

Appeal: The Appellant is requesting two (2) Variances to the Peripheral Bufferyard for a non-residential use (miniature golf course) adjacent to a single family residential use. A Variance from the required Moderate Bufferyard opacity of .40 to allow a six (6) foot wooden fence as the bufferyard structure and no plantings and a Variance of 23-feet to the Minimum Peripheral Setback reducing the bufferyard width from 25-feet to approximately 2-feet. Both Variances are requested along the eastern property line of the subject property located at 4584 NE 88th Street, Altoona.

Appeal Given: For the complete Variance appeal packet, please refer to *Attachment 'A'*. The following are excerpts from *Attachment 'A'*:

"The City of Altoona is seeking a setback variance from the peripheral setback along the shared property line with a residential home for a planned miniature golf course. Terrace Hills Golf Course was recently purchased by the City of Altoona."

"There is an existing home directly east of the proposed location. The home is a rental property that is owned by the previous owners of the golf course – Joe and Leann Riding. Additionally, the City has a first right of refusal and intends to purchase the property when the Ridings decide to sell it. The City and management company have worked with the Ridings and have agreed to a screen along the shared property line consisting of a six-foot tall wood privacy fence that the City/management company will maintain. A copy of that signed agreement is included in the submittals. We have also reviewed and revised the project lighting plan to direct lighting from the mini golf course down and away from the east and north, keeping the lighting only onto the mini golf course and not spilling onto the neighboring property."

"The variance request is from the east shared property line with the Riding property. The City is seeking a two-foot setback along the east property line to construct mini-golf holes. There will be no buildings or other structures other than an eight-foot tall waterfall feature in the middle portion of the course, approximately 70 feet south of the north property line. The course is made of paved paths for golfers to stay on while playing. The obstacles are created with rocks, stones and ponds. As noted in the paragraph above, the Riding's know of and have approved of the mini-golf course layout. They have also signed a letter stating they would only like to see a six-foot tall wood privacy fence that the golf course/City will maintain. They do not want more screening as they want to maintain their views to look out at the course and activities."

"Another reason why the proposed location is the best place on the property is that it is nearest to the parking lot, clubhouse and restrooms. The selected location is the ideal location on the property. The other areas around the clubhouse and parking lot are occupied by the golf course and practice green and maintenance building."

Background

The Appellant, City of Altoona, is requesting two (2) Variances that are specific to a proposed miniature golf course within the “AT” Agricultural Transition District. The proposed conceptual plan and narrative submitted by the Appellant is included as *Attachment ‘A’*. A Variance is requested to reduce the peripheral bufferyard width along the east property line and to allow a six (6) foot privacy fence and no plantings.

The Appellant is also requesting a Conditional Use Permit to allow and establish the proposed miniature golf course as an accessory use to the existing Terrace Hills Golf Course. If approved, the Conditional Use Permit would allow the Applicant to establish an outdoor commercial amusement use to specifically allow the miniature golf course to be operated on the subject property. An approved Minor Site Plan will be required prior to completion of the miniature golf course.

The subject property is located at 4584 NE 88th Street, Altoona, and totals approximately 153-acres. The parcel is located within the NE ¼ in Section 20 of Clay Township and is legally described as:

The NE ¼ of Section 20, Township 79 North, Range 22 West of the 5th P.M., Polk County, Iowa, except the East 437 feet of the North 160 feet lying South of and adjacent to Highway 6.

The area is primarily zoned “AT” Agricultural Transition District and separate from the Terrace Hills Golf Course, has a combination of agricultural land and surrounding land developed with single-family homes. See an aerial vicinity map included as *Attachment ‘B’*. The City of Altoona is located adjacent to the west of the subject property and shares their corporate limits boundary along the western property line.

The City of Altoona recently purchased the land and the Terrace Hills Golf Course located on the subject property. The Terrace Hills Golf Course was established in 1964. The course layout is currently under construction to add a full-size driving range. The City intends to provide a full range of amenities including future plans to replace the club house with a larger structure to include underground cart storage, a full size kitchen and restaurant use, a meeting room, a banquet room and a full pro shop. Along with the changes proposed for the existing golf course, a miniature golf course is proposed to incorporate an additional entertainment option for families. The location proposed for the miniature golf course is within the northeast corner of the property and will occupy approximately 26,136 square feet. This location allows for visibility from NE 46th Avenue, ease of access and is located near the existing parking lot and clubhouse.

The proposed operation of the miniature golf course includes planned open hours from 9:00 a.m. to 11:00 p.m. The season will operate 7 days a week from May through August with peak times expected between 6:00 p.m. and 9:00 p.m. on the weekends. The operation will also be open on weekends only during March through April and September through October. The designed layout includes 18-holes with 9-holes that are handicap accessible. The course is generally at ground level with the inclusion of course obstacles such as stones and one (1) eight (8) foot tall waterfall feature. No structures are proposed and all lighting on site will be directed down and away from

the east and north to prevent light spilling onto neighboring properties. Landscape screening will be provided along the street frontage.

Summary of Request

The Polk County Zoning Ordinance, *Article 10: Landscaping, Division 5: Opacity for Bufferyards, Table 10.3 Peripheral Bufferyards: Required Opacity Values*, states that a non-residential use (golf course) adjacent to a single family residential use requires a Moderate Bufferyard with an opacity of 0.40. The Appellant is requesting a Variance to the required landscape bufferyard along the eastern property line to utilize a six (6) foot wooden fence as the bufferyard structure and no plantings. The Appellant has also communicated that the owners of the single family residential property adjacent to the east support the Variance request and prefer that the peripheral bufferyard be composed of the six (6) foot fence and no plantings. An agreement has been provided as supporting documentation that includes their signature and outlines this specific request.

The Polk County Zoning Ordinance, *Article 6: Bulk and Use Standards, Division 5: Non-Residential Bulk Standards, Table 6.9 Nonresidential Bulk Standards*, requires a Minimum Peripheral Setback of 25 feet. The Appellant is requesting a Variance of 23 feet (from 25 feet to 2 feet) from the minimum peripheral bufferyard width.

The peripheral bufferyard is required to separate different development options within the same district. A variety of combinations including bufferyard width, planting intensity and structural options are allowed to reach the required opacity value.

39 notices were sent to neighboring property owners within the 500-foot notification boundary for the combined CUP and Variance notice. To-date staff has received three (3) responses in support and none in opposition of the requests.

Natural Resources

The location of the proposed miniature golf course does not have any significant natural resources. The property has one mature tree located along the northern property line and near the northwest portion of the location proposed for the miniature golf course and the rest is turf grass. The property does have designated floodplain, near Mud Creek, in the southwest portion of the site. There are no environmental hazards nor floodplain located near the construction site. The site drains from east to west, away from neighboring properties. The topography of the construction site varies with a high point of 942-feet along the eastern property line and a low point of 933-feet near the adjacent boundary with the existing parking lot along the west of the proposed construction site. A grading permit was approved by the Polk County Planning & Development Division in November 27, 2019 to allow site improvements to the Terrace Hills Golf Course. The location of the miniature golf course was also included within the grading plan.

Roads & Utilities

The property is located near the southwest intersection of NE 88th Street and NE 46th Avenue (Highway 6). The right-of-way in this area is 120-feet wide on NE 46th Avenue and 66-feet wide along NE 88th Street. NE 46th Avenue is a major collector within unincorporated Polk County and

NE 88th Street is a two-lane, paved, local street both maintained by Polk County. The golf course is addressed off of NE 88th Street however, the entrance is located along NE 46th Avenue (Highway 6). There are no new entrances or driveways proposed for this project. A septic system is located west of the existing clubhouse. The proposed miniature golf course will be located to the east of the clubhouse and will not impact the clubhouse or the existing utilities. The project will not require any main extensions. A water line for the waterfall and other features will be extended from the existing private water lines on site. A 32-foot SEP Rural Water District easement is located along the north property line.

Recommendation

The Board of Adjustment may grant a variance if items 1 through 5 are affirmed.

- 1.) Are there exceptional or extraordinary circumstances or special conditions applying only to the property in question and which do not exist generally on other properties in the same zoning district which makes it impossible to place a use permitted in the district on the property?

Yes. The Terrace Hills Golf Course has been located on the subject property since 1964 and covers a significant amount of land totaling approximately 153-acres. A Conditional Use Permit has been requested to allow an accessory use to the existing golf course to include outdoor commercial amusement and more specifically the establishment of a miniature golf course. The proposed six (6) foot solid wood fence would minimize negative effects of the proposed use on the adjacent property to the east without the need for additional plantings. The current and future ownership of the adjacent residential use is an unusual situation and creates special conditions as it relates to the golf course. The family that previously owned the golf course also owns this eastern residential property and the Appellant has first right of refusal to purchase the property at any time that it would be for sale. An agreement has been signed by the adjacent owners indicating their support and preference for the requested bufferyard reduction.

- 2.) Is the variance necessary for the preservation and enjoyment of property rights possessed by other properties in the same zoning district in the same vicinity? (No variance can permit uses that are prohibited in a district)

Yes. An outdoor commercial amusement use specifically, a miniature golf course, is allowed in the "AT" Agricultural Transition District, subject to an approved Conditional Use Permit. A CUP has been requested for the subject property. If approved, this use will be accessory to the Terrace Hills Golf Course that had been established on the property in 1964.

- 3.) Will the authorization of the variance preserve adjacent property and support the purpose of the ordinance and the public interest?

Yes. The proposed six (6) foot solid wood privacy fence will provide an adequate

bufferyard to preserve the adjacent property with the intent that the Appellant will purchase the property in the future. An agreement has been signed by the owners of the adjacent property and they specifically request that no plantings be added to the peripheral bufferyard along the shared eastern property line of the subject property.

- 4.) Is there a special condition or circumstance that did not result from the actions of the applicant?

No. The early grading and site improvements already completed for the miniature golf course limit options for meeting a 25-wide buffer and therefore is a result of the actions of the applicant.

- 5.) Does the variance support the intent of Article 7 Natural Resource Protection and Article 8 Stormwater and Erosion Control Management of the Polk County Zoning Ordinance?

Yes. Compliance with the standards for a Site Plan will mandate compliance with Article 7 and Article 8. The variance request does not affect compliance with the environmental provisions of the Polk County Zoning Ordinance.

Although items 1-5 were not answered in the affirmative, staff recommends approval of the requested Variances due to the unique circumstances and considering the agreement made with the impacted property owners of the residence adjacent to the east. The Appellant has a first right of refusal to purchase the adjacent residence at a point in the future when the property would be for sale. The limitations of the bufferyard appear to be temporary in nature.

Variance Appeal Application

Board of Adjustment Authority

The Polk County Board of Adjustment is empowered by Iowa law and by the Zoning Ordinance of Polk County to hear requests and to make decisions on variance appeals to the Zoning Ordinance for individual properties where provisions of the Ordinance impose a unique and unnecessary hardship on the property owner and where the granting of a variance is not contrary to the intent of the Zoning Ordinance or to the public interest.



Each variance appeal is only a request to have a hearing before the Board of Adjustment. Notice of the hearing will be provided to all property owners located within 250 feet from the subject property. The Board of Adjustment will make a determination at a public hearing whether or not to approve or deny the request based on a staff report, applicant presentation, as well as public input. All appeals that are denied shall not come back to the Board of Adjustment for one year. Refunds will not be made once notice has been sent out to adjacent property owners.

Please complete the entire application and review the Variance Regulations on page 3.

1. The undersigned applicant requests that the Board of Adjustment consider this application for a variance appeal for the following general purpose. (Describe briefly the request)

Requesting a setback variance from the east
peripheral setback to construct/place miniature golf course at Terrace
Hills Golf Course two (2) feet from the property line

2. Subject Property Address: 4584 NE 88th Street, Altoona

3. Subject Property Zoning District: AT - Agricultural Transition

4. District and Parcel Number: 170/00089-003-000

5. Subject Property Legal Description (attach if necessary):

Except the East 437 feet of the North 160 feet lying South of and
adjacent to Highway 6, in the NE 1/4 of Section 20, Township 79 N,
Range 22 West.

6. Filing Fee: \$315 per variance (each provision requested for a variance is considered a separate variance request)

7. Applicant(s) Information:

City of Altoona
Applicant (Print Name)

[Signature]
Signature

4/13/20
date

Owner, Mayor
Interest in Property (owner, renter, prospective buyer, etc.)

docconnor@altoona-iowa.com
Email

900 Venbury Drive, Altoona, IA 50009
Address, City, State and Zip

967-5138
Phone

967-0842
Fax

8. Applicant(s) Representative:

If the appeal is going to be represented by someone other than the applicant please provide that information below

Chad Quick, Planner
Applicant Representative (Print Name)

City of Altoona
Firm or Business Name

900 Venbury Drive, Altoona, IA 50009
Address, City, State and Zip

cquick@altoona-iowa.com
Email

967-5138
Phone

967-0842
Fax

9. Property Owner Consent

The application must be signed by all the Titleholders, Contract Purchasers, or Option Purchasers of the subject property. The application may also be signed by the Registered Agent for a corporation or other person with similar legal authority to sign for a property owner. (if additional signatures are needed please attach)

Dean O' Connor, Mayor
(Print Name)

[Signature]
Signature

4/13/20
date

(Print Name)

Signature

date

(Print Name)

Signature

date

(Print Name)

Signature

date

10. State the reason(s) the variance is necessary and why you cannot comply with the regulations of the Zoning Ordinance. Specifically explain the nature of the appeal.

See Attached

**A completed application with site drawing and filing fee are required for a submittal.
Incomplete submittals will not be processed and returned to the Applicant.**

Return completed forms to: Polk County Public Works, Planning Division 5885 NE 14th Street, Des Moines, IA 50313
Phone (515) 286-3705 • Fax (515) 286-3437

Forms and calendar available online <http://www.polkcountyiowa.gov/PublicWorks/>

OFFICIAL USE ONLY			
Received by		Docket Number	
Date Received		Reviewed by	
BOA meeting date		BOA Approved	Y / N

10. State reason(s) the variance is necessary and why you cannot comply with the regulations of the Zoning Ordinance. Specifically explain the nature of the appeal.

The City of Altoona is seeking a setback variance from the peripheral setback along the shared property line with a residential home for a planned miniature golf course. Terrace Hills Golf Course was recently purchased by the City of Altoona. In making the decision to purchase the golf course, City leaders wanted to ensure there was a quality of life amenity like this available to the community, especially as the City continues to grow. They felt there was a need to continue the recreation aspects a golf course provides.

Golf courses are trying to diversify their entertainment options to appeal to more folks than just golfers. As part of the desire to provide a full range of amenities, the City and management company are in the process of changing the course layout and adding a full-size driving range. Future plans include replacing the club house with a larger structure that will have underground cart storage, full size kitchen and restaurant use, a meeting room, a banquet room, as well as a full pro shop. One other amenity is to add an 18-hole miniature golf course. The idea is to provide an entertainment option for the entire family.

There is an existing home directly east of the proposed location. The home is a rental property that is owned by the previous owners of the golf course – Joe and Leann Riding. Additionally, the City has a first right of refusal and intends to purchase the property when the Ridings decide to sell it. The City and management company have worked with the Ridings and have agreed to a screen along the shared property line consisting of a six-foot tall wood privacy fence that the City/management company will maintain. A copy of that signed agreement is included in the submittals. We have also reviewed and revised the project lighting plan to direct lighting from the mini golf course down and away from the east and north, keeping the lighting only onto the mini golf course and not spilling onto the neighboring property.

The variance request is for the peripheral setback from the east shared property line with the Riding property. The City is seeking a two-foot setback along the east property line to construct mini-golf holes. There will be no buildings or other structures other than an eight-foot tall waterfall feature in the middle portion of the course, approximately 70 feet south of the north property line. The course is made of paved paths for golfers to stay on while playing. The obstacles are created with rocks, stones and ponds. As noted in the paragraph above, the Riding's know of and have approved of the min-golf course layout. They have also signed a letter stating they would only like to see a six-foot tall wood privacy fence that the golf course/City will maintain. They do not want more screening as they want to maintain their views to look out at the course and activities.

As to why this location on the property was chosen, the area north and east of the parking lot and clubhouse is the only logical location. This will maximize available space. The area is now turf grass and has no unique environmental features, trees, prairie, etc. If it were not proposed to be a miniature golf course, it would most likely become a paved parking lot. Another reason why the proposed location is the best place on the property is that it is nearest to the parking lot, clubhouse and restrooms. The selected location is the ideal location on the property. The other

areas around the clubhouse and parking lot are occupied by the golf course and practice green and maintenance buildings. Those are not good locations to mix in families, many with small children. It is also the best location so as to be visible from the vehicles travelling on NE 46th Avenue for advertising purposed. The proposed location is the best and only logical location for the miniature golf course.

Granting the variance will not be of substantial detriment to adjacent property. As noted, the residential neighbor has agreed to reduced screening requirements. And along the north property line, the min-golf course is setback 26 feet from the north property line. We are planning to install the required landscaping screening, three canopy trees, six understory trees, and 20 shrubs as per County screening requirements. This area now is mowed turf grass and parking lot. The mini golf course will not be a drastic in use. If not a mini golf course, the area would most likely be turned into a parking lot.

As far as the operation of the mini-golf course, it is planned to be open on weekends only during March-April and September-October. During the peak summer season – May thru August, it will be open seven days a week. The planned hours are from 9 am to 11 pm. The peaks times will be between 6 pm and 9 pm on weekends. It is an 18-hole course design with nine holes being handicap accessible.

Required Information: (must be included prior to making submittal)

1. Complete Application including the description of requested variance(s) with specific information for the request and state the reason(s) the variance is necessary and why you cannot comply with the regulations of the Zoning Ordinance.
2. Submit site drawing as required see details below.

Site Drawing

All variance appeals must submit three (3) 11x17 copies of a site drawing with the application. The site drawing must be fully dimensioned and legible. All required information must be drawn to a scale. The Zoning Administrator may require a petitioner to submit a site plan drawn by an engineer or architect. The site plan shall include the following:

1. Boundary drawing of the lot or area involved.
2. Location, dimensions, height and setbacks of all existing and proposed buildings and structures and the uses of each.
3. Use of the proposed addition to building or structure.
4. Approximate location of the vehicle entrance to the site.
5. Show the approximate location of water and sewer (septic system) facilities, if applicable.
6. Location of parking area and number of stalls required, if applicable.
7. General location of landscaping, buffer areas and screening, if applicable.
8. If the appeal is for a **sign**, the appeal must be accompanied by both a fully dimensioned, to scale elevation and site plan drawing of the sign, showing the exact location and size of the sign.

Variance Regulations

No variance from the provisions or requirements of this ordinance shall be authorized by the Board of Adjustment unless the Board finds beyond reasonable doubt that all the following conditions and circumstances exist. These regulations are found in the Zoning Ordinance, Article 17. Variance. The conditions and circumstances will be addressed by the Polk County Planning Division staff in reviewing the variance(s) request.

1. There must be exceptional or extraordinary circumstances or special conditions applying to the property in question, and do not exist generally on other properties in the same zoning district. By virtue of the unique or special conditions, it is, therefore, exceptionally difficult to place a use permitted in said district on the property.
2. The variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity and such variances will not permit uses that are prohibited in that district.
3. The authorization of such variance will not be of substantial detriment to adjacent property and will not be contrary to the purpose of this Ordinance and the public interest.
4. That the special conditions or circumstances did not result from the actions of the applicant.
5. The variance will not entirely void the natural resource protection requirements of this Ordinance.

The condition and/or situation of a property for which a variance is sought must be of an unusual nature. A variance shall not be authorized if the condition or situation is of a general or recurrent nature such that adopting a general regulation as an amendment to this Ordinance is a reasonably practicable solution.

The variance granted shall be the minimum necessary to permit a use of the property. A variance shall neither increase the number of permitted dwelling units by more than one (1), nor allow the minimum lot area required for a use to be decreased by more than ten (10) percent. If natural resources are involved, then mitigation for any damage to the environment shall be a condition of the variation.



April 15, 2020

Joe Riding
225 Cottonwood Dr SW
Altoona, IA

Dear Joe,

As we have discussed, this letter formalizes the proposed screening along the west property line of the property that LJPC I LLC owns at 8749 NE 46th Avenue, Altoona. The west property line is adjacent to a proposed new miniature golf course at Terrace Hills Golf Course. The agreed-to screening to be placed along the entire shared ~~west~~ property line of the home is a six-foot tall wood privacy fence. The City will be responsible for maintenance of the fence. It will run from the Southwest corner of your property to the northwest corner of your property.

City of Altoona:

Dean O'Connor, Mayor
Printed Name

[Signature]
Signature

LJPC I LLC:

Joe Riding
Printed Name

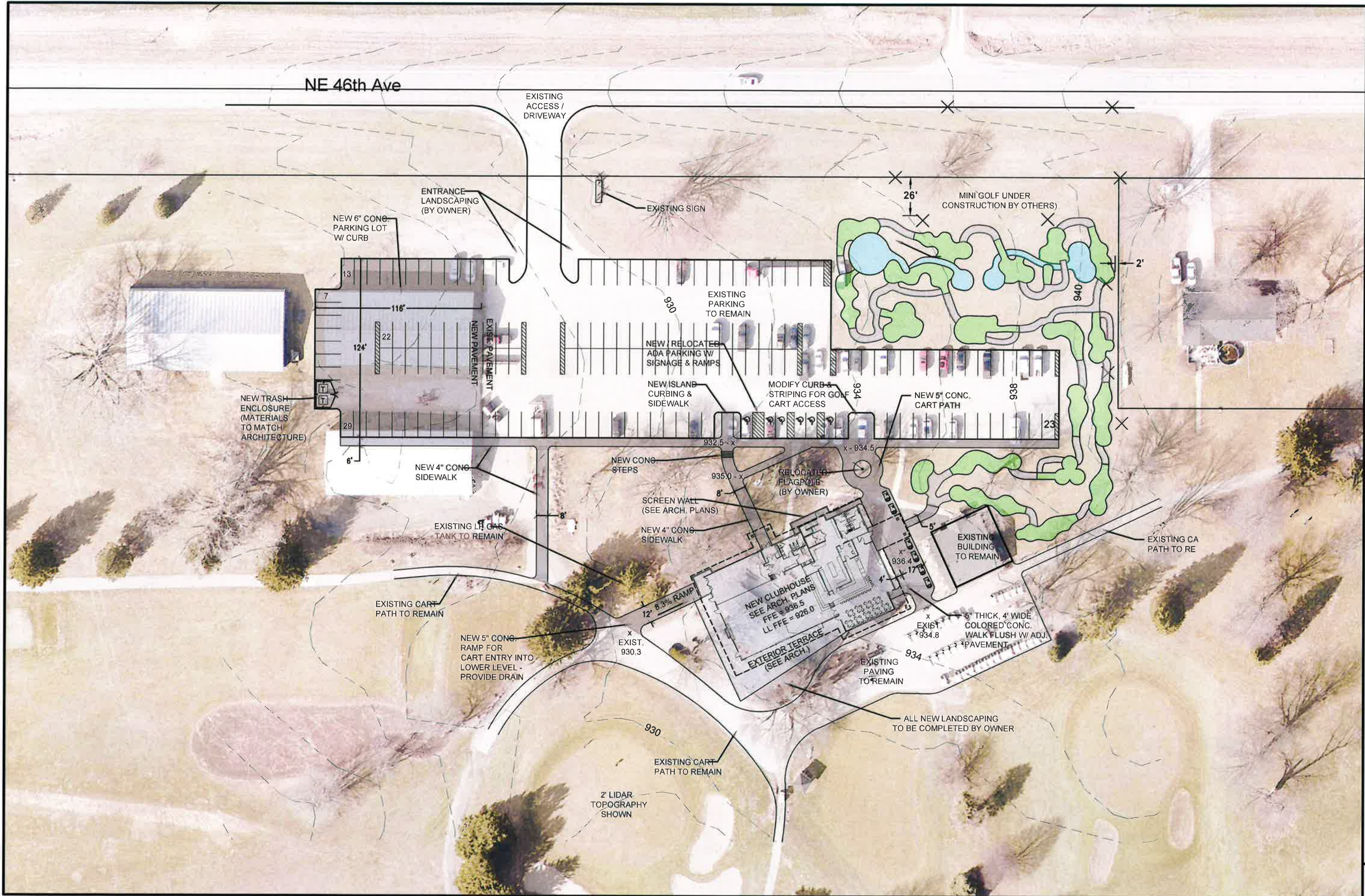
[Signature]
Signature

Leann Riding
Printed Name

[Signature]
Signature

Printed Name

Signature



APRIL 14, 2020

GOLF COURSE
MINI GOLF

1



PROJECT: Terrace Hills
Golf Club
Des Moines, IA

DRAWN BY: J. Onyschczak DATE: 09 / 05 / 19

CHECKED BY: P. Boylan JOB #: 19-60-2

LAYOUT & GRADING
PLAN SHEET: 4 OF 10

REVISIONS:

J.J.D.	03 / 31 / 20 (COURSE LAYOUT)
J.J.D.	01 / 20 / 20 (COURSE LAYOUT)

DATE PRINTED: 03 / 31 / 20

Handicap accessible portions of the course(s) are designed in accordance with ADAAG (Americans with Disabilities Act Accessibility Guidelines) Chapter 10 Section 1007.

REUSE OF DOCUMENTS:

This document, and the designs incorporated herein, are the property of Harris Miniature Golf Courses, Inc. and are not to be used in whole or in part for construction of this, or any other project without written authorization of Harris Miniature Golf Courses, Inc.

NOTES:

-Elevations shown on this grading plan represent proposed rough grades. Fine grading for holes, walkways, and water systems will be done in the field.

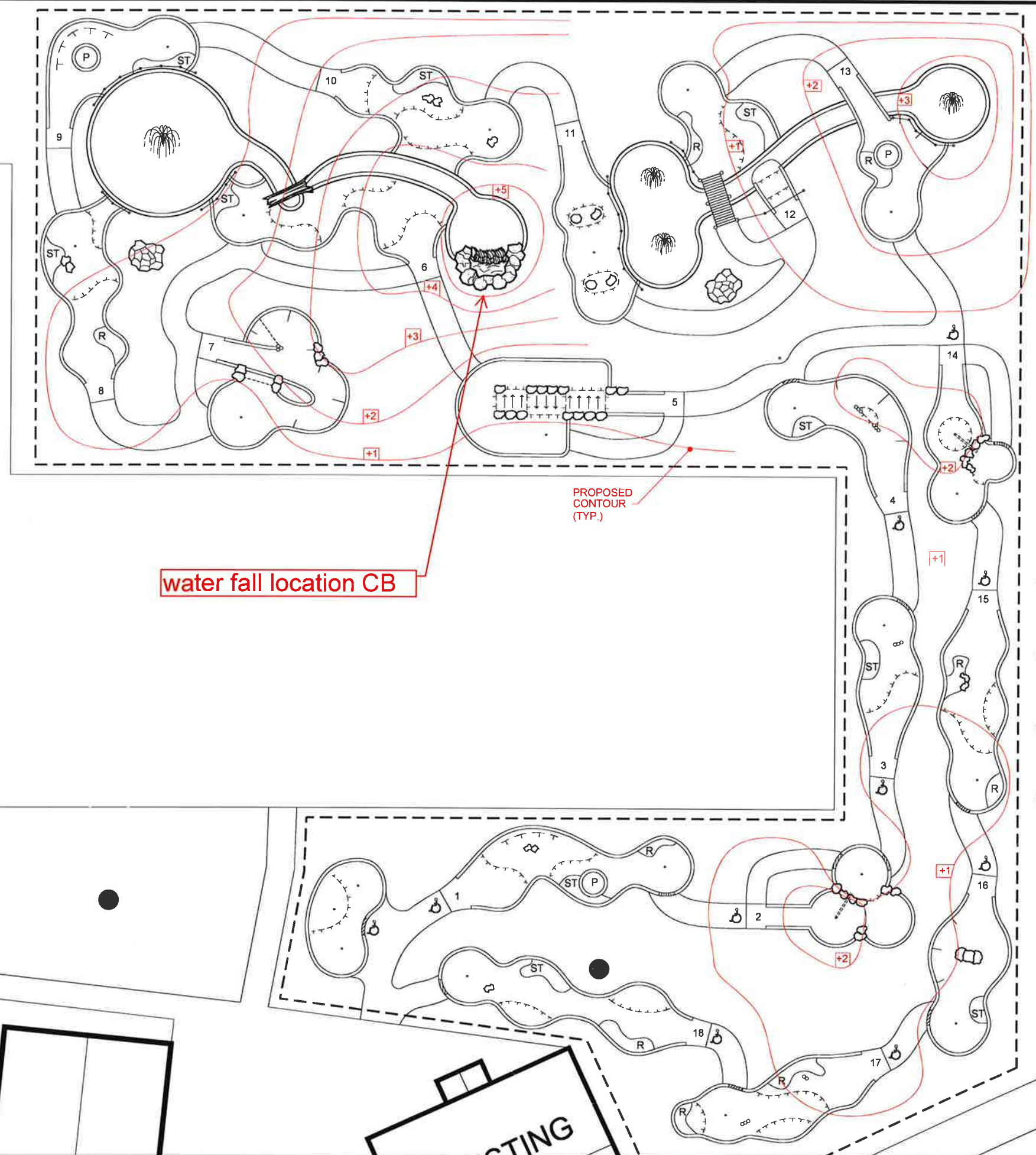
-When bringing in fill, Harris recommends using a granular, self-draining, compactable fill. Fill should be ROLLED and COMPACTED in 6" - 12" lifts to reduce SETTLING. Harris also recommends having additional fill available for the shaping and contouring of the golf holes, walks, and water systems.

-Elevations must be CLEARLY MARKED with GRADE STAKES to ENSURE and VERIFY that the grading plan has been done properly and to the specifications of this plan provided by Harris Miniature Golf Courses, Inc.



GRAPHICS LEGEND:

R- Rough	Elevation Change	
ST- Sand Trap	Embankment	
<small>*Note: color carpet may be used in place of natural sand</small>		



water fall location CB

PROPOSED
CONTOUR
(TYP.)



4584 NE 88th St.

