

Docket Number: 20/8990

Applicant: City of Altoona, represented by
Chad Quick, Planner
407 8th Street SE
Altoona, IA, 50009

Request: Conditional Use Permit for an outdoor commercial amusement use specifically to establish a miniature golf course as an accessory use to an existing golf course at the subject property, 4584 NE 88th Street, Altoona, Iowa, 50009. The miniature golf area is proposed to be located northeast of the clubhouse on approximately 26,136 square feet (0.6 acres) within part of the approximately 153-acre Terrace Hills Golf Course.

Background

The Applicant, City of Altoona, is requesting a Conditional Use Permit to allow a proposed miniature golf course as an accessory use to an existing golf course within the "AT" Agricultural Transition District. If approved, the Conditional Use Permit would allow the Applicant to establish an outdoor commercial amusement use to allow a miniature golf course to be operated on the subject property. The proposed conceptual plan and narrative submitted by the Applicant is attached as *Attachment 'A'*. The Applicant is also requesting two (2) Variances that are specific to the requested use provided through this Conditional Use Permit application. The Variances are related to the peripheral bufferyard width and combination of plant materials and structures required to meet opacity of the eastern bufferyard.

The subject property is located at 4584 NE 88th Street, Altoona, and totals approximately 153-acres. See *Attachment 'B'* for an aerial vicinity map. 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 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. The project will be constructed on approximately 26,136 square feet (0.6 acres) with approximately 13,068 square feet (0.3 acres) of new impervious surface. This location allows for visibility from NE 46th Avenue, ease of access and is located near the existing parking lot and

clubhouse. The existing parking lot has 113 parking stalls that will meet the needs of both the golf course and the proposed miniature golf course.

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. The proposed street bufferyard landscaping includes three, 1-1/2" caliper canopy trees, six, 1-1/4" caliper understory trees, and 20, two-foot tall shrubs. Two Variances are requested to reduce the peripheral bufferyard width along the east property line from 25-feet to 2-feet and to allow a six (6) foot solid wood, privacy fence and no plantings.

Summary of Request

The Polk County Zoning Ordinance, *Article 4. Use Regulations, Division 4. Use Categories and Standards, Section 4. Commercial Uses (N) Outdoor Commercial Amusement*, states in part that all Outdoor Commercial Amusement uses require a Conditional Use Permit. Additionally, *Article 4. Use Regulations, Division 6. Accessory Regulations, Section 6. Non-residential Accessory Uses*, states in part, non-residential accessory uses not permitted in a zone as a principal use may be permitted as an accessory use if they are clearly incidental and subordinate to the principal permitted non-residential use, as determined by the Zoning Administrator, but in no case shall any use requiring a Conditional Use Permit be placed without such permit.

Public Testimony

A combined public notice was sent out for the Conditional Use Permit and the two (2) requested Variances. The notice was mailed to 39 property owners within 500-feet of the subject property. To-date staff has received three (3) items of testimony in favor of this proposal and no testimony received in opposition.

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 Public Works 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.

Future Process

If approved, the Conditional Use Permit for the outdoor commercial amusement use, specifically establishing the miniature golf course, will be dependent upon the operation of the golf course. If the golf course ceases to exist, the miniature golf course will not be allowed to operate as a primary use while it is in the “AT” Agricultural Transition District. Further, if a new owner, other than City of Altoona, wishes to continue this use, they will be required to obtain a new Conditional Use Permit.

In order to operate this use at this site, the Applicants will need to apply for a Minor Site Plan for the construction of the site as well as a grading permit followed by the site improvements of the property.

Analysis

The Board of Adjustment in reviewing an application for a Conditional Use permit shall consider the proposal in terms of:

1.) Existing zoning and land use in the vicinity of the uses.

The properties surrounding the subject property are zoned “AT” Agricultural Transition

District. The City of Altoona corporate boundary shares all but the northern 577-feet of the western property line of the subject property. The adjacent properties primarily to the northeast and east of the subject property are developed as single-family residences. Adjacent properties across NE 46th Avenue to the north and adjacent to the south are utilized as agricultural properties for crop production. The single-family residence closest to the proposed miniature golf course site is adjacent to the east with one single-family residence located on the homestead adjacent across NE 46th Avenue.

2.) Planned and proposed public and private development, which may be adversely affected by the proposed use.

The family that previously owned the golf course owns the single-family residence immediately adjacent to the east of the location for the proposed miniature golf course. The residence is currently utilized as a rental and the Applicant has an agreement for first right of refusal to purchase the property at any point in the future that it is for sale. The supporting documentation submitted with the application indicates that the current owners are in support of the proposed miniature golf course. The property adjacent to the north across NE 46th Avenue is open farm ground including a homestead and there is no current development taking place which would be adversely affected. A street bufferyard will provide screening between the miniature golf course and the view from the north.

3.) Whether and to what extent the proposed use, at the particular location for which it is suggested, is necessary or desirable to provide a development which is in the interest of the public convenience or which will contribute to the general welfare of the area or Polk County.

The Applicant's proposal to construct a miniature golf course will create an entertainment opportunity for local families at a location already suited for outdoor activities including golf and a driving range.

4.) Whether and to what extent the proposed use, at the particular location for which it is suggested, is necessary or desirable to provide a development which is in the interest of the public convenience or which will contribute to the general welfare of the area or Polk County.

The proposed miniature golf course location is accessory to an existing 153-acre golf course and is located along a major collector street and approximately 400-feet west of the NE 88th Street and NE 46th Avenue intersection. The adjacent land to the north is currently utilized for agricultural purposes and is not developed.

Findings

The application shall be denied if the Board of Adjustment finds any of the following:

- a. The application and record fail to establish compliance with the standard made applicable to the proposed development by the provision of this Ordinance.**

The application and record establish a use, which complies with the provisions of this ordinance, upon obtaining a Conditional Use Permit from the Board of Adjustment and approval of the Minor Site Plan.

- b. The proposed use, developed in the proposed manner, and at the proposed location, would be inconsistent with the standards pursuant to the provisions of this Ordinance.**

The proposed use is consistent with the standards, once the site plan has been approved.

- c. The adverse impacts on the overall public health, safety and welfare are not balanced by the public or private benefits of the proposal. The Board of Adjustment shall include in this balance, any proposals of the applicant and any conditions that it might impose on the development, pursuant to the provisions in this Ordinance, to ameliorate problems associated with the development.**

A review of the surrounding area indicates that there will likely be little adverse impact on the overall public health, safety and welfare from this proposal, if the miniature golf course is operated properly and lighting standards and noise standards are followed as required by Polk County Code of Ordinances.

In addition, no application for a Conditional Use Permit shall be approved unless the Board of Adjustment specifically finds the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

- A. The proposed use is not in harmony with the general purposed, goals, objectives, and standards of the following:**
 - 1. Polk County Comprehensive Plan:** The proposal is consistent with the goals and policies of the 2030 Polk County Comprehensive Plan.
 - 2. Polk County Zoning Ordinance:** The Ordinance allows the proposed use, pending approval of the Conditional Use Permit and site plan approval.
 - 3. Other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County:** None.

B. The proposed location of the use is not consistent with policies or provisions of the following:

- 1. Polk County Comprehensive Plan:** The proposal is consistent with the goals and policies of the 2030 Polk County Comprehensive Plan.
- 2. Polk County Zoning Ordinance:** The proposed use is permitted in the zoning district subject to approval of the requested Conditional Use Permit.
- 3. Other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County:** None.

C. The proposed use at the proposed location results in a substantial or undue adverse effect on any of the following either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Comprehensive Plan, this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County or other governmental agency having jurisdiction to guide growth and development:

- 1. Adjacent Property:** Adjacent properties, and properties within this general area, are developed with allowed uses in the “AT” Agricultural Transition District. The adjacent residential property to the east of the proposed miniature golf course is owned by the family that previously owned the golf course. The City of Altoona has first right of refusal to purchase the property at any point in which the property may be sold. It is currently utilized as a rental house and the property owners are supportive of the golf course as identified in the application and supporting documentation. A single-family residence is located on the homestead adjacent to the north across NE 46th Avenue. This property will be screened from the miniature golf course by the proposed street bufferyard.
- 2. Character of the neighborhood:** There will be no undue adverse effects. Most of the surrounding residential properties were developed after the golf course was constructed. Notification was provided to all property owners within 500-feet of the subject property and three (3) responses have been submitted in support of the request. The City of Altoona intends to purchase the closest residence to the miniature golf course in the future.
- 3. Traffic conditions:** The public street utilized to access the site is NE 46th Avenue. An existing entrance provides access to the primary golf course and associated parking lot. No changes are proposed to the existing access point. Additional traffic can be expected during evening hours.

4. **Parking:** The concept plan provides adequate parking within the 113 parking stalls that exist on site. Parking standards will require compliance with the Americans with Disabilities Act.
 5. **Public Improvements:** The subject property and surrounding properties zoned “AT” Agricultural Transition District are expected to develop within the City of Altoona. The Applicant will coordinate any extension of public water and sanitary sewer for future development of the golf course.
 6. **Public sites or rights-of-way:** The street network is sufficient to meet the needs of this operation.
 7. **Other matters affecting the public health, safety, and general welfare:** The lighting for the miniature golf course would need to meet Polk County lighting standards.
- D. **The proposed use in the proposed area is not adequately served by or imposes an undue burden on any of the following.**
1. **Public improvements:** Adequate for proposed use.
 2. **Public facilities:** Adequate for proposed use.
 3. **Public utilities:** Adequate for proposed use.
 4. **Public services:** Adequate for proposed use.

Recommendation:

Staff recommends approval of the Conditional Use Permit for the outdoor commercial amusement use specifically a miniature golf course as an accessory use to an existing golf course at the subject property, 4584 NE 88th Street, Altoona, Iowa, 50009 and including approximately 26, 136 square feet of an existing 153-acre golf course. Approval is subject to the following conditions:

- 1) An approved Minor Site Plan is required prior to site development of the miniature golf course.
- 2) Hours of operation are limited between the hours of 9:00 a.m. and 11:00 p.m. and in all instances lighting and noise ordinance shall be observed.
- 3) If the miniature golf course has not been in operation for a two (2) year period, the

Conditional Use Permit shall become void. The miniature golf course must remain as an accessory use to the golf course and may not be separately owned and/or operated from the golf course.

- 4) The Conditional Use Permit is valid to the current property owner, City of Altoona, and may not be transferred, without obtaining a new conditional use permit from the Board of Adjustment.

Conditional Use Permit Application

Conditional Uses are those uses which may have a special impact or uniqueness demanding closer scrutiny and analysis to the site and the surrounding environment. When such a use is proposed, a review and report by Planning Division staff of the location, design, configuration, and impact will be conducted, comparing the proposed use to fixed standards and presented to the Board of Adjustment for action at a public hearing. Notices of the request are mailed to all property owners located within 500 feet of the subject property.



Please complete the entire application, submit with fee and review the standards on page 3.

To: **Polk County Board of Adjustment**

1. The undersigned Petitioners request that the Board consider this application for a Conditional Use Permit for the following use: (Describe briefly the nature of the use.)

CUP to construct and operate a miniature golf course at Terrace Hills Golf Course.

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

3. Subject Property District and Parcel Number: 170/00089-003-000

4. 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

(time stamp)
Official Use Only

5. Filing Fee: - \$407.00

6. Applicant(s) Information:

City of Altoona
Applicant (Print Name)

[Signature]
Signature

4/13/20
Date

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

doconnor@altoona-iowa.com
Email

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

967-5138
Phone

967-0842
Fax

7. 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
Address, City, State and Zip

cquick@altoona-iowa.com
Email

(515)967-5138
Phone

967-0842
Fax

8. 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

9. Written description:

Please provide a written description providing specific detail and reasons for the proposed Conditional Use Permit. (attach if necessary)

See Attached

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

- A. Complete Application including the detailed description of requested Conditional Use Permit, including specific information about the request.
- B. Submit six (6) copies of a fully dimensioned, to scale site plan meeting site plan requirements, as required.
 - 1. Provide additional information as required by Zoning Ordinance specific to the use requested.
 - 2. Submit a reduced size, 11"X17" site plan that is legible that can be reproduced.

**A completed application with required information and filing fee must be submitted.
Incomplete submittals will not be processed and will be returned to the Applicant.**

Return forms to: Polk County Public Works, Planning & Development 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	
Application deadline		Date Received	
BOA meeting date		BOA Approved	Y / N

9. Written description:

Please provide a written description providing specific detail and reason for the proposed Conditional Use Permit. (attach if necessary)

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 for the recreation aspect a golf course provides.

The City solicited proposals and interviewed different management companies. The company selected, CS Corporation, also manages the Des Moines public courses and the Polk County owned course at Jester Park.

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 a miniature golf course. The idea is to provide an entertainment option for the entire family. The only logical location is the proposed location - north and east of the existing parking lot. This will maximize available space. It is also the critical location so as to be visible from the vehicles travelling on NE 46th Avenue. 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 and clubhouse. 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. The proposed location is the best and only logical location for the miniature golf course.

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.

We are also applying for a variance from the setback along this side. The miniature golf course does not have any structures like buildings. There is an eight-foot tall waterfall feature but it is located approximately 108 feet west of the shared property line. Otherwise the course is

generally at the ground level with the exception of some stones and other minimal course obstacles. The setback along the front is 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 the County screening requirements.

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 peak times will be between 6 pm and 9 pm on weekends. It is an 18-hole course design with nine holes being handicap accessible.

Conditional Use Permit Standards

Section 1. Review Standards

The review determines whether the proposed use should be permitted by weighing public need for and benefits to be derived from the use against the local impact which it may cause. The review shall consider the proposal in terms of:

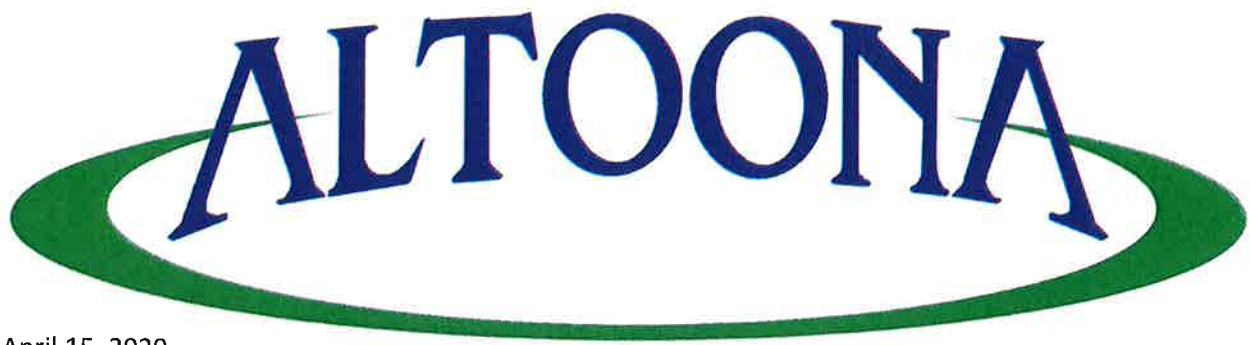
- (A) Existing zoning and land use in the vicinity of the use; and
- (B) planned and proposed public and private developments which may be adversely affected by the proposed use; and
- (C) whether and to what extent the proposed use, at the particular location for which it is suggested, is necessary or desirable to provide a development which is in the interest of the public or which will contribute to the general welfare of the area or Polk County; and
- (D) whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, safety and welfare in general.

Section 2. General Standards

No application for a conditional use permit shall be approved unless the Board of Adjustment specifically finds the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

The proposed use shall be in harmony with the general purpose, goals, objectives, and standards of the Polk County Comprehensive Plan, this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County.

- (A) The proposed location and use shall be consistent with policies or provisions of the Comprehensive Plan, this Ordinance, or other plans or programs of the County.
- (B) The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Comprehensive Plan, this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County or other governmental agency having jurisdiction to guide growth and development.
- (C) The proposed use in the proposed area will be adequately served by, and will not impose an undue burden on, any public improvements, facilities, utilities, and services. Where any such improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the applicant shall, as part of the application and a condition to approval of the proposed conditional use permit, be responsible for establishing ability, willingness, and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time, and in a manner consistent with the Comprehensive Plan, this Ordinance, and other plans, programs, maps, and ordinances adopted by Polk County to service the development. The approval of the conditional use permit shall be conditioned upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant.



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

Heann Riding
Printed Name

[Signature]
Signature

Printed Name

Signature



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.O.	03 / 31 / 20 (COURSE LAYOUT)
J.J.O.	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.

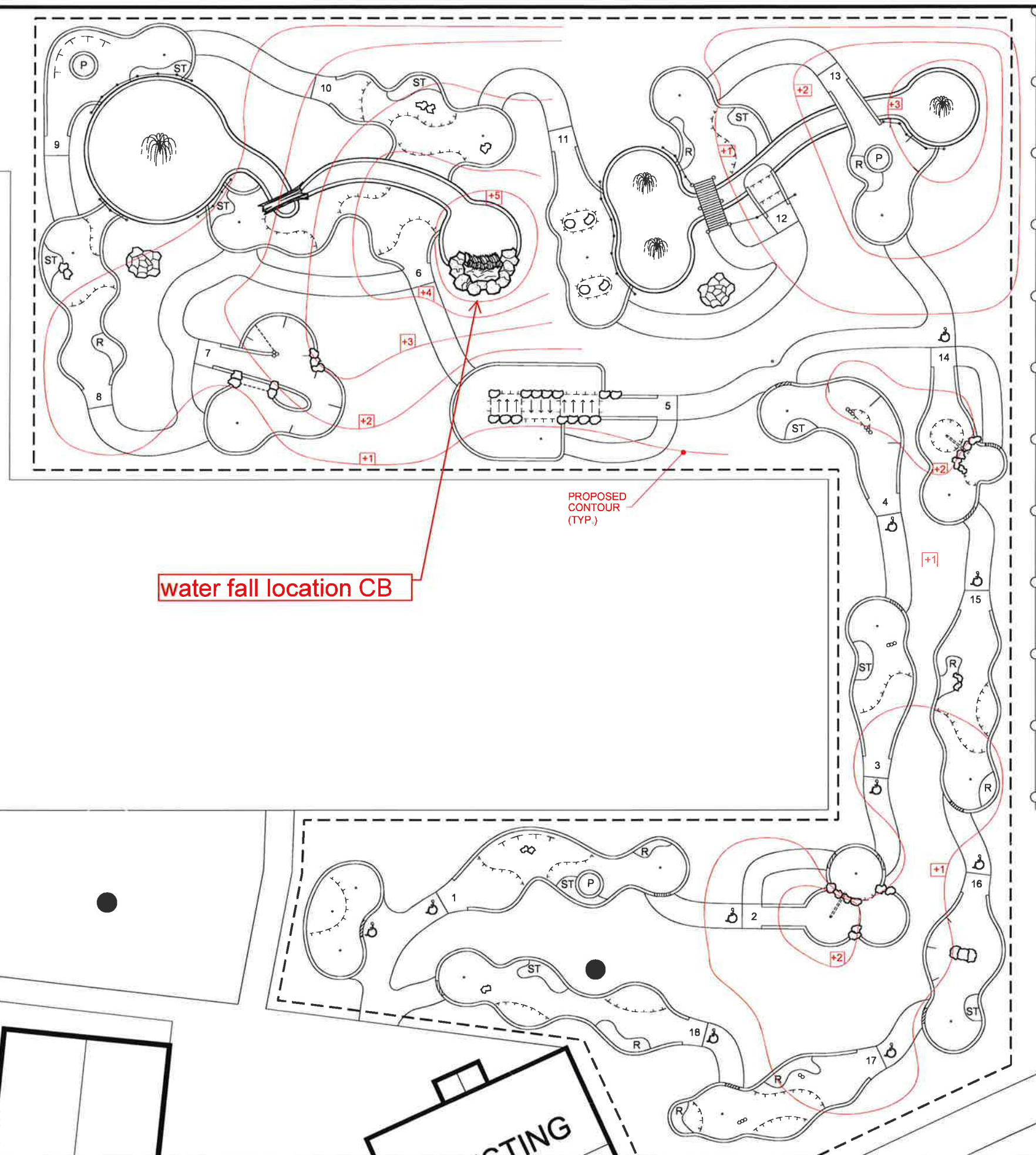
-When bringing in fill, Harris recommends using a granular, self-draining, compactable fill. Fill should be ROLLED and COMPACTED in 6" - 12" lifts to reduce SETTLING. Harris also recommends having additional fill available for the shaping and contouring of the golf holes, walks, and water systems.

-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	
*Note: color carpet may be used in place of natural sand		



water fall location CB

PROPOSED
CONTOUR
(TYP.)



4584 NE 88th St.

