

COUNCIL ACTION FORM

SUBJECT: ZONING TEXT AMENDMENTS TO CREATE A MINOR AMENDMENT PROCESS FOR MAJOR SITE DEVELOPMENT PLANS (M-SDP) AND SPECIAL USE PERMITS

BACKGROUND:

The City Council initiated a Zoning Text Amendment on July 12th in response to a request to create a minor amendment process for Major Site Development Plans (M-SDP) and Special Use Permits that would be the same process as allowed for Planned Residential Developments (PRD). The PRD process includes a noticed public hearing for rezoning with site development plan approval, but allows for minor changes by staff (see excerpt below for Section 29.1203(9)). The M-SDP process applies to project approvals beyond those of a PRD, for example apartments within FS-RM zoning. Although both M-SDPs and PRDs are reviewed by the Planning and Zoning Commission and approved by the City Council, there is no option for a minor amendment to a M-SDP to be approved by staff when separate from a PRD.

M-SDPs are most frequently an approval process listed as part of the FS-RM zoning district approvals for apartments. There are instances for other uses to trigger a Major Site Development Plan, e.g. Lincoln Way Mixed Use developments, Residential High density with commercial uses exceeding 5,000 square feet, development within the Environmentally Sensitive Area Overlay (floodway). There are only a handful of M-SDPs approved each year compared to the dozens of administratively approve Minor Site Development Plan applications.

The PRD zoning district does allow for minor amendments to be approved by the Planning and Housing staff if they fall within the defined minor changes listed in Ames Municipal Code Section 29.1203 (9):

- (a) Do not constitute a change in the land use of the project; or the overall layout and design;*
- (b) Do not increase the density or intensity of use, and the number of buildings or a change in dwelling unit types;*
- (c) Does not change the overall landscape design of the F-PRD project; or*
- (d) Change the height or placement of buildings, or other major site features.*

A minor amendment process for M-SDPs would allow staff to approve small changes that do not significantly alter the approved plan, do not change required landscaping, or do not allow building designs that are inconsistent with the approved design. The intent is to allow small modifications to that will not change the intent of the overall project. It would also allow for changes or additions that do not conflict with the Code and do not substantially impact neighboring properties. Minor changes are not meant to diminish

the interest or quality of the project overall. Minor changes also allow for features and details to be added to a project.

A Site Development Plan is also included as part of the submittal and approval process for a Special Use Permit, Section 29.1503, that is subject to noticed hearing and approval by the Zoning Board of Adjustment. In this situation, the Site Development Plan does not go before Council for approval, but is approved by a separate public board. Currently, if there is a change to a site plan approved as part of a Special Use Permit, the change must go back before the Zoning Board of Adjustment for approval.

An insertion of text in the Special Use Permit section would reference back to this proposed text amendment in Section 29.1502 and allow minor changes to be approved by staff using the same criteria proposed for Major Site Development Plans.

The Planning and Zoning Commission reviewed this text amendment at their September 21, 2016 meeting and voted 6-0 to support allowing a minor amendment process for Major Site Development Plans and site plans approved with Special Use Permits.

ALTERNATIVES:

1. The City Council adopt the proposed amendment on first reading of the ordinance to allow a minor amendment process for Major Site Development Plans (M-SDP) and Special Use Permits with Minor Site Development Plan approvals.
2. The City Council decline to adopt the proposed amendment.
3. The City Council can direct staff to prepare different language for minor amendments.

MANAGER'S RECOMMENDED ACTION:

The proposed change will allow for a shorter timeline and more streamlined review and approval of minor changes to Major Site Development Plans without public notice as is currently included with an amendment. Minor changes approved by Staff will be limited in nature. Staff would only deem changes as minor that are in substantial conformance with the approved site plan and be limited to non-substantial items, such as parking lot layout changes, building alterations that are consistent with approved design, color, and materials. No change in use or density would be deemed minor. The current language is somewhat vague in how to detail with architectural details in terms of design elements of facades and features of buildings, but staff would interpret the intent of the process to be that an approved project cannot have its quality diluted through revisions to the design after its public hearing approval. The proposed amendment will also allow for

staff to consider minor changes to site plan approvals that are associated with a Special Use Permit.

Therefore, the City Manager recommends that the City Council adopt Alternative #1 to approve on first reading an ordinance that creates a minor amendment process for Site Development Plans.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 29.1308(9), AND ENACTING NEW SECTIONS 29.1502(6) AND 29.1503(7) THEREOF, FOR THE PURPOSE OF CONSOLIDATING AND CREATING PROVISIONS AUTHORIZING MINOR CHANGES IN MAJOR SITE DEVELOPMENT PLANS AND SPECIAL USE PERMITS; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa, shall be and the same is hereby amended by repealing Section 29.1308(9).

Section Two. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting new Sections 29.1502(6) and 29.1503(7) as follows:

“Sec. 29.1502. SITE DEVELOPMENT PLAN REVIEW.

(6) Minor Changes. Minor changes to the approved Major Site Development Plan may occur after staff of the Department of Planning and Housing has determined that the proposed changes are minor in nature, and revised plans have been provided to the Department for purposes of keeping the Major Site Development Plan current. Minor Changes are defined as changes that:

- (a) *Do not constitute a change in the land use of the project; or the overall layout and design;*
- (b) *Do not increase the density or intensity of use, and the number of buildings or a change in dwelling unit types;*
- (c) *Does not change the overall landscape design of the M-SDP project; or Change the height or placement of buildings, or other major site features.*

Sec. 29.1503. SPECIAL USE PERMIT.

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

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

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

Section Five. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor