES:**

1. The City Council can approve on first reading the proposed ordinance related to “Dry Cleaning and Laundry Facilities” in the Highway-Oriented Commercial (HOC) Zone.
2. The City Council can recommend alternative language for the proposed text amendment.
3. The City Council can request additional information and defer taking action.

### **CITY MANAGER’S RECOMMENDED ACTION:**

Currently, Dry Cleaning and Laundry Facilities may locate by right, as an Industrial Service use, within the General Industrial zone under minimal development standards. Approval of this text amendment, to allow “Dry Cleaning and Laundry Facilities” in the Highway-Oriented Commercial (HOC) zone, will enable the construction and location of new uses in the HOC zone that include dry cleaning and laundry facilities. This will be the only commercial zoning district that will allow such uses. Other zones allow for drop off and pickup where processing occurs off site.

HOC is a zone intended for a wide range of commercial uses with an emphasis on vehicular access. HOC is located through the City and commonly abuts a variety of other zoning districts, such as Residential Low Density, Residential High Density, and General Industrial. **Requiring a Special Use Permit for dry cleaning and laundry facilities will provide added assurance that such facilities will be appropriate to their location within the HOC zone and meet certain special standards.**

**Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1 as described above.**

## **Addendum**

### **Applicant's Description of use**

The applicant current operates Mayfair Cleaners. The Applicant describes its operations as earth-friendly. Mayfair Cleaners utilizes an alternative solvent, known as SolvonK4 (formaldehyde dibutyl acetal) for their dry cleaning processes. SolvonK4 (formaldehyde dibutyl acetal) is considered a volatile organic component and requires an air permit. SolvonK4 claims to be halogen-free and biodegradable. Mayfair is able to recycle the SolvonK4 and they state that the only byproduct going down the drain is dirty water from their three small commercial washing machines. Currently, there is limited toxicity information available for SolvonK4. The applicant believes their method of operation is distinguishable from traditional Perc based dry cleaning methods and could be found to compatible with commercial surroundings. A restriction on use of Perc within HOC zoning meets the applicant's interest for the text amendment.

### **Zoning Ordinance**

"Laundry, Dry Cleaning, and Carpet Cleaning Facilities" are defined uses within the Zoning Ordinance and are categorized as Industrial Service within Table 29.501(4)-4. Establishments that do Laundry, Dry Cleaning, and Carpet Cleaning on-site are distinguished from Laundromats that are for personal laundry uses and Dry Cleaners with only pick up/drop off which are allowed as a Commercial use, since the processing occurs offsite.

Industrial Service uses are currently allowed as of right in only one zoning district-General Industrial (GI). If the text amendment is not approved, a new dry cleaning facility could be established on a property within the GI zoning district.

Highway-Oriented Commercial (HOC) Zone. The "Purpose" of the HOC zoning district is described in Section 29.804(1) as follows:

The Highway-Oriented Commercial (HOC) Zone is intended to allow auto-accommodating commercial development in areas already predominantly developed for this use. The zone allows a full range of retail and service businesses with a large local or citywide market. Development is expected to be generally auto-accommodating, with access from major traffic ways. The zone's development standards are intended to promote an open and pleasant street appearance; development that is aesthetically pleasing for motorists, pedestrians and the businesses themselves; and compatibility with adjacent residential areas.

As a commercial zone, industrial uses are limited within HOC. Currently two Industrial Service uses are also permitted within the Highway-Oriented Commercial Zone (HOC)- 1) Mini-Storage Facilities and 2) Printing, Publishing, Commercial Art and Reproduction Services. Small production facilities, e.g. breweries, are viewed as a manufacturing use. Each of the existing allowed Industrial uses within HOC zoning require approval of a Special Use Permit.

The proposed text amendment classifies “Dry Cleaning and Laundry Facilities” as a Special Use within the HOC zoning district. Requiring approval of a Special Use Permit for “Dry Cleaning and Laundry Facilities,” in the HOC zoning district, is consistent with the manner in which other “Industrial Service” uses have been allowed in the HOC Zone.

A Special Use Permit requires certain criteria be met for approval and are also subject to “general standards” and “specific standards” for proposed uses in Commercial zones. These standards and the process for approval of a Special Use Permit provides for a detailed review of the particular and unique characteristics of each proposed use. The requirement for a Special Use Permit provides the opportunity for the Zoning Board of Adjustment to address the welfare of adjacent properties and the community as a whole.

In addition to the Special Use Permit process, specific standards are proposed to be added to Article XIII of the Zoning Ordinance to limit the use of toxic chemicals. These standards would apply only to facilities that are not located within the GI zoning district.

Staff proposes the parking rate for the use match that of other HOC retail and service uses. The typical rate is 1 parking spaces for 300 gross square feet of use. This rate would accommodate a range of customer and employee parking needs. Additionally, requiring a standard retail parking rate allows for versatility of use for a site in the future if the dry cleaning establishment closes.

**ATTACHMENT “1”**  
**Sec. 29.1503. SPECIAL USE PERMIT.**

(1) **Purpose.** This Section is intended to provide a set of procedures and standards for specified uses of land or structures that will allow practical latitude for the investor or developer, but that will, at the same time, maintain sound provisions for the protection of the health, safety, convenience and general welfare. This Section permits detailed review of certain types of land use activities that, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land and structural uses possessing these characteristics may be authorized within designated Zones by the issuance of a Special Use Permit. This Section also provides for the use of Single Family Dwellings, Two Family Dwellings, and Single Family Attached Dwellings by a Functional Family.

(2) **Submission Requirements.** An application for a Special Use Permit, filed in accordance with Section 29.1503, shall be accompanied by:

- (a) A statement of supporting evidence that the general and specific standards as delineated in this Article will be fulfilled;
- (b) A Site Plan meeting all the submittal requirements stated in Section 29.1502(2); and
- (c) Preliminary plans and specifications for all construction, as applicable.

(3) **Procedure for Special Use Permits.**

(a) **Zoning Board of Adjustment.** The Zoning Board of Adjustment shall consider the application at a public hearing conducted as part of a regularly scheduled meeting. Notification of the public hearing shall be made by mail, posting, and publication, in accordance with Sections 29.1500(2)(d)(i), (ii) and (iii) above. The Zoning Board of Adjustment must approve, deny, or modify the Special Use Permit application within 60 days of the public hearing. (*Ord. No. 3815, 12-21-04; Ord. No. 3983, 2-10-09*)

(4) **Review Criteria.** Before a Special Use Permit application can be approved, the Zoning Board of Adjustment shall establish that the following general standards, as well as the specific standards outlined in subsections (b), (c), and (d) below, where applicable, have been or shall be satisfied. The Board's action shall be based on stated findings of fact. The conditions imposed shall be construed as limitations on the power of the Board to act. A mere finding that a use conforms to those conditions or a recitation of those conditions, unaccompanied by specific findings of fact, shall not be considered findings of fact for the purpose of complying with this Ordinance.

(a) **General Standards.** The Zoning Board of Adjustment shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use in its proposed location will:

- (i) Be harmonious with and in accordance with the general principles and proposals of the Land Use Policy Plan of the City;
- (ii) Be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;
- (iii) Not be hazardous or disturbing to existing or future uses in the same general vicinity;
- (iv) Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structure, refuse disposal, water and sewage facilities, and/or schools;
- (v) Not create excessive additional requirements at public cost for public facilities and services;
- (vi) Not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors; and
- (vii) Be consistent with the intent and purpose of the Zone in which it is proposed to locate such use.

(b) **Residential Zone Standards.** The Zoning Board of Adjustment shall review each application for the purpose of determining that each proposed use in a residential zone meets the following standards, as well as those set forth in Section 29.1503(4)(a) above and, in addition, shall find adequate evidence that each use in its proposed location will:

- (i) Not create excessively higher levels of traffic than the predominant pattern in the area and not create additional traffic from the proposed use that would change the street classification and such traffic shall not lower the level of service at area intersections;
- (ii) Not create a noticeably different travel pattern than the predominant pattern in the area. Special attention must be shown to deliveries or service trips in a residential zone that are different than the normal to and from work travel pattern in the residential area;

(iii) Not generate truck trips by trucks over 26,000 pounds g.v.w (gross vehicular weight) to and from site except for food delivery vehicles, waste collection vehicles and moving vans;

*(Ord. No. 4159, 9-24-13)*

(iv) Not have noticeably different and disruptive hours of operation;

(v) Be sufficiently desirable for the entire community that the loss of residential land is justifiable in relation to the benefit;

(vi) Be compatible in terms of structure placement, height, orientation or scale with the predominate building pattern in the area;

(vii) Be located on the lot with a greater setback or with landscape buffering to minimize the impact of the use on adjacent property; and

(viii) Be consistent with all other applicable standards in the zone.

(c) **Commercial Standards.** The Zoning Board of Adjustment shall review each application for the purpose of determining that each proposed use located in a commercial zone meets the following standards as well as those set forth in Section 29.1503(4)(a) above and, in addition, shall find adequate evidence that each use in its proposed location will:

(i) Be compatible with the potential commercial development and use of property planned to occur in area;

(ii) Represent the sufficiently desirable need for the entire community that the loss of commercial land is justifiable in relation to the benefit; and

(iii) Be consistent with all other applicable standards in the zone.

(d) **Special Use Permits for Functional Families.**

(i) **Purpose.** This Section is to provide for the regulation of Functional Families that may request to reside in a Single Family Dwelling, Two Family Dwelling or Single Family Attached Dwelling. The regulations are also intended to prohibit larger groups of unrelated persons from residing in Single Family Dwellings, Two Family Dwellings, or Single Family Attached Dwellings. Larger groups of unrelated persons have frequently shown to have a detrimental affect on Single Family neighborhoods since larger groups of unrelated persons do not live as a family unit and do not have significant economic or emotional ties to a neighborhood.

(ii) **Standards of Functional Families.** The Zoning Board of Adjustment shall review each application for a Special Use Permit for a functional family as provided for in this section after having determined that the application meets the following standards:

a. The functional family shares a strong bond or commitment to a single purpose (e.g. religious orders);

b. Members of the functional family are not legally dependent on others not part of the functional family;

c. Can establish legal domicile as defined by Iowa law;

d. Share a single household budget;

e. Prepare food and eat together regularly;

f. Share in the work to maintain the premises; and

g. Legally share in the ownership or possession of the premises.”

(e) **Conditions.** The Board may impose such additional conditions 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.

*(Ord. No. 3591, 10-10-00; Ord. No. 3983, 2-10-09)*

(5) **Lapse of Approval.** All Special Use Permits shall lapse 12 months after the date of issuance unless the use is undertaken or a building permit has been issued and actual construction started. Where unusual circumstances may prevent compliance with this time requirement, the Zoning Board of Adjustment may, upon written request by the affected permittee, extend the time for required start of construction an additional 60 days. Excavation shall not be considered construction for the purpose of enforcing this Section.

(6) **Successive Applications.** In the event that the Board denies an application for a Special Use Permit, a similar application shall not be refiled for 12 months from the advertised public hearing date. The Board, on petition by the applicant, may permit a refiled of this application after 6 months from the original hearing date when it determines that significant physical, economic or land use changes have taken place within the immediate vicinity, or a significant zoning ordinance text change has been adopted, or when the reapplication is for a different use than the original request. The applicant shall submit a detailed statement setting out those changes that he or she deems significant or upon which he or she relies for refiled the original application.

(7) **Site Plans approved as part of a Special Use Permit.** All site plans approved as part of an approved Special Use permit may only be amended pursuant to the same procedures for approving Minor Changes to a Major Site Development Plan as provided in Section 29.1502(6).

*(Ord. 4279, 11-15-16)*

**ATTACHMENT “2”  
Draft Standards**

**Table 29.804(2)  
Highway-Oriented Commercial (HOC) Zone Uses**

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
***			
<b>INDUSTRIAL USES</b>			
<u>Dry Cleaning and Laundry Facility (see Section 29.1315)</u>	N, except mini-storage warehouse facility (see Section 29.1308(8)(a)(v)) <u>Y</u>	<u>SP</u>	<u>ZBA</u>
<u>Mini-Storage Warehouse Facility (see Section 29.1308)</u>	<u>Y</u>	<u>SP</u>	<u>ZBA</u>
<u>Small Production Facility</u>	<u>Y</u>	<u>SP</u>	<u>ZBA</u>
***			

Y = Yes: permitted as indicated by required approval.  
 N = No: prohibited  
 SP = Special Use Permit required: See Section 29.1503  
 SDP Minor = Site Development Plan Minor: See Section 29.1502(3)  
 SDP Major = Site Development Plan Major: See Section 29.1502(4)  
 ZBA = Zoning Board of Adjustment

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**Sec. 29.1315. DRY CLEANING AND COMMERCIAL LAUNDRY FACILITIES.**

Dry cleaning is any cleaning process for clothing and textiles that uses a chemical solvent rather than water.

Dry cleaning and laundry facilities are permitted in the General Industrial (GI) Zone. Dry Cleaning and Laundry may be located in the Highway Oriented Commercial District (HOC) by virtue of a Special Use Permit authorized by the Zoning Board of Adjustment.

A Special Use Permit for a dry cleaning and laundry facility shall be subject to the Zone Development Standards of the HOC Zone and also be subject to the following additional regulations:

- (1) **Chemical Processes.** Use of Perchloroethylene (PCE or also referred to as Perc) is prohibited;
- (2) **Adjacent Uses.** Dry Cleaning Facilities shall not be co-located in the same building with any residential use, childcare, or schools.
- (3) **Parking.** The number of off-street parking spaces shall be calculated at the same rate as other retail parking requirements of Article IV.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY AMENDING TABLE 29.804(2) UNDER INDUSTRIAL USES AND ENACTING A NEW SECTION 29.1315 THEREOF, FOR THE PURPOSE OF ALLOWING DRY CLEANING AND LAUNDRY FACILITIES IN THE HOC ZONE BY SPECIAL USE PERMIT REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; 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 amending Table 29.804(2) under Industrial Uses and enacting a new Section 29.1315 as follows:

**“Sec. 29.804. "HOC" HIGHWAY-ORIENTED COMMERCIAL.**

...

(2) **Permitted Uses.** The uses permitted in the HOC Zone are set forth in Table 29.804(2) below:

**Table 29.804(2)  
Highway-Oriented Commercial (HOC) Zone Uses**

<b>USE CATEGORY</b>	<b>STATUS</b>	<b>APPROVAL REQUIRED</b>	<b>APPROVAL AUTHORITY</b>
...			
<b>INDUSTRIAL USES</b>			
Dry Cleaning and Laundry Facility (see Section 29.1315)	Y	SP	ZBA
Mini-Storage Warehouse Facility (see Section 29.1308)	Y	SP	ZBA
Small Production Facility	Y	SP	ZBA
...			

- Y = Yes: permitted as indicated by required approval.
- N = No: prohibited
- SP = Special Use Permit required: See Section 29.1503
- SDP Minor = Site Development Plan Minor: See Section 29.1502(3)
- SDP Major = Site Development Plan Major: See Section 29.1502(4)
- ZBA = Zoning Board of Adjustment

...



**Sec. 29.1315. DRY CLEANING AND COMMERCIAL LAUNDRY FACILITIES.**

Dry cleaning is any cleaning process for clothing and textiles that uses a chemical solvent rather than water.

Dry cleaning and laundry facilities are permitted in the General Industrial (GI) Zone. Dry Cleaning and Laundry may be located in the Highway Oriented Commercial District (HOC) by virtue of a Special Use Permit authorized by the Zoning Board of Adjustment.

A Special Use Permit for a dry cleaning and laundry facility shall be subject to the Zone Development Standards of the HOC Zone and also be subject to the following additional regulations:

- (1) **Chemical Processes.** Use of Perchloroethylene (PCE or also referred to as Perc) is prohibited;
- (2) **Adjacent Uses.** Dry Cleaning Facilities shall not be co-located in the same building with any residential use, childcare, or school; and
- (3) **Parking.** The number of off-street parking spaces shall be calculated at the same rate as other retail parking requirements of Article IV.”

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

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

Section Four. 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

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John A. Haila, Mayor