

**MINUTES  
CITY OF AMES  
PLANNING AND ZONING COMMISSION**

Date: April 15, 2009	Norman Cloud	2010
	Keith Barnes, Chairperson	2010
Call to Order: 7:00 p.m.	Kori Heuss, Vice-Chairperson	2011
	Jeff Johnson	2011
Place: Ames City Hall	*Justin Platts	2012
Council Chambers	Chuck Jons	2012
	*Elizabeth Beck	2012
Adjournment: 9:05 p.m.		
	*Absent	

**MAJOR TOPICS DISCUSSED:**

1. Land Use Policy Plan Map Amendment to place a Community Commercial Node near 601 South 16<sup>th</sup> Street for future support of a rezone of said property from Planned Residence District (F-PRD) to Community Commercial Node (CCN)
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CALL TO ORDER: Keith Barnes called the meeting to order at 7:00 p.m.

**ELECTION OF OFFICERS:**

MOTION: (JONS/JOHNSON) to nominate Keith Barnes as Chairperson and Kori Heuss as Vice-Chairperson of the Planning & Zoning Commission.

MOTION PASSED: 5-0

**APPROVAL OF AGENDA:**

MOTION: (HEUSS/JONS) to approve the Agenda for the meeting of April 15, 2009.

MOTION PASSED: 5-0

**APPROVAL OF THE MINUTES OF THE MEETING OF MARCH 18, 2009:**

MOTION: (CLOUD/JONS) to approve the Minutes of the meeting of March 18, 2009.

MOTION PASSED: 5-0

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**PUBLIC FORUM:** There were no public comments.

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**Land Use Policy Plan Map Amendment to place a Community Commercial Node near 601 South 16<sup>th</sup> Street for future support of a rezone of said property from Planned Residence District (F-PRD) to Community Commercial Node (CCN)**

Sam Perry, Planner, gave an overview of the proposed amendment to the Land Use Policy Plan Map. The Commission may wish to consider the following options:

1. Retain the existing land use and zoning designation.
2. Apply a contract LUPP and rezone.

3. Impost a CCN land use designation as proposed.
4. Extend the HOC designation.

If the Commission concludes that maintaining the integrity and viability of nearby residential lands is the chief priority in long range planning, then the recommendation to the City Council should be to not change the designation on the Future Land Use Map of the Land Use Policy Plan for the site at 601 South 16<sup>th</sup> Street. This alternative recognizes that map amendments within transitional areas can nearly always lead to the granting of similar map amendment requests. Over the long term, the degradation of the transitional area has negative impacts that cannot be reversed, even with additional land use and development controls.

If the Commission concludes that maintaining the integrity and viability of the nearby residential lands is an important priority, but that it can be mitigated even when commercial uses are within, then the recommendation should be that the City Council change the designation from Medium Density Residential to Highway Oriented Commercial with contractual conditions listed in Option 2 in the Commission Action Form. If this alternative were chosen, the Commission would have concluded that this is a key opportunity for staff, Commission, and Council to work with the owner on master planning the subject site, as well as adjacently owned properties. This alternative would recognize that current and future owners of the subject site and adjacent properties are committed to continuing the character of the development already in place.

Steve Osguthorpe, Director, explained that this is not a review of a site plan. Although a hotel has been suggested, this is a request to amend the LUPP map. A hotel in this area may be the intent now, but if for whatever reason a hotel goes away and somebody wants to put in an auto dealership, which would work in an HOC designation, there would be nothing the City could do to prohibit that. If the Commission were to impose either a CCN or an HOC designation, the uses would be whatever is allowed under those designations.

Mr. Osguthorpe then explained that the alternatives in the Commission Action Form identify two approaches the Commission can take with this proposal. One approach is to just leave it as it is, realizing that there may have been some sense in the first place for this area to be HOC as it was originally designated. However, since the conditions have changed, we need to take that into account and at least acknowledge that we do have residential development of a rather upscale nature directly abutting this area. If this area is to be changed to commercial, it needs to be carefully considered as to what those impacts would be and how that might be mitigated, and a way to do that is through a contract LUPP/rezone approach. If the Commission wants to consider a contract approach and develop more stringent standards to address the locational issues, staff recommends that the Commission continue this hearing so that staff can bring back more specific proposals to that effect.

Keith Barnes asked if there is any history of residential home values going down when commercial development abuts up next to a residential area.

Mr. Osguthorpe spoke about the South Lincoln Neighborhood area, which abuts Lincoln Way, as a neighborhood that the City has noticed difficulty as commercial development has come in. If this area is an indication of what happens when commercial development directly abuts residential if it is not carefully done, then we might expect some decrease in property values. But it is also going to depend on how well it is done, and what future development actually comes in under the allowed zone.

Discussion then occurred on the bike trail route that is proposed for this area. Mr. Osguthorpe explained that the City is currently reviewing a proposed Preliminary Plat for this area, which includes language in the Developer's Agreement for the proposed shared use path.

Scott Randall, 505 Aspen Ridge Road, Ames, Iowa, property owner, thanked the Commission for coming tonight to hear their case, and staff for putting their effort into this project. Mr. Randall stated that he sees this as a fairly simple request, with the bottom line being that they need additional ground for an expansion of the golf course. He spoke about how he doesn't think putting a hotel in the flood plain using fill is a wise idea -- it should be located out of the flood way and the flood plain. He went on to explain that the hotel would act as a complementary function to the golf course; it will add a lot of value to it and be a good project for this town. It will allow them to do weddings, outings, and sporting events, which will give the golf course more of a country club appeal. Mr. Randall then spoke about the proposed shared use path for the area, explaining that they are currently in discussions with the City about the construction of this path when Grand Avenue is extended through their property. Mr. Randall then mentioned that it is their intention to scale back the scope of their original residential project from 60 to about 30 units. He explained that they had to argue with the City a few years ago with their original proposal for lower density because the City wanted higher density, and now they have to fight the City again asking for the higher density. He said this proposed development makes a lot of sense; a hotel is a big dollar deal and will bring a lot of revenue into the city.

Mr. Barnes asked Mr. Randall if the hotel is a done deal in his mind subject to zoning.

Mr. Randall said yes. If they could put a hotel in under the current designation they would just do it. He explained that most of the land he owns around the golf course is currently designated as HOC. He asked the Commission to accept Alternative #2, which would change the designation of this area to HOC, but without the conditions listed by staff.

Chuck Jons asked Mr. Randall if he would accept the condition that it be a hotel.

Mr. Randall said that is too restrictive.

Mr. Jons stated that it puts the Commission in a bind if Mr. Randall doesn't agree to allow some stipulations on this, and hopes he would reconsider and work with staff if it is indeed his intent to have a hotel in this location.

Mr. Randall said he understands the issue about somebody 20 years from now wanting to do something different, but sometimes you just have to go on faith and move ahead. He said he thinks it is too restrictive if the property was conditioned that it could only be a hotel because a restaurant could go in this location, which they would like to see happen as it would finish the country club atmosphere. He said all they are asking for is this property be taken back to HOC, because they need some extra space to intelligently expand the golf course property.

Mr. Osguthorpe spoke to the issue of "just a hotel." He explained that the reason for the contract approach suggested in Alternative #2, is because of staff's concern that if we identify just one use for that zone and the market conditions for that one use fails, then what do we do with that land? He said this list gives a lot of flexibility to use that area for any number of things in addition to or beyond a hotel, but at least scaled down enough to be reasonably compatible with the surrounding development.

Mr. Jons said an alternative could be that the applicant comes back to the Commission for a change. In other words, rather than make it so flexible, if this area didn't work out as a hotel, could they come back to the Commission and City Council and ask for it to be changed?

Mr. Osguthorpe said they could. But the one thing you are going to hear through this process is when you start picking out a site for a specific use, you are then really dealing with spot zoning.

Mr. Randall said he agrees with that statement, but he is not here to spot zone this area. He said he thinks it makes the most sense to take the property back to the original HOC designation, explaining that they are usually ingenious when it comes to developing sites properly as the owner, developer, and as a neighbor.

Norman Cloud asked Mr. Randall what it is about that particular piece of property that has to be HOC, when there is significant amount of HOC property developed within 200-300 yards of there.

Mr. Randall said in this case it is the connection with the golf course because there is a certain synergy when a hotel and a golf course are located right next to each other.

Mr. Cloud asked Mr. Randall if that was the same logic used to carve out the medium density residential; that there is a natural synergy between that style of housing and the golf course – that it is a choice in the market place.

Mr. Randall said that is true, but what you may or may not understand is that this is a unique opportunity. He said this is an area with a particularly gorgeous view that goes off of the ridge over the golf course -- it is a view statement like lake-front property.

Mr. Perry addressed the comments made about the flood plain. He showed a flood plain map, explaining that the blue area is the flood plain. The white area that is bound by the red line is the flood way, which is not allowed to have any structures within it at all. The flood plain can have some development through filling material and raising sites, and there can be some open uses, such as golf courses and parks within this area.

Mr. Randall reiterated that they do not want to build within that area – they want to go up the hill, which is a lot better idea.

Scott Renaud, FOX Engineering, 1601 Golden Aspen Drive, Suite #103, Ames, Iowa, addressed the Commission as the engineer for the project. Mr. Renaud explained that he has been doing this for 23 years, and certain things have become apparent to him over time. He said a little bit of focus tonight has been on the worst-case scenario, and thinks we need to look at the existing code, which is already fairly restrictive and already states what is going to be covered in an HOC designation. Particularly when we talk about the transition and landscaping from the commercial to the residential area; you move into a higher standard of landscaping when you do that as a matter of prescription by the code. The code gives you certainty in what you are going to get, but it also allows for some flexibility. When we go in and do master plans we lose the flexibility, as well as the ability to actually respond well to things because we get so prescriptive in what we are doing. He said in all of the efforts that he has gone through on master planning, he has found that things change over time and we end up going through the process that takes a lot of time and effort on everybody's part, which is unnecessary and not even beneficial. In this particular case, you have a developer with a good track record who also owns all of the property. You can see what he has done -- he has done a great job with it, you know what he is going to do, and he owns all of the property in the vicinity. The only thing he

doesn't own is the Pheasant Run apartments, which is a different standard of development. Again, with the developer's track record, he doesn't know why we would want to add more restrictions, time, and paperwork to something that is already being done and doesn't need to be duplicated again.

Mr. Jons said this he thinks this is a good plan, as proposed, and would like to state that the Randall Corporation has a good track record of doing a good job of fulfilling their obligations. He said he is personally willing to trust the developer by just going with the HOC recommendation; if it was good enough at one time -- it is good enough again. He said he is concerned that if we add a lot of restrictions on it we perpetuate the City's past reputation of tinkering too much, and would personally support returning the property in question to HOC without the restrictions.

Mr. Cloud said what he has seen in the two years he has been on the Commission, is that the City often tries to have a long term view on how particular parcels of land or areas of the city might be developed as a cohesive whole, which is difficult when you have multiple owners of parcels. However, the original HOC on South 16<sup>th</sup> Street as an extension of the existing commercial district seems like a logical extension feeding into high density residential. The City was told 4-5 years ago that this commercial land use designation was not a viable land use for that area, and the property was rezoned specifically for the golf course and the changes of that use and we are going to be checker boarding the area if we are not careful. He stated that he is not concerned about the particular use of this area, but the way we are looking at the land use policy and how we view land. It has nothing to do with what has already been developed; it is for how the land keeps changing as market forces come to play, which he thinks is poor zoning and long term planning.

Mr. Barnes asked Mr. Randall to clarify his statement that Alternative #2 was acceptable to him since this alternative does have restrictions stated with it.

Mr. Randall said of the four alternatives, he is requesting that the Commission approve Alternative #2, which is a designation of HOC, but without the contractual conditions.

MOTION: (HEUSS/JONS) to accept Alternative #2, as amended, which states:

The Planning and Zoning Commission can recommend that the City Council change the designation from Medium Density Residential to Highway Oriented Commercial, ~~with contractual conditions listed in Option 2 above. Under this option, the specific language of the contract would have to be more fully determined.~~

MOTION PASSED: 4-1 (Norman Cloud voted against this motion)

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COMMISSION & STAFF COMMENTS: A lengthy discussion ensued about a future follow-up meeting between the Planning and Zoning Commission and the City Council to review the goals, implementation strategies, and assumptions of the Land Use Policy Plan (LUPP). The Commission was in agreement that they would like to meet together as a group to come up with a consensus on the goals and objectives in the LUPP before the joint meeting is scheduled. It was decided that staff and the Commission will go through the goals and objectives over the next few Commission meetings and discuss how they are being applied. The Commission hopes that this discussion will help them have a better understanding of the goals, as well as help facilitate the discussion with the Council. It was agreed that the discussion will be broad

and not a detailed comprehensive review of the whole LUPP. This review will begin at the Commission meeting scheduled for May 6.

One Commission member asked that staff bring back information to the Commission on the percentage of how many projects and/or applications that just flow through the process, versus the ones that come to the Commission that the Commission thinks are difficult and is a problem.

Mr. Jons complimented Sam for doing a great job.

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With no further business coming before the Commission, the Chair declared the meeting adjourned at 9:05 p.m.

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Cindy L. Hollar, Secretary  
Department of Planning & Housing

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Keith Barnes, Chairperson  
Planning & Zoning Commission

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