

MINUTES OF THE REGULAR MEETING OF THE AMES ZONING BOARD OF ADJUSTMENT

AMES, IOWA

MARCH 26, 2025

The Ames Zoning Board of Adjustment met, pursuant to law, in Regular Session at 6:01 p.m. on March 26, 2025, in the Council Chambers of City Hall. The following members were present: Chad Schneider, Caleb Whitehouse, Leah Patton, Julie Kruse; Marshall McDaniel attending by phone. Also, present were Assistant City Attorney Jane Chang, Planning Director, Kelly Diekmann, City Planners Benjamin Campbell, Justin Moore, Ray Anderson.

APPROVAL OF MINUTES JANUARY 8, 2025

Moved by Whitehouse, second by Patton to approve the minutes of the January 8, 2025, Zoning Board of Adjustment meeting. Vote on Motion: (4-0) Motion declared passed.

APPROVAL OF MINUTES MARCH 12, 2025

Moved by Whitehouse, seconded by Patton, to approve the minutes of the March 12, 2025, Zoning Board of Adjustment meeting. Vote on Motion: (3-0) Motion declared passed. Schneider was not present at this meeting.

CASE NO. 25-03

Public Hearing on a Request for a One-Year Extension of the Special Use Permit for a Temporary Yard Waste Collection and Transfer Site at 220 and 400 Freel Drive in the General Industrial (GI) Zone. (220 Freel Drive Parcel number 09-12-201-045 and 400 Freel Drive Parcel number 09-12-251-160)

City Planner, Benjamin Campbell stated that Green RU has applied for a Special Use Permit (SUP) for a temporary yard waste site collection and transfer site at 220 and 400 Freel Drive. This company has operated at this location since 2017, with repeated temporary SUPs, on a contract with the Resource Recovery Division for yard waste. The current SUP expires at the beginning of May 2025. The Public Works Department has stated that this is the final year for this yard waste location, and they are investigating other sites for the future.

The applicant is proposing no permanent improvements to the site, which will only be used for yard waste collection. Visitors to the site will enter and exit from Freel Drive. If traffic necessitates, vehicles could also exit via 220 Freel Drive. The yard waste collection days are Monday, Wednesday, Friday, and Saturday with increasing hours in the fall. There are several free yard waste days with extended hours. During those days, the applicant will work with Public Works to place signs on Lincoln Way for traffic management.

Staff recommend Alternative 1 with conditions that the operating hours match the application, the site plan be consistent with the plan submitted, the term of use expires in one year, and within 60 days the site be restored to its original condition.

Questions for Staff:

Mr. Schneider asked if there was any feedback from the neighbors. Mr. Campbell said there was none.

Applicant: Lillian Chamness, 1127 Polk Blvd, Des Moines, sworn in. No comments but is open to answer any questions.

Questions for the Applicant:

Mr. Schneider asked if there have been any rodent infestations. Ms. Chamness stated she is not aware of any issues.

Public forum:

None

Discussion by the Board:

Whitehouse moved to approve Alternative 1 Patton second.

The Zoning Board of Adjustment can approve a one-year extension the Special Use Permit for a temporary yard waste and transfer site at 220 and 400 Freel Drive, based on the findings of fact and conclusions stated herein, with the following conditions:

- a. General operations on weekdays and weekends as described within the application and up to five large event days.
- b. Use of the site shall be consistent with the plan submitted as part of the Special Use Permit application.
- c. The term of the use shall begin on May 1, 2025, and may continue for one year through May 1, 2026. All yard waste material, equipment, and temporary structures shall be removed from the site and the site restored to its current or better condition within 60 days of the end of the permit.

Roll call: Schneider, aye; Patton, aye; Whitehouse, aye; McDaniel, aye; Kruse, absent

Vote on Motion: (4-0)

Mr. Schneider stated that this decision can be appealed through the District Court within 30 days after the filing of the Decision and Order.

CASE NO. 25-04

Public Hearing on a Request for a Special Use Permit to Construct a New Building for an Existing Salvage Yard Business at 501 Freel Drive. (Parcel number 09-12-250-050)

City Planner, Justin Moore, stated that Bell Salvage is requesting a SUP for a new building and truck scale. It is west of the SE intersection of Freel Dr. In the General Industrial Zone salvage yards are required to have a SUP for any new development on the site. The applicant is

proposing to construct a 4200 square foot building with paved access and a truck scale to weigh when they are brought in. The new building will be used to sort materials with a shop area. This is the only addition to the site, there will be no new salvage piles. The owner will be new landscaping and paved parking with ADA access. The Staff has a few conditions. The high screen wall between the two driveways is to be removed for the landscaping and the building. The rest of the screen wall needs to be maintained and repaired where needed.

The general standards are related to the zone and the compatibility to the neighborhood as well as salvage yard criteria. Staff found that all the criteria have been met.

Questions for Staff:

Mr. Whitehouse asked if any communication was received about this proposal. Mr. Moore said no communication was received.

Applicant: Shawn Peters with CGA, sworn in. He has no comments but is available for questions.

Questions for the Applicant:

None

Public forum:

None

Discussion by the Board:

Patton moved to approve Alternative 1, Whitehouse second.

The Zoning Board of Adjustment can approve the requested Special Use Permit to construct a Building and Truck Scale at 501 Freel Drive for a Salvage Yard business with the following conditions:

- a. The requirements of the previously issued Special Use Permit to operate the Salvage Yard apply for area not affected by this request.
- b. That the required high screen wall be repaired in any area it is in a state of disrepair prior to issuance of a certificate of occupancy for the new building.
- c. A tire pile located on site must be removed prior to occupancy of the new building.
- d. The chain-link fence and gate system be maintained where the screen walls are being removed.

Roll call: Schneider, aye; Patton, aye; Whitehouse, aye; McDaniel, aye; Kruse, absent

Vote on Motion: (4-0)

Mr. Schneider stated that this decision can be appealed through the District Court within 30 days after the filing of the Decision and Order.

Julie Kruse entered at 6:17 PM

CASE NO. 25-05

Public Hearing on a Request for a Special Use Permit to Allow Use of the Property at 702 Clark Avenue as a Social Service Provider Use. (Parcel number 09-02-305-070)

Director Kelly Diekmann stated that the communication received since Friday is printed for you. There are also refined conditions on the top of your packets as well. Those are to clarify the description and intensity of the use. They did not alter the allowances of the site.

This is a proposal for 702 Clark Avenue as a Social Service Provider Use. The City Council recently amended the Single Family Conservation Overlay District (O-SFC) to allow for consideration by Special Use Permit of a Social Service Provider for one additional under this zone for this one property as defined in the ordinance. Which are properties that abut a commercial zone, which is 7th Street and Clark Avenue. If this project is approved tonight there will be no further additional social service providers allowed in this district. There are existing providers in the district, but this would be the first and last one allowed under the ordinance the City Council adopted. This site is proposed for two functions, an office and the main activity and hospitality services six days a week with specific hours of operation.

Planner Ray Anderson shared the simplified site plan. It is a lot on the corner of 7th Street and Clark Avenue, it is on the NE corner of the intersection. The lot is 60' wide and 160' deep, 9600 square feet of lot area. There is a two-story single-family home built in 1900. There is a garage/carriage house at the rear along the alley on the east property line. The garage has two parking spaces with living area above. There is an existing driveway off Clark Avenue for two tandem parking spaces. There is a gravel area off the alley that they have proposed to pave. There is a proposed five-foot-wide sidewalk from the alley to the back door, with a proposed seven and half foot square deck at the rear entry. They are proposing to increase the rear entry door from 32" to 36" wide. There is a fence that was put in last summer along 7th St and north to the garage. There is a proposed section of fence on the north edge of the property line to enclose the back yard. The fence would enclose the backyard and some of the side yard. There will be no fence in the front yard. The rear entry is where guests will enter, and staff will use the front door. The fence is 6' high. Along 7th Street it must be five feet from the property line. Landscaping, including trees and shrubs are required along the fence.

The first floor is where the guests would be. The rear of the house will include a deck at the rear entrance. There will be a handicap restroom, study, kitchen, dining, living and sitting room. The front entry will be for staff only. The second floor will be for staff. There will be three offices, the executive director, the onsite coordinator and the volunteer finance person. There are two existing bedrooms that won't be used or changed, as well as a restroom on that floor.

Mr. Diekmann said these are the proposed plans. Staff has evaluated based on the zoning standard and the Special Use Permit criteria. Staff is recommending approval with conditions.

A unique element is defining the scope of the use. The Board needs to be comfortable with the definition of the use and that it is clear for administration purposes if the permit is approved.

There are no prescribed parking standards for social service providers. The Board would need to decide what prescribed parking standards would be used. Staff have made recommendations based on the employee count for the facility. Staff recommended minimum parking of three spaces for vehicles, two off Clark Avenue and one existing gravel space accessed from the alley. There are two spaces in the garage, but they aren't proposing to use the garage for parking. Staff suggest the three surface spaces that the Board could credit to meet the three-vehicle parking standard. Staff are recommending something different than what is on the site plan. There are paved parking standards for (O-SFC). Parking lots are prohibited in the front or side yard. Based on the terminology of the code, the gravel space can't be paved because paving is not allowed in a front yard. The gravel space can be used but it cannot be paved under that interpretation. Once the Board moves through the parking then the Board can analyze the compatibility. The use is different than a residential use. They are using a residential structure with modifications for employee use and hospitality service. The proposed level of service is in the refined conditions that were sent earlier. The use of the property throughout the day has been defined. The first version focused on hospitality. Questions arose about allowed activities for the other hours of the day. These were on the specific uses that were proposed but there were questions about what can and cannot be done. The hospitality use has changed from 20 guests at any one time and 40 guests total during the hospitality time. To a total number of people to account for that activity. The proposed condition now accounts for employees, staff, volunteers and guests related to the hours of hospitality. The hospitality hours are 1:00 PM to 4:00 PM on weekdays and on Sundays it is 10:30 AM to 4:00 PM. The maximum allowances during the hospitality services are now a total 25 people at any one time (staff, volunteers and guests) and 45 people total for each day of hospitality service. In this way, it is easier to monitor the total number versus the purpose of the person on the property. The next step is to establish the other use of the property. On Friday, March 21, they established there should be no residential use and no overnight use, from 8:00 PM to 8:00 AM no one can be on the property overnight. The regular operating hours are 8:00 AM to 8:00 PM. The conditions say they can have up to three employees. During the other hours when there is no hospitality service there can only be a maximum of ten people on the property, including employees and guests. The other uses would be covered by the maximum number of people on site not based on why they are at the facility.

Staff suggests the best access to the site is from the sidewalk on 7th Street. There would need to be a gate through the fence and a walkway constructed. Staff does not believe an alley is the best place for people to congregate. The alley is unpaved and is not the best location to direct pedestrians to enter. The site plan would be modified so that the paving in the back would not occur, and a sidewalk would be rerouted as requested by staff as part of the conditions. The other conditions are to track the intensity of the use once the use is permitted. Staff thinks counting people is better and adjusted the language to make it clear regarding the monitoring responsibilities and enforcement issues. The other questions are regarding the incidental or accessory uses under the stipulation section of the approval. All principal uses are permitted to have accessory uses, which are incidental to the activity of the principal use.

Conversations with Romero House questioned what they considered accessory uses. They said there would be meetings, celebrations that are not directly tied to the number limits. Staff said those could be viewed as incidental accessory functions to the social service provider. The stipulation has been revised with these conditions. The three gathering events that could happen

in one week would be subject to the 10-person limit. The celebration event allowance would be up to five times in one year and would not be limited to capacity limits of the other activities. Staff looked at this through the lens of hours of operation and intensity. The board can add and modify the conditions.

Questions for Staff:

Mr. Schneider asked about the parking. He questioned a previous multi-family property that had a carriage house that had parking in the back. He thought there was a Finding and Fact to define that as their backyard not a side yard. Mr. Diekmann said that it came up as a short-term lodging use that is regulated differently now. At that point in time, they had to have a parking space for every room that would be rented, and they needed to construct or add-on to their parking lot. He does not recall a variance being approved. Mr. Schneider thought it was approved. Mr. Diekmann said something got approved but not sure if it was a variance. Mr. Schneider asked why the gravel could not be paved. Mr. Diekmann said that the Code does not allow permanent non-conforming conditions. Mr. Schneider asked if it was because it does not lead to the garage. Mr. Diekmann explained that the parking philosophy is that it is limited to areas that directly lead to a parking space that is compliant with standards. The space must be in a legal area for parking to be conforming. This gravel space is not in a conforming area. If the garage door was on the southside then they could pave the space. For anyone wanting to pave a parking space, it must be done in an area that is compliant with the code. The applicant has not pushed back on this item. Mr. Schneider asked if there was space for two spaces. Mr. Diekmann stated that they do not see any evidence to show that there were two legal spaces. The requirement would be 18 feet and there is not room for a second space. Mr. Schneider asked if they could be required to park in the garage. Mr. Diekmann said yes it would be in the realm of the Board's authority. Mr. Whitehouse asked about the use on the refined list about the guests using the rear door and the front door for the staff. If we require parking in the rear, then staff would need to walk to the front to enter. Mr. Diekmann stated that staff can enter any door. Guests are required to use the rear door for hospitality services. Mr. Whitehouse asked how that decision was made. Mr. Diekmann said that it was for compatibility for the neighborhood. There is a commercial property to the south and that would be more compatible for the foot traffic. Romero House originally proposed it this way. Staff believed it was the best choice as opposed to the residential front yard entrance.

The redefined uses were projected for the audience. *The concept was to say the use as a social service provider the Romero House intended to serve the needs of people experiencing homelessness or effects of poverty that principally includes office space for three staff members, supervised daily hospitality services of meals, interior rest area, laundry, and hygiene. The use is subject to all the conditions and stipulations that follow.* What is new in the structure is that it broke out the individuals in the original paragraph to the two new standards.

1. *The regular operational hours are from 8 a.m. to 8 p.m. During non-hospitality hours, the maximum number of people on site is 10 people, regardless of purpose and inclusive of employees.*
2. *Hospitality service is limited to the hours below and in terms of intensity of people on the site to a total of 25 people at one time and typically for no more than 45 people during*

hospitality hours. Total people is inclusive of guests, volunteers, staff, or other persons on the property for any purpose during the hospitality service.

There are other smaller changes. Number 7 is regarding contact information. Previously it was stated city staff. This makes clear the departments within the city and that the neighborhood association would be included to foster a relationship for anything that might arise. It also makes clear that neighborhood association has no responsibility for policing.

- 7. The Romero House shall maintain an up-to-date point of contact for the Ames facility with a phone number and email address that at a minimum is available to the Planning Division, Inspections Division, and Police Department. The contact information shall be provided to the Old Town Neighborhood Association president at their request. (Requesting contact information does not create any expectation of Neighborhood Association's participation in administration of the Special Use Permit)*

Mr. Schneider asked what activities take place at 709 Clark. Mr. Diekmann stated that it is similar. Use of the property at 709 Clark is not a permitted activity. He would let the applicant speak to those activities. The hospitality services are what is transferable to here. The property at 709 Clark has live-in residents and this property will not.

Mr. Diekmann stated that the terminology changed, everyone must be logged in, guests, employees etc. There was a question about the trees and shrubs. This was refined to say that if the vegetation was unhealthy and had to be removed, they can replace them without coming to ZBA for approval. The main focus was that the fence must be maintained to separate the level of activity from the surrounding neighborhood. The fence must always be in place and maintained, and the vegetation is part of the fence compatibility requirements. Mr. Schneider confirmed that there isn't currently a gate along 7th Street. Mr. Diekmann agreed there is no current gate. Mr. Schneider asked the location of the proposed gate location. Mr. Diekmann said the recommended condition is that Romero House work with city staff to place the gate in a location where the sidewalk could be located to extend to 7th street back to their rear entrance. The applicant is aware and is not opposed to the new gate location.

Number 17 was added for clarity and this is the expectation.

- 17. Obtain necessary building permits from the Inspection Division for a change of occupancy of the structure from residential to a non-residential occupancy classification and maintain compliance with applicable building and property maintenance Codes of the City.*

Incidental activities three times a week are subject to the 10-person limit. Other events and celebrations are not limited to the number but are limited to five times a year.

Applicant:

David Theilen Executive Director of Romero House 702 Clark, was sworn in. He stated the three basic criteria for this SUP. When City Council said there would be one lot on 7th Street between

Clark and Duff and three lots at 6th and Clark. They decided that 702 is a good location for this site. They feel 702 Clark is the ideal location. There is no home directly to the west, there is a Cy-Ride stop in front of the home. This is helpful for the volunteers and guests that need Cy-Ride. There is not a lot of need for parking to make this mission work. Fareway abuts the property to the south, there is already traffic and pedestrians in the area. The east is an alley and the neighbor at 706 Clark. This neighbor is affirming of this SUP.

Currently at 709 Clark there is only a front entrance, and there is a lot of traffic that congregates on Clark and that is not what is desired for this location for the neighborhood, thus the rear entrance for 702 Clark. The goal with the rear ADA entrance and a six-foot-high fence would be to hide the pedestrian traffic. There would only be two to three employees and a volunteer entering from Clark keeping this quieter for the neighborhood. There is only a need for three parking spaces, there are two full-time employees. At 709 Clark the residential use has one volunteer that is a supervising volunteer and is live in. They will walk across the street to work at 702. If there is an additional volunteer they may use the gravel space in the back. They would like to pave it but will be good with the gravel. The carriage house could be used for parking if it is needed. The operation hours 1:00 PM – 4:00 PM on weekdays. The peak time is 1:00 to 1:45 PM. Guests come in for a meal at that time. Between 3:30 – 3:45 PM there will be around five or six people in the house. It tapers off as the three-hour window draws to a close. The home won't be open during the commuting hours in the morning or the afternoon. Saturdays are closed and Sundays from 10:30 AM – 4:00 PM are the busiest. They have between 40 – 45 people. They agree with the limits on the number of people listed in the conditions.

He stated that there is an ecosystem on Clark Avenue already, Food at First, Good Neighbor and now Romero House. The traffic is already in existence. From 1:00 PM to 4:00 PM this will help to get people off the street. The guests will be fed, they can have showers and do laundry. They can then walk over to Food at First for their evening meal. The ecosystem also includes the library. The people are there from 9:00 AM until 1:00 PM then to Romero House when it opens. Ames has a homeless issue, keeping this eco system in place is how this can be addressed. The population is already in this location, it doesn't make sense to be three to four blocks away from this existing ecosystem. There are safety cameras on the outside and inside the house. If there are people that cause problems, they will be asked to leave for whatever time is appropriate, or they could get a no trespass. They have had to do this in the past. They want the experience to be a calm house. There is a Code of Conduct posted at the entrance of the home explaining the expectations. If people don't meet the code, they won't be welcome at the Romero House. Romero House has teamed up with a homeless outreach support team, which is made up of the Police Department, Mary Greely Mental Health, and Arch. Arch is a very good program. Romero House meets with this team every Friday at City Hall. Through this collaboration they can pinpoint who needs the most help. This collaboration with the city has brought all parties together so they aren't functioning on their own island.

His final point was regarding their experience as a social service provider. They have learned over a period of years what does and does not work. The hospitality model works. The guests that use the services like it and have stated it has saved their lives. The Romero House is serving a purpose to the community. Throughout this past year with all the meetings that have been held between the different Commissions and Board it has brought the city together on this issue.

There may be respectful disagreements, but it is bringing the city together on this very important issue. Romero House has met all the conditions that are laid out from the Staff and agree with them.

Questions for the Applicant:

Mr. Whitehouse questioned if the requirement of guests using the back entrance is one of the conditions and if Romero House brought that forward in the plan. Mr. Thielen said that they, as the applicant, want to log their names for consistency and to keep Clark Avenue quiet and the neighbors happy. The Board discussed that it is a required condition that Romero House suggested but it is required.

Julie Kruse asked about the bus stop in front of the house. There has been a bench at the CyRide bus stop area long before Romero House purchased the property, she questioned if there was any liability to Romero House with the bench there at the property. Mr. Diekmann said that the bench is in the right-of-way with no permits, the city can remove it at any time. When it is in the right-of-way it is not on anyone's property. In the SUP they stipulate that there can't be anything that people can rest or sit on in front of the property. The bench will go away if the permit is approved. Mr. Schneider asked who owns the property to the east. Mr. Theilen responded that it is YSS, the Rosedale Shelter.

Public forum:

Anne Kinzler, 720 Duff Avenue, was sworn in. Ms. Kinzler stated that the public hearing needs to be adjourned and continued. The public hasn't been given notice. The public can be heard but the opportunity to be heard requires notice. Passing out information in the middle of the meeting does not give the public the opportunity of notice for changes that were made to the packet that was earlier distributed. The changes were distributed to the applicant and not the public at large. This didn't allow the public to prepare adequately to respond to the new special conditions. She asked for the item to be denied. Mr. Schneider denied the motion to continue. She went on to say that the Staff has an exemplary list of conditions. The issue is how enforcement will be done on the conditions. The conditions are technical and must be monitored. She questions if the public is to monitor these conditions and report to the city. Mr. Schneider told Ms. Kinzler that she can give testimony to the Board but not ask questions. She can ask the staff questions later. She stated that she doesn't see any mechanism of enforcement except public intervention. She said it has not worked in the past and Romero House has acted extra judiciously in years past at their other location.

Bianca Mitchell Conway, 203 S 5th Street, was sworn in. She stated that she has volunteered and has attended one of their worship services as a guest. When she was there it has been a professional, safe environment. She has seen Arch respond to Romero House. She is in favor of the SUP and feels that Arch and other organizations would police them. Arch is active and proactive with this community. The volunteers that are present have backgrounds in these fields. She has felt safe; they have a dog and a cat there that are incredibly friendly. She feels that between the staff and the other organizations involved with Romero House they will self-police without burdening the neighbors. The worship ceremonies are peaceful, polite and quiet and are very culturally enriching.

Kate Gregory, 803 Kellogg was sworn in. She lives within one block of four other social service providers in Old Town and has lived across from YSS for a year. She has lived in the neighborhood for four years. She appreciates the work being done this has been a big issue for the last six months. Ms. Gregory has three areas of concern. The first is safety and security. She asks that Romero House develop a safety and security plan. If they are going to have 20 to 40 people in this structure, she questioned how safety from weather or fire would be addressed. She would like the Board to consider requiring the development of a safety and security plan. Secondly, she would like the number of people allowed to be reconsidered. She is worried about the amount of traffic that 40 to 45 people would have in the neighborhood from 8:00 AM to 8:00 PM. This would be disruptive. Since sidewalks are public property, allowing congregating on the sidewalk is a burden on the neighborhood. Based on her experience it is happening today. She is on the Old Town Board and wanted to share one of her neighbor's experiences. Mr. Schneider stated that she must keep her comments to her experience, you cannot quote someone else, that is hearsay. Ms. Gregory continued, saying she no longer goes down Clark Avenue as she has been verbally harassed. During the day it is hard to get your car down the street because there are so many cars parked on the street. She wants it to be better going forward and have a positive relationship with Romero House, but they need to meet the neighborhood halfway. Lastly, she said that for four years Romero House has been in the neighborhood, and they would like them to be part of the neighborhood like the other social service providers, but they have made no effort to contact the Old Town Association to talk about the issues. She said it would go a long way if Romero House tried to meet the neighbors halfway. She would like them to reach out and communicate about their operations and explain how the neighborhood can reach out to them or ask how they can become part of the neighborhood. YSS has been very successful in the neighborhood largely because they have tried to partner with the neighborhood. Mr. Schnieder asked Ms. Gregory what number of people she would suggest. Currently there are not more than 25 people with 45 for the entire hospitality period. Ms Gregory suggested 10 is more than enough at any one time. Everyday people coming and going with food and supplies is a lot of traffic.

Denise Denton, 902 Douglas, was sworn in. She has lived in Ames for 50 years, 48 years in Old Town and 45 years at 9th and Douglas. She is a former employee of YSS and lived at the 712 house, as a job when she was in college. She is familiar with how these systems work. As a homeowner she knows what it's like to have a large facility move in. Over 30 years ago a developer decided to build a large apartment building next to her home without permission. It came before the ZBA and her attorney stated that there was a code against what they were doing, but because they had already invested a great deal of money and started construction, the Board at that time allowed it to continue. The Board at that time made requirements of fencing and landscaping but none of those things ever had follow through. She has had a lot of damage to her property. Since the tenants are transient there is no pride in the property. Because of this history she has had flashbacks of the past playing fast and loose with the codes and ordinances and haven't been followed. When this Board doesn't follow through or keep track of the promises made it makes it difficult to be a homeowner. The city needs to adhere to their own codes and ordinances as it causes trust issues with the homeowners.

Shellie Orngard, 928 Burnett, was sworn in. She provided a letter earlier. I live in Old Town and have observed the changes in the neighborhood over the past year with the increase of homelessness. Romero House is now applying for a Special Use Permit to provide services to the homeless population and is writing to register my vote against issuing a Special Use Permit. The proposed site is a residential, single family and historic neighborhood that is incompatible with the proposed use. However, if the City chooses to issue an SUP now or at some time in the future, Romero House should be required to demonstrate adequate health and safety practices and to be a good neighbor, wherever it is located. They should be required to adhere to safety and health concerns. She wanted to address two areas of concern. She considers this a shelter. They should establish good health and safety management practice. According to US News and World Report (April 17, 2024), an extensive study shows that more than two thirds of homeless persons are actively experiencing serious drug and/or mental health issues, and that percentage is increasing. With offering extensive services to the homeless 12 hours per day, including providing food, napping area, showers, and laundry, Romero House staff should be prepared to work with this special population. She stated she is uncertain as to the scope of the hospitality services. Ms. Orngard hasn't worked in a shelter but has worked with at-risk populations but has read a lot of homelessness in the last year. The industry standard for a homeless shelter would include drug and mental health first-aid training and de-escalation and intervention training. Insufficient training and safety measures would have negative consequences for staff and clients and may not help the City of Ames address its growing homeless population. There was a meeting on March 24 where Old Town residents were invited to meet with the City about the issues with the homeless population. She feels that safety and training of staff on de-escalation of situations should be a requirement.

There are many sources of information on how to run a low-barrier shelter, meaning there is not a high barrier to entering the facility. Most people are welcome unless they are clearly under the influence of drugs or alcohol. They are proposing a low barrier shelter. The U.S. Department of Health and Human Services, the National Alliance to End Homelessness, and the Homeless and Housing Resource Center have a lot of instruction and training to work with this population.

The last point is to be a good neighbor. Any operational safety, any social service agency operating in Ames should be required to be a good neighbor, providing avenues to report and address problems that arise due to its existence. For example, in the past, homeless persons have engaged in antisocial behaviors including verbal abuse of residents and sleeping on private properties and leaving refuse and excrement. Romero House has a role to play in educating its clients regarding safety and behavior not just while on the property but while in the neighborhood.

The City of Ames is conducting a study of local homelessness and developing a plan to address it. Establishing a homeless shelter in Old Town now is premature. A much better approach would be to wait until the study is completed and an overall plan is developed. Attention should be paid to establishing adequate permit requirements that include providing proper safety training and oversight to staff and clients and cultivating good neighbor practices.

Deb Carter, 709 Douglas, was sworn in. She sent a letter earlier today. She stated that this has nothing to do with the good service that Romero House provides. She said it is the wrong

location for the good service and the impact it has on 350 property owners that purchased property in the Single Family Conservation Overlay (O-SFC) zone. The reason for not supporting this is it is for commercial use and should be done in a commercial area. On October 8 Council Member Gartin noted it was important to understand best practices of peer communities. Director Diekmann shared in response that in neighboring communities social service providers typically operate as a commercial use, though there is not a “one size fits all” approach. He then reviewed the zones, as Municipal Code currently allows, where it would be appropriate for the applicant to select a property to operate. He highlighted the high-density nature of those areas, stating that non-residential uses spark concerns with concentration and separation requirement in neighborhoods.

Mr. Schneider stopped Ms. Carter stating that City Council already approved the zoning, and she needs to address the Special Use Permit. She continued saying that using 702 Clark in this way is a loss of residential land in the neighborhood. It also negatively affects the entire 700 block of Clark Avenue and 7th Street within the O-SFC district. The Ames Romero House at 709 Clark has had a negative impact on the 700 block of Clark and has been operating illegally since 2020. There is land available in other areas. A loss of residential land should be accompanied by a justifiable relationship to the benefit. In this case there is no need to lose residential land because of the availability of alternative locations in appropriately zoned areas that offer opportunities. She states that it is desirable for the community if the Romero House is out of the 6th / 7th Street corridor. Since the opening of the Romero House the community has been disadvantaged by the concentration of homeless camping and loitering from the library downtown and in the neighborhood, which is a direct result of the Ames Romero House location. This encourages the homeless to congregate in one area 24/7. She went on to say that people are affected every time they go to the library, or the post office. This is a real effect of too many social services close together. It is also known that homeless people have more anxiety when they are so close together. They have trouble with societal interactions. The residents already experience this every day. Crime in the 700 block of Clark is also an indication of the negative effect on the community since the Romero House has been here. The Ames Police Department recognize the need for and suggest a camera provision. She hopes that this is required. Increased crime affects the neighborhood and has already been experienced.

She quoted from the report from Romero House application. “We are in business only in the afternoon hours and are closed before most people in the vicinity arrive home from work. We believe this is a major point for the SUP as our hours are limited to a 3-hour block in the afternoons and mainly during weekday hours.” She went on to say that their ancillary activities are in direct conflict to what they reported, which is a completely different time frame for the neighborhood and families. The request for the night services is a big leap from other information in their report. She continued saying that their statement about broad neighborhood support is weak. She went on to talk about the direct neighbors that being Fareway and 706 Clark Avenue. She stated that Fareway doesn’t recommend the SUP and at least one neighbor at the north end of the 700 block of Clark spoke against the Romero House at the City Council meeting. She stated that Mr. Martin at 706 Clark sold the property of 702 Clark to Romero House. She stated that this isn’t a typical residential relationship. The SUP requestor wants the look and feel of the house but wants the flexibility and options only available in a commercially zoned area. There are 350 properties in the O-SFC. This conservation zone was put in place

because of social service providers were buying homes instead of commercial buildings for their use. These residents have a right to a neighborhood. The requestor didn't show that they looked for any other property in a commercial zone, they purchased this property for their commercial use.

Elizabeth Grafton Robertson, 703 Grand, was sworn in. Ms. Robertson is very thankful for Romero House. She goes there to eat, and the people are respectful. Last spring Romero House got a permit to block off the street for a band and invited the community. The Fire and Police departments were there, they served food to everyone in the neighborhood. Some neighborhood people attended the Easter egg hunt. Romero House has tried to be cordial to the community. They don't encourage people to sleep at the library, people make those choices themselves. Once a week people from the Police department, Mary Greeley, Arch, and Bridge Home come to meet with people. The Bridge Home tries to help people find places to live. The guests are honorable and respectful of each other. There are rules on the wall that are to be followed. No swearing, no drinking, no drugs. People might use the backyard to play football, people are respectful to each other. Ms. Robertson doesn't own a car, and this is close for her to have a meal. It's a great place to gather, eat together, play games and read the bible together. Parking is only allowed on one side of the street, it is passable. She doesn't personally have anxiety, and she is a guest there. She wants people to consider what community is, she feels it is a safe place, is very friendly and they just want to help people. Homeless people must leave Bridge Home by 9:00 AM. Food at First does not serve lunch and there are no meals on Sundays. She has not seen people using drugs or alcohol. She stated she is very appreciative for Romero House. The library does not open until 1:00 PM on Sunday afternoons, and Romero House gives people a place to charge their phones and a place to go when public areas aren't available and people are thankful.

David Carter, 709 Douglas, was sworn in. He stated that he emailed his comments earlier. He said neither the Board nor the public can evaluate conditions with the late additions. The SUP, if approved, has conditions to make it effective to fulfill the goals of the zoning in the community. Romero House will never go away and the conditions that the Board put on them are essential and to get them correct at the beginning. The late term modifications demonstrate they need more evaluation. He stated he doesn't feel that he has had the opportunity to evaluate these new conditions. He feels the Board should reflect on it and continue this discussion at the next meeting.

Ella Townsend, 1715 Cooper Beech Avenue was sworn in. Ms. Townsend is a newer Ames resident and has recently graduated and decided to remain living here. She is a long-term volunteer, and they go through frequent training on de-escalation and an emphasis on a culture of calmness and sobriety. Their Wi-Fi password emphasizes that culture (not given for privacy). Clients are encouraged to exemplify good behavior and respect for the neighborhood. When volunteers or staff are listening to stories that guests tell, they will suggest other ways someone may have handled a situation differently. Before the Romero House existed, the guests had been roaming that area and lived there not just in a home. They encourage the spirit of being a good neighbor to their guests. Ms. Townsends fiancé is currently a live-in volunteer at 709 Clark. There will not be additional nighttime activities. The guests come in and play Dungeon & Dragons. Romero House wants to relieve stress at other locations, so people are not loitering at those locations. A place where they can have a meal, communicate with the staff and volunteers

and have shared community together. The staff and volunteers encourage them to make better choices and encourage a spirit of being a good neighbor.

Sam Galindo, 3211 Eisenhower Avenue, was sworn in. Mr. Galindo said he hears the concerns from people about de-escalation and about crime and drugs. He has been a long-term volunteer and has not seen any of this happening during his time at the house. Drug activity or anything criminal is prohibited on the property. The operation of the house will be 12 – 4 when people are at work and shouldn't be home during these hours. The guests are not dangerous people, and the staff and volunteer enforce the rules. The training to be a volunteer involves de-escalation. Any conflict with the guests is to be de-escalated and they foster tranquility within the house. There are homeless people that congregate in the area whether the Romero House is there or not. They will continue to live in the area. They must wait a long time for Food at First to open at night, Romero House offers them a place to eat lunch and a location for them. He has never seen any drugs or crime in his long-term volunteering.

Donna Nelson, 618 9th St, was sworn in. Ms. Nelson purchased her home in 2017 and researched zoning prior to the purchase, as well as her daughter, who is an architect and son-in-law, also researched zoning. She has lived in the country, on acreages and in a big city. She stated that she has not ever lived in a city where the City Council member stated she has sympathy for the residents that had their zoning gutted but has more sympathy for the people living on the street. Mr. Schneider said she may only speak about the Special Use Permit. The Board is here to only hear testimony to the Special Use Permit. She went on to say in late 2020 and throughout 2021 she isn't comfortable walking down Clark especially in the evening. She has discontinued being a pedestrian in her neighborhood. She doesn't understand the hours of operation. They are asking for 8:00 AM to 8:00 PM so why are they saying their hours are 1:00 PM to 4:00 PM. She wants to know how the residents get any recourse to keep their neighborhood in existence and safe.

Peter Hallock, 114 8th St, was sworn in. Mr. Hallock stated he is neutral on the proposal. He has some concerns about the write-up. He is currently the President of the Old Town Association. Most of his concerns were addressed with the revisions. The Old Town Board has nine people, a simple addition would be to make the Old Town Association Board the representative rather than then the president. He agrees that access from 7th Street is a better location. He originally had concerns that the neighborhood association was to be the enforcement but that was addressed in the conditions in the staff report.

Public forum closed 7:54 PM

Mr. Schneider stated that at this time the applicant can rebut and provide closing statements. City staff are available for any questions.

Applicant

Mr. Theilen stated that he wants to address statements that were not correct and is disappointed in the city residents. There has been talk of unity and civil discourse which has happened. The City has already determined that there will be one social service provider allowed. They know they will be under scrutiny. The homeless outreach team which includes the City, Mary Greeley,

and Arch, want Romero House at the table. They want to find solutions for the city. Romero House is not standing alone and doing their own thing. This group advocates for Romero House. He stated it's hard to listen to the depiction of all homeless people being drug addicts and criminals. People are coming to their home for a leg up. Romero House brings them in for food and fellowship and gives them dignity and makes them feel like they are important. Staff and volunteers are trained in de-escalation. Before becoming a volunteer, you must go through a training program. There are procedures and policies put in place. Arch comes out every Thursday to work with staff and volunteers. There are many organizations that come out to work with the volunteers, they are not on an island by themselves. No one can step on the property without proper training and signing a document. Romero House pays fees to Old Town Association and went to their picnic last summer. They turned in a petition to City Council that had six pages of support primarily from the Clark Ave area, as they know the activities at Romero House. Much of the opposition are 3-4 blocks away.

The window of operations is very limited, 1:00 PM to 4:00 PM. The ancillary activities that are mentioned are small group activities, "how can we combat homelessness", a bible study, that happen two to three times a week. These will be done by volunteers in their network not guests that would come in for these activities. The consultant for the Ames homelessness report reached out to Romero House. Fareway does support Romero House and allows parking if needed. Changing the entrance gate to 7th Street is a good change. Romero House knows how to function and has been in business for four years. No matter what is done the homeless population is going to be in this area. This is the area they congregate, if Romero House wasn't there it would get worse. There is an existing ecosystem with the library, Food at First and Romero House all take them off the street. There are many success stories, the goal is not just to serve but to elevate their lives in a positive direction. In the last month we've gotten people off the streets, got them new jobs, got them housing, and have helped a client fill out job applications. They help with many things at the Romero House to support the population.

Mr. Whitehouse questioned the applicant if they require a fire escape or tornado drill plan. Mr. Theilen responded that all those plans are covered in the policy and procedure book. Mr. Whitehouse confirmed that de-escalation was required for the volunteers. Mr. Theilen affirmed that is the case. Mr. Whitehouse also questioned whether there was a supply of Narcan on the premises. Mr. Theilen again affirmed. Mr. Whitehouse asked where people would congregate prior to the 1:00 PM opening time. Mr. Theilen said people are asked not to congregate before 12:45, they are allowed to start 15 minutes early and 15 minutes after. At 4:00 PM there are usually only a handful of people left so you don't typically see that at the end of the day. He went on to say that it may happen at 12:45 PM and maybe five to eight people. Mr. Whitehouse asked with the current plan of the gate being on 7th Street, then they would congregate on the sidewalk, or in the public space. Mr. Whitehouse asked where they congregate at 709 Clark. Mr. Theilen said that currently they congregate in the front yard. They don't like them on the front porch, or they sit by the Cy-Ride bus stop. He went on to say they could come in through the gate into the backyard and congregate there prior to the opening so they wouldn't be on 7th Street.

Mr. Whitehouse asked staff if there was a limit to the term for the Special Use Permit. Mr. Diekmann responded that it would be in perpetuity, if it is a continued use and the conditions are

adhered to, it can stay. Mr. Diekmann said that there have been questions about enforcement. There are a variety of enforcement measures in the City Code, it could be a municipal infraction, a citation, or a warning. If there are repeated violations of the permit, there is a process to end the use through a public hearing with the ZBA, called a revocation hearing. Mr. Diekmann went on to say that would only occur through repeated violations of the permit. He also said that if the use of the property was discontinued for 12 months there would be an automatic expiration of the permit. Mr. Whitehouse questioned if the SUP could have a term limit. Mr. Diekmann said that the Code doesn't have time limited SUP, it isn't authorized by the Municipal Code. He cited the early case tonight was the yard waste site, by Code it can only be a temporary use. He said he would not advise a mandatory limit to the SUP. Mr. Diekmann stated if it is temporary then reapplying each year gives them no rights; each year would be a fresh review. A normal SUP, if the use complies with the description, it would be okay if they meet the conditions. If there are concerns that it would not be okay issuing a SUP for a trial period would not be a good case to support the use. Mr. Whitehouse stated that all his concerns have been addressed.

Public Hearing is closed 8:05 PM

Discussion by the Board:

Mr. Schneider stated there are three pages of conditions with additional changes. He went on to say that it makes sense to limit the total number of people, guests, volunteers or staff, rather than delineating between the two. The question remains is it an appropriate number for the neighborhood and the home itself. Twenty-five people at one time with no more than 45 for the hospitality period. Mr. Diekmann said there is a limit of no more than 10 people at one time for the other operating hours of the day. Staff discussed the number. Mr. Whitehouse asked for clarification of the 45 number limit. Mr. Diekmann explained that during the three-hour hospitality period, there could be no more than 25 at any one time with a total of 45 people cumulatively. The rest of the hours are capped at 10 total. Mr. Whitehouse said he wasn't comfortable enforcing it to 45 as a total to be served in a day if they are filtering in and out of the facility. Mr. Schneider compared it to traffic. When there are SUP requests for home businesses, there is a limit to the amount of traffic allowed during a day as well as at one time. It is about volume. Julie Kruse stated that the applicant does not appear to object to the numbers. Mr. Schneider said he feels the numbers are reasonable, it would be a maximum as it includes, staff, volunteers and guests.

Mr. Schneider stated that the condition for the neighborhood association was the president as a point of contact. Mr. Schneider checked on how the Board felt about the parking stipulations. Mr. Whitehouse asked about the number of the current parking spaces and their locations. Mr. Diekmann said there are two paved stacked spaces in the front and one gravel space in the rear. Mr. Schneider said the one space is off the alley and Rosedale Shelter has parking off the alley. Mr. Whitehouse said he was comfortable with the parking arrangements.

Mr. Whitehouse asked if there were conditions for people sitting out in front of the property. The concern is that people waiting for the bus would be in trouble. Mr. Diekmann clarified that the conditions do not manage the right-of-way. Romero House can't control the right-of-way. The conditions only manage their property. The front yard is their only responsibility. Mr. Schneider

asked if there are any requirements of the gate being locked when not during guest hours. Ms. Kruse said they would be allowed in the backyard if guests arrived early, which was her concern. If the gate is locked the guests would stand on the sidewalk. She said Mr. Theilen said they would be allowed in the backyard until they open.

Marshall McDaniel, attending by phone, was asked if he had any questions. Mr. McDaniel responded that he had the modified conditions that were sent out. Mr. Whitehouse asked if condition 7 was being changed from the president to a representative of the Board. Mr. Schneider responded no.

Mr. Schneider stated that in condition 17, they must still maintain the building and keep the property in compliance, as well as the landscaping must be maintained as well as the exterior. There is a mechanism for reporting violations. Mr. Whitehouse asked who does the code enforcement. Mr. Diekmann stated that primary enforcement is done by the Inspections Division with Planning staff involved at times. Mr. Whitehouse asked about the sidewalk changes. Mr. Diekmann stated that the access to the rear entrance with sidewalk construction is in the condition that would be reviewed by staff.

Whitehouse moved to adopt the revised Alternative 1, McDaniel second.

The Zoning Board of Adjustment can approve the requested Special Use Permit to allow use of the property as a non-profit Social Service Provider (Romero House) intended to serve the needs of people experiencing homelessness or effects of poverty that principally includes office space for three staff members and supervised daily hospitality services of meals, interior rest area, laundry, and hygiene, subject to the additional conditions and stipulations that follow:

1. The regular operational hours are from 8 a.m. to 8 p.m. During non-hospitality hours, the maximum number of people on site is 10 people, regardless of purpose and inclusive of employees.
2. Hospitality service is limited to the hours below and in terms of intensity of people on the site to a total of 25 people at one time and typically for no more than 45 people during hospitality hours. Total people is inclusive of guests, volunteers, staff, or other persons on the property for any purpose during the hospitality service.
3. No residential use of the property for short term lodging or household living is permitted; including the allowing for any person to stay or sleep overnight, defined as between 8 p.m. to 8 a.m., within the house or elsewhere on the property.
4. Hospitality services are only allowed to be available to guests between 1-4 pm on weekdays and from 10:30 am to 4:00 pm on Sundays with the following limitations:
 - a. Must be supervised by at least one staff member.
 - a. Access to hospitality services shall be via the rear entrance of the home.
 - b. Primary access to the rear entrance shall be from 7th Street subject to City staff approval of a route.
 - c. Hospitality services shall primarily be provided within the home, however incidental use of fenced rear yard space is also permitted.
 - d. Waiting for access to the building shall not occur on the premises more than 15 minutes before opening. Guests shall depart within 15 minutes after closing.

5. No outside activities shall occur in the front yard of the property along Clark Avenue.
6. A Code of Conduct shall be posted in at least one conspicuous place near the rear entrance to the home. The Code shall be enforced by Romero House staff by causing the removal of individuals from the site that do not comply. The Code of Conduct, at minimum, shall include expected behaviors of guests to act in a respectful manner to the guests and staff on site, passersby, and to the adjacent neighborhood in general by:
 - a. Prohibiting guests and visitors to the site that are intoxicated or under the influence of drugs.
 - b. Prohibiting bringing alcohol, weapons, or illegal substances onto the property.
 - c. Requiring people to monitor the volume of conversation to reasonable levels without yelling and shouting or talking in an aggressive or threatening manner
 - d. Maintaining the site in clean and tidy manner by not littering and by depositing, trash, refuse, garbage in receptacles.
 - e. Prohibiting sitting, laying, standing, or otherwise gathering within or occupying the front yard of the property.
7. The Romero House shall maintain an up-to-date point of contact for the Ames facility with a phone number and email address that at a minimum is available to the Planning Division, Inspections Division, and Police Department. The contact information shall be provided to the Old Town Neighborhood Association president at their request.
(Requesting contact information does not create any expectation of Neighborhood Association's participation in administration of the Special Use Permit)
8. No outdoor storage or keeping outdoors of personal items, equipment, shopping carts, wagons, trailers, or other items associated with personal living is permitted on the property.
9. Parking shall be maintained on the property for a minimum of three vehicles.
10. The owner of the property shall keep the site clear of furniture or other objects for sitting or resting of any type within the right-of-way abutting the premises or within yards of the home, excepting area located within the fenced rear yard area.
11. The premises shall be continually monitored throughout the day by recording security cameras. Footage shall be retained for a minimum of 48 hours.
12. The property owner and operator of the social service provider facility including its employees, staff, and volunteers shall cooperate with police investigations for incidents that occurred on or adjacent to the property.
13. Continually maintain a log of persons on the property throughout a day for the purpose or measuring the intensity of use of the site consistent with the allowed number of people for various activities. The log of each day shall be kept for at least six months and made available to City staff upon request.
14. If Romero House desires signage, it shall not be illuminated, exceed six square feet, and be located along 7th Street. Obtain a sign permit for its placement.
15. The existing fence, trees, and shrubs along the fence that parallels the public sidewalk along 7th Street shall be maintained in a state of good repair and health. Removal without approved replacement by Planning staff will require an amendment of the Special Use Permit.
16. Changes to the buildings, such as the rear door widening and deck construction are subject to approval of Certificate of Appropriateness by staff, subject to centering to the extent feasible the widened opening within the area of the original opening. The deck

railing design shall be of compatible historic style.

17. Obtain necessary building permits from the Inspection Division for a change of occupancy of the structure from residential to a non-residential occupancy classification and maintain compliance with applicable building and property maintenance Codes of the City.

Additional stipulations of the Special Use Permit:

In addition to the principle uses described above, incidental activities of the Romero House are permitted outside of hospitality hours for bible study/group gatherings three times a week subject to the 10-person limitation. Other incidental use for events/celebrations are limited to no more than five times a year.

A change of use to serve a different population/clientele or an increase in activities, hours, or people on site would require approval of an amendment to the use description and conditions of the Special Use Permit. Such a change to the regular activities of the site can only be authorized through approval of an amendment to account for the change in the nature or intensity of the use measured by visitors to the site or employees.

Changes to site improvements consistent with standards of the Historic Preservation and Zoning Ordinances, such as the location of walkways, remodeling, building rehabilitation, decks, incidental landscape features, fencing, landscaping, may be approved by City staff as otherwise authorized.

If active use of the site as defined with this Special Use Permit is discontinued for 12 consecutive months or more, unless otherwise granted an extension by the ZBA before 12 months of discontinued use, renders this Permit null and void for a social service provider use and requires a new Special Use Permit to reestablish a social service provider use on the site.

Roll call: Schneider, aye; Patton, aye; Whitehouse, aye; McDaniel, aye; Kruse, abstain

Vote on Motion: (4-0) Kruse recused herself.

Mr. Schneider stated that this decision can be appealed through the District Court within 30 days after the filing of the Decision and Order.

ADJOURNMENT: Moved by Schneider. second by Whitehouse to adjourn the meeting at 8:17 PM

Vote on Motion: (5-0). Motion passed.

Natalie Rekemeyer, Recording Secretary

Chad Schneider, Chair