

Staff Report

REQUEST FOR ZONING TEXT AMENDMENT RELATING TO HEIGHT LIMIT OF INTERIOR CLIMATE CONTROLLED MINI-STORAGE FACILITIES ADJACENT TO RESIDENTIAL USES IN HOC ZONING

July 31, 2018

BACKGROUND:

City Council referred to staff at its July 10th meeting a request for a Zoning Text Amendment from OnPoint Development, LLC to allow for two-story interior climate controlled facilities adjacent to residential where currently only one story is allowed in HOC zoning. OnPoint Development, LLC is considering redevelopment of 1405 Buckeye Avenue, also known as the former K-Mart site and would like to include self-storage as a component of their development. **The proposed change by OnPoint is for buildings constructed prior to July 1, 2018 and adjacent to residential zoned property be allowed to have two stories of interior climate controlled storage units with no exterior building doors for individual storage units.**

Mini-Storage Warehouse Facilities are a permitted use in the General Industrial (GI) District. They are allowed by virtue of a Special Use Permit in the Highway-Oriented Commercial (HOC) District. Section 29.1308 (Attachment 1) applies when facilities are located on a property zoned HOC. This section lays out architectural design, landscaping, screening, access, and other site design requirements. (Climate Controlled Standards-Attachment 2). **The interior climate-controlled storage use will need to obtain a Special Use Permit in order to exist at 1405 Buckeye Avenue, regardless of the approval of text amendment to change height allowances.** The City requires a special use permit in HOC due to classification of the use as an industrial use which may not be compatible with its surroundings and may not be an appropriate use of commercial land intended for the day to day retail and office commercial needs of the City.

OnPoint is looking to reuse a portion of the existing K-Mart for an interior climate-controlled mini-storage facility use. Their desired location would be at the back of the building, along the west property line, and adjacent to residentially zoned land. They argue that to make the reuse of the existing building and to expand the shopping center financially feasible two stories of storage would be necessary for a tenant in the rear of the existing building. **Section 29.1308(8)(d) limits the size of the use to one story adjacent to residential. Climate controlled facilities may be up to three stories when not located adjacent to residential zoning.**

The developer's letter states that the existing building height, 21 feet and four inches is tall enough to provided two stories of interior storage units without increasing the height

of the building. The only exterior changes would be those required by Section 29.1308 (1) Architectural Standards. Retrofitting a use to work in an existing building may make it difficult to meet all of the design requirements, but this would be handled through the Special Use Permit process to determine compliance with adopted standards.

OPTIONS:

The suggested text amendment language would apply to all properties in an HOC district with a building that was constructed prior to January 1, 2018. Most HOC zoned land has an existing building, especially lands abutting residential properties, so the proposed change would effectively apply to all HOC properties in the City adjacent to residential. By establishing the 2018 date, it would restrict new buildings from being two-stories, but would promote conversion of existing buildings if they could meet the other design standards of the Zoning Ordinance.

Any changes to the standards could be an incentive for more applications for the use in HOC areas compared to locating in GI zones areas. Staff believes that the date a building was constructed has no bearing on the desired use and its suitability for the self-storage. A change based on age of building is likely not needed as a citywide standard, although it suits the interests of the developer for their location.

City Council could respond to the request with one of four options described below.

Option #1 – Allow interior climate controlled mini-storage facilities to be two-stories in buildings constructed prior to January 1, 2018 when adjacent to residential zoning and make no changes to the exterior door requirements (applicant request).

Onpoint Development desires to reuse the existing K-Mart building at 1405 Buckeye Avenue as interior climate controlled mini-warehouse facility, which was initially constructed in the 1990s. This building would not require any exterior changes due to its existing height to house two-stories of storage, but this may not be the case for other previously constructed buildings in HOC that would be subject to the amendment request. The developer believes they can meet all other design standards for the existing building. Other buildings built prior to January 1, 2018 in an HOC district may not be able to meet the other requirements of Section 29.1308. T

Section 29.1308 already addresses exterior doors to storage facilities and where they can be located. Staff believes this design element is adequately addressed for both mini-warehouse facilities and interior climate controlled mini-storage facilities and not needed as part of a text amendment.

Option #2 – Rather Than Using The Term “Adjacent”, Establish A Minimum Setback Of 50 Feet.

The current terminology restricts the height of climate controlled facility if it is “adjacent” to a residential zone. Staff has interpreted this to mean a storage use that is the nearest

use to a residential zone without some other intervening use or buildings would be adjacent. This allows for some flexibility in the review and is open to interpretation by the Zoning Board of Adjustment as part of the Special Use Permit process. The standard could be changed to create a defined setback requirement. Standard setbacks in HOC zoning area are 20 feet when abutting residentially zoned properties. If the setback restriction for one-story is any distance of 50 feet or less it would meet the applicant's interest to allow for consideration of a two-story facility within the current building.

Option #3 – Eliminate the one-story standard for interior climate controlled mini-storage facilities.

This option would allow all interior climate controlled mini-storage facilities to be a maximum of three-stories at all HOC locations if a Special Use Permit is approved. This would make case-by-case review and determinations of compatibility through the Special Use Permit. This option would create the greatest incentive to locate the use in HOC as it is the most permissive option.

Option #4 – No Change

Leaving the standard as is with no text amendment still allows the space in the building to be used as an interior climate controlled mini-storage facility. They applicant would be unable to construct as many interior units as desired with the requested amendment. Leaving the standard as is discourages locating self-storage facilities in HOC areas when adjacent to residential.

STAFF COMMENTS:

Any change to the self-storage facility standards would incent locating the use in HOC compared to GI. In this instance, the number of sites limited by the current one-story standard is minimal. Some examples of areas with existing buildings adjacent to residential are the Kmart site, the Lincoln Center, West Hy-Vee shopping center, and other miscellaneous properties. **If there is a change to the standards, staff believes Option #2 for a defined setback is preferable as it creates a clear standard for future application of the height restriction without regard to age of construction of a building.**

Any of the options to initiate a text amendment would be straight forward as a zoning text amendment and could be accomplished with minimal staff time. As a developer request for a specific project, the City Council would authorize the developer to apply for the amendment rather than initiate it as a city project. As noted earlier, any change to the limit of the number of stories does not change the requirement to obtain a special use permit for the proposed use.

Attachment 1: Section 29.1308 Mini-Storage Warehouse Facilities

(iii) 60 feet.

(e) **Antenna Support Structure Safety.** The applicant shall demonstrate, to the reasonable satisfaction of the Zoning Board of Adjustment, that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

(f) **Fencing.** An opaque fence constructed of wood or masonry material, or other substantial material, that is consistent with the existing structures on the proposed site and approved by the Zoning Board of Adjustment, shall be installed around the antenna support structure and other equipment unless the antenna is mounted on an existing structure.

(Ord. No. 3629, 9-25-01)

(g) **Co-location.** In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other wireless communications companies and local police, fire and ambulance companies.

(h) **FCC License.** The wireless communication company shall provide proof that it is licensed by the Federal Communications Commission.

(i) **Required Parking.** If the cell site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.

(j) **Painting.** Antenna support structures should be painted in such a manner as to reduce the visual impact and create a harmonious appearance with its surroundings.

(k) **Site Plan.** A full site plan shall be required for all cell sites, showing the antenna, antenna support structure, building, fencing, buffering, and access.

(l) **Air Safety.** Support structures 200 feet in height or taller, or those near airports, shall meet all Federal Aviation Administration regulations.

(Ord. No. 3629, 9-25-01)

(8) **Changes.** There shall be no change in the exterior appearance of a cell site, including any change in the profile of the antenna support structure, that is a departure from what was shown or represented in the initial application for the granted special use permit. Additional antenna devices may be attached to the antenna once an antenna support structure has been certified as having been installed according to the approved special use permit. The additional antenna devices may be attached as provided for in Section 29.1307(3) as a means to accomplish the objective of co-location as specified in Section 29.1307(7)(b).

(Ord. No. 3591, 10-10-00)

(9) **Engineered Addition.** If an additional antenna is installed on an existing antenna support structure, engineering data and certification by a licensed professional engineer assuring that the installation is structurally sound within the standards of good engineering practice shall be provided to the City Building Official.

(10) **Removal.** If a cell site, or any antenna support structure, is not used for a period of one year, it shall be the duty and obligation of the party then in possession and control of the site to have the unused antenna support structure and any other unused cell site apparatus completely dismantled and removed from the site.

Sec. 29.1308. MINI-STORAGE WAREHOUSE FACILITIES.

Mini-storage warehouse facilities are self-storage spaces designed and used for the purpose of renting or leasing individual storage space to tenants who have access to such space for the purpose of storing and removing personal properties. Mini-storage warehouse facilities are permitted in the General Industrial (GI) Zone only, except that such facilities 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 mini-storage warehouse facility shall be subject to the Zone Development Standards of the HOC Zone and also be subject to the following additional regulations:

(1) **Architectural Standards.**

(a) **Architectural Theme.**

(i) Facilities placed in or near a shopping center or other retail uses shall be designed to be consistent with the dominant theme or design of surrounding buildings.

(ii) Building surface colors shall be restricted to muted earth tones.

(iii) All buildings, including storage units shall be surfaced in high quality materials such as stone, split face block, or brick. Smooth-faced concrete block, painted masonry, tilt-up concrete panels and prefabricated metal panels are prohibited.

- (b) General Architectural Requirements.
- (i) Buildings shall include design elements such as columns, ribs or pilasters, piers, quoins, and fenestration patterns to prevent a utilitarian, industrial, warehouse-like appearance.
 - (ii) Unit doors shall be screened or sited so they are not visible from the street.
 - (iii) Unit doors shall be integrated into the overall design theme of the site through color and texture.
 - (iv) Buildings greater than forty feet (40') long must include a change in wall plane, recess, or reveal every twenty feet (20').
 - (v) Maximum building length on the site perimeter is sixty feet (60'), except where the buildings are adjacent to an industrial land use or zone and/or Airport Clear Zone.
(Ord. No. 3811, 11-23-04)
 - (iv) Buildings greater than forty feet (40') long must include a change in wall plane, recess, or reveal every twenty feet (20').
 - (v) Maximum building length on the site perimeter is sixty feet (60'), except where the buildings are adjacent to an industrial land use or zone and/or Airport Clear Zone.
(Ord. No. 3811, 11-23-04)
- (c) Roof Design.
- (i) Buildings shall include a roof pitch greater than or equal to 6:12, with roofs incorporating a high quality surface such as architectural shingles, standing seam metal or tile. Flat roofs are prohibited.
 - (ii) Roofs shall include four (4) or more planes, and have overhanging eaves extending at least one and one-half feet (1.5') past the building wall.
- (d) Height. No building shall exceed twenty feet (20') in height.
- (e) Building Placement. Screening and building location shall be such that overhead doors are not visible from off the site.
- (2) Landscaping and Screening. Visual separation is desirable between mini-storage warehouse facilities and adjacent land uses or development. Landscaping shall provide a physical and visual separation.
- (a) High shrubs shall be spaced at a maximum distance of six (6) feet on center to form a screen six (6) feet high.
 - (b) One Landscape Tree is required per fifty (50) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area.
 - (c) Ground cover plants shall fully cover the remainder of the landscaped area.
 - (d) River rock or similar non-organic materials shall not be substituted for the landscaping area or used in combination with the minimum landscaping requirements in the zone or this section.
- (3) Fencing. Fencing is required for additional screening and as a security measure. Fencing shall comply with Section 29.408(2), and comply with the following:
- (a) Fencing shall provide a five (5) foot minimum setback from the property line.
 - (b) Fencing shall be wrought iron or similar material with brick or stone columns spaced at a maximum of fifty (50) feet on center. Landscaping, as required in Section 29.1308(2)(a), shall be provided on the exterior side of the fence facing adjacent land uses. Fences containing barbed wire, electric charges, or sharp materials are prohibited.
 - (c) Where a setback abuts a residential zone, a six (6) foot masonry wall is required. Landscaping, as required in Section 29.1308(2)(a), shall be provided on the exterior side of the fence facing adjacent land uses. Masonry walls must be designed and constructed to facilitate maintenance and not to modify natural drainage in such a way as to endanger adjacent property.
- (4) Building Access.
- (a) Doors providing access to individual storage units shall not be permitted on the front yard side of the building, nor on any side abutting a public street or a residential district.
 - (b) Storage units and drive aisles shall be sited so a truck or car parked at a unit cannot trap another vehicle and prevent it from leaving the facility.
 - (c) Vehicular aisles providing access to storage units on both sides of the aisles, whether interior or exterior, shall not be less than twenty (20) feet wide.
 - (d) Aisles providing access to storage units on only one side of the aisle shall not be less than twenty (20) feet wide provided that there is more than one aisle available for circulation around a building.
 - (e) Loading docks shall not be permitted as part of the storage building.

- (5) **Signage.**
- (a) The only types of signs permitted are wall signs and monument signs, and shall adhere to the following:
- (i) **Wall-mounted Signs.**
 A. Only one wall-mounted sign is permitted along a street frontage.
 B. The number of wall-mounted signs shall not exceed two (2) signs per facility.
- (ii) **Monument Signs.**
 A. Only one monument sign is permitted along a street frontage per facility
 B. The number of monument signs shall not exceed two (2).
 C. The base of a monument sign shall be landscaped with ground cover plants at a minimum of three (3) feet from the base. River rock or similar non-organic materials shall not be substituted for the landscaping area or used in combination with ground cover plants.
- (b) **Signage Size Restrictions.**
 (i) A wall sign is a sign that is displayed by being affixed to the outside of an exterior wall of a building. Wall signs shall be affixed to only those walls that face a street. A wall sign shall be no larger than thirty-two (32) square feet.
 (ii) Monument signs shall be no larger than sixty-four (64) square feet, excluding the base.
- (c) **Signage Height Restrictions.** The maximum permissible height for a monument sign is eight (8) feet, including the sign base; that is, the top of a monument sign shall be no more than eight feet above the grade of the site on which it is erected.
- (d) **Signage Lighting Restrictions.**
 (i) The face of an illuminated sign shall have a dark background.
 (ii) The lighting of both wall signs and monument signs shall be projected downward.
 (iii) Signs that flash light in any manner are prohibited.
 (iv) Internally lighted signs and computerized/digital scrolling signs are prohibited.
- (6) **Lighting.** Lighting shall be in accordance with Section 29.411, and with the following conditions:
- (a) Night lighting and security lighting shall be sensitively designed to ensure no off-site glare is directed to neighboring parcels and that the overall intensity of the site lighting is not in violation of the standards for Section 29.411 or unreasonably intrusive on the use of adjoining property. All lights shall be shielded to direct light onto the site and away from adjacent property.
- (b) Building mounted sconces shall be used instead of freestanding light poles wherever possible.
- (c) When a mini-storage facility is adjacent to a residential zone, pole mounted lights shall

Attachment 2: Section 29.1308(8) Interior Climate Controlled Mini-Storage Warehouse Facilities

be turned off between 9:00 PM and 6:00 AM..

(7) **Parking.** Parking shall be situated in conjunction with an office or management structure, for use by staff, service or delivery personnel, or prospective tenants.

(a) For developments less than or equal to two hundred (200) storage units, a minimum of five (5) off-street parking spaces shall be provided.

(b) For developments greater than two hundred (200) storage units, five (5) off-street parking spaces shall be provided on the property for the first two hundred (200) units, and one additional parking space is required for every one hundred (100) storage units thereafter

(c) Except for purposes of loading and unloading, there shall be no parking or storage of trucks, trailers, and moving vans.

(8) **Interior Climate Controlled Mini-storage Facilities.** Interior climate controlled mini-storage facilities are mini-warehouse buildings where storage is primarily accessed from the interior of the building. Such facilities shall meet all regulations of this Section 29.1308 with the following exceptions:

(a) Interior climate controlled mini-storage facilities may exceed the sixty feet (60') maximum building length at the perimeter.

(b) Exterior garages and/or bays may be located on interior climate controlled mini-storage facilities, but shall not be located on a building that is adjacent to and facing the site perimeter.

(c) Interior climate controlled mini-storage facilities shall be exempt from roof design requirements. Flat roofs may be permitted. All sloped roofs shall incorporate a high quality surface such as architectural shingles, standing seam metal or tile.

(d) No building shall exceed three stories in height. Buildings adjacent to a residential zoned property shall not exceed one story.

(e) Facilities with no exterior accessed storage units shall be exempted from the specific requirements of Landscaping and Screening and Fencing requirements of this section 29.1308. Each project shall incorporate perimeter landscaping in addition to other landscape requirements to enhance visual interest and compatibility with surrounding land uses and development where a total visual screen may not be necessary. Landscaping and fencing needs shall be reviewed as part of the Special Use Permit review for each site.

(9) **Prohibited Uses.**

(a) The following uses and activities shall be prohibited:

(i) Any business activity other than the rental of storage units, including miscellaneous or garage sales and transfer-storage enterprises that utilize vehicles as part of said business is prohibited.

(ii) Servicing or repair of motor vehicles, boats, trailers, lawnmowers, or similar equipment is prohibited.

(iii) Outdoor storage of boats, vehicles, or other materials is prohibited. All items stored on the property shall be located within buildings.

(iv) Storage of hazardous, toxic, or volatile substances is prohibited.

(v) Residential uses, other than one (1) unit for a 24-hour facility caretaker not to exceed 1,200 square feet.

(Ord. No. 4308, 6-13-17)

Sec. 29.1309 SOLAR ENERGY SYSTEMS (SES).

Purpose. Solar energy is a clean, readily available and renewable energy source. This section establishes regulations to facilitate the installation and construction of Solar Energy Systems so that systems are safe, effective, and efficient, as well as harmonious with the character of the adjacent area where located. The provisions of this Section apply to the placement, construction and use of "solar energy systems" as defined in this chapter.