

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

Date: May 6, 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: 10:16 p.m.		
	*Absent	

**MAJOR TOPICS DISCUSSED:**

1. Preliminary Plat for Northwood Heights Subdivision, 4<sup>th</sup> Addition, located east of North Dakota Avenue between 199<sup>th</sup> and 200<sup>th</sup> Streets
  2. Annual Review of Commission Bylaws
  3. Broad Overview of the Goals and Objectives in the Land Use Policy Plan
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CALL TO ORDER: Keith Barnes, Chairperson, called the meeting to order at 7:00 p.m.

**APPROVAL OF AGENDA:**

MOTION: (BECK/JONS) to approve the Agenda for the meeting of May 6, 2009.

MOTION PASSED: 5-0

**APPROVAL OF THE MINUTES OF THE MEETING OF APRIL 15, 2009:**

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

MOTION PASSED: 5-0

Jeff Johnson was not present when these votes were taken.

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PUBLIC FORUM: There were no public comments.

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**Preliminary Plat for Northwood Heights Subdivision, 4<sup>th</sup> Addition, located east of North Dakota Avenue between 199<sup>th</sup> and 200<sup>th</sup> Streets**

Jeff Benson, Planner, gave an overview of the proposed Preliminary Plat. Based upon the Findings of Fact and Conclusions, it is the recommendation of the Department of Planning and Housing that the Planning and Zoning Commission act in accordance with Alternative #1, which is to recommend that the City Council approve the waiver of all of the standards of Chapter 23 Division IV of the Ames Municipal Code, and also recommend that the City Council approve the Preliminary Plat for Northwood Heights 4<sup>th</sup> Addition, with the following conditions to be met prior to Final Plat approval by the City Council:

- A. An agreement shall be provided whereby the property owner waives his or her right to protest a future annexation.
- B. An agreement shall be provided for any future assessment for the costs of City subdivision improvements should they be required in the future.
- C. An agreement shall be provided whereby the landowner shall be responsible for the full cost of abandoning any rural water and sewer systems and connecting to urban infrastructure.
- D. An easement document shall be provided establishing rights and responsibilities for Outlots A through F, including but not limited to:
  - a. allowing use of the Outlots as open space by all residents of Northwood Heights Subdivision 2nd, 3rd and 4th Additions
  - b. prohibiting construction and other types of development in a manner that would restrict use of these properties by all residents of Northwood Heights Subdivision 2nd, 3rd and 4th Additions
  - c. prohibiting construction or development that would physically divide these Outlots into separate open space areas (e.g. fences) or to appear or function only as portions of Lots 1 through 4
  - d. defining responsibilities for improvement and maintenance costs
  - e. defining maintenance activities required
  - f. defining responsibility for maintenance activities required
  - g. describing other provisions necessary for Outlots to function as Open Space as defined by Ames Municipal Code Section 29.201
- E. These agreements shall bind all future owners of all of the property being platted.

Mr. Benson brought to the Commission's attention that there is a restriction on the final plat for Northwood Heights, 3<sup>rd</sup> Addition, which created the proposed plan area that restricts further division of the two existing lots. A recent opinion by the Iowa Court of Appeals indicates that this plat restriction may carry the weight similar to a covenant. Staff is trying to determine what the requirements are for eliminating this plat restriction. This requirement may indicate signatures from property owners outside of the proposed plan, but it is unknown at this time which ones.

Steve Osguthorpe, Director, suggested that if the Commission were to recommend approval, they may want to add an additional condition that it would be subject to compliance with any requirements pertaining to the elimination of the note on the plat that restricts further division of the two existing lots, and let the City Attorney work it out before it moves forward to City Council.

Chuck Winkleblack, Hunziker & Associates, 105 South 16<sup>th</sup> Street, Ames, Iowa, applicant, gave an overview of what has happened with this property since they purchased it several years ago. He expressed concern about trying to get signatures of the surrounding property owners as he doesn't see any of them present tonight at this meeting. He explained that they have all been notified about this proposed development, and have had several meetings with them in the past. He said the person to the south has taken themselves out of the homeowner's association, and thinks it may be problematic to try and get a signature from that person. He said he cannot speak for 100% of the rest of the neighbors, but believes the majority of them are in support of this proposed development.

Mr. Winkleblack went on to explain the application process and the meetings they have had with City staff. He said it is their intention to sell Lots 1 and A together with that property owner being responsible for taking care of the four outlots, and outlots E and F will be deeded to the homeowner's association. Mr. Winkleblack said this is the first time in all of the subdivisions that they have done that there have been so many comments from the City about outlots. He said they have a little chunk of land that will most likely not be coming into the city. The City

doesn't want it -- and all of the people in between this area and the city doesn't want to be annexed. And now there are seven stipulations on outlots in a rural subdivision that will never be annexed into the city. Mr. Winkleblack said he understands some of staff's concerns and thinks they have addressed them with the easements. He expressed concern about putting maintenance requirements on a plat, because it troubles him that someone else gets to dictate what happens to their property. He said they have met a number of times with the homeowner's association and believe that they have a good rapport with them. He said he cannot speak for 100% of the association, but thinks they have a consensus that this is something they are supportive of.

Jeff Johnson asked if the City is required to send letters out to those residents about this proposed subdivision, or has this just been conversations that have occurred between the developer and the neighbors?

Mr. Benson explained that the properties within 200 feet of this proposed development received a letter notifying them about this meeting, which included a copy of the preliminary plat.

Justin Platts asked staff for clarification on the recommendation pertaining to the stipulation placed on the plat for Northwood Heights 3<sup>rd</sup> Addition, which restricts further division of the two existing lots.

Mr. Osguthorpe explained that the Commission doesn't need to worry about this issue except to possibly recommend that it be adequately resolved prior to this plat going forward to the Council. If the Commission thinks this is something that should be resolved before it moves forward, you can refer it back for that. But if the Commission believes it is okay that this plat moves forward as long as it is addressed at the Council level, it at least lets the Council know that the Commission is aware of the issue.

Discussion then occurred about the City's process for reviewing subdivisions within two miles of its city limits.

Kori Heuss said she is struggling with issue "D" under Alternative #1 for the maintenance of outlots. She asked staff for clarification on the difference between homeowners' association covenants for maintenance of property versus when the City gets involved.

Mr. Benson said there are residential subdivisions all over that have private open space, such as Stone Brook Subdivision, which make their own arrangements for maintenance. The difference with this proposed subdivision is that compliance with the City and County density standards is dependent upon there being private open space. In all of the other subdivisions that have private open space, if that space is completely unusable by anybody for open space purposes, it doesn't matter to the City what the policy is. But in this case, what allows this to be approved as conforming to the Fringe Plan is the provision of that open space. There are other ways that this property could have been platted to meet the density standards, and the developer chose to use the private open space route. All the City is doing is saying that if we are going to depend on that private open space use of the land for this to comply with the land use policies of the City, then we need to make sure that the land can be used for that purpose.

Mr. Barnes clarified that in Stone Brook all of the private open space is owned by the association, and in this project some of the open space is going to be owned by two lot owners. Ms. Heuss said she is not necessarily against the condition, but is wondering what the remedy would be if one property owner was responsible for maintenance of that open space and the neighbors were using it and leaving trash all over it.

Mr. Winkleblack said the County has less restrictive rules than the City so a lot of things can happen out in the County. He went on to explain that an earlier version of this plat showed this area as a big outlot that was going to be deeded to the homeowners association like the City requested. But the folks that live around it said they did not want it -- all they want are two little strips to be able to walk through there. He said he has tried to give it to them but they will not take it, and doesn't think they are as concerned about the maintenance of it because they don't want it; they had an opportunity of this land being given to them and they refused to take it.

Ms. Beck said she drove out to this area and it appears that people have different standards for how they want their lots to look -- whether it is open and visible or hidden away. She said somebody may choose to have a whole prairie and somebody else may want a golf course. It may not look good, but that can happen in the city too since you don't know what your next door neighbors are going to do. She said after having driven out there, this proposed development looks quite reasonable to her, especially the walking path, which will enhance the social interaction for this neighborhood. This is a hidden little area; maybe it won't be quite as hidden with this development, but you can't see the other homes out there. She said since this area is not going to be annexed and it doesn't appear that the City is going to be carrying a burden for any sort of infrastructure out there, she would recommend approval of the preliminary plat.

MOTION: (BECK/PLATTS) to accept Alternative #1, as amended, which states:

The Planning and Zoning Commission can recommend that the City Council approve the waiver of all of the standards of Chapter 23 Division IV of the Ames Municipal Code and also recommend that the City Council approve the Preliminary Plat for Northwood Heights 4<sup>th</sup> Addition, based upon the above findings and conclusions, with the following conditions to be met prior to Final Plat approval by the City Council:

- A. An agreement shall be provided whereby the property owner waives his or her right to protest a future annexation.
- B. An agreement shall be provided for any future assessment for the costs of City subdivision improvements should they be required in the future.
- C. An agreement shall be provided whereby the landowner shall be responsible for the full cost of abandoning any rural water and sewer systems and connecting to urban infrastructure.
- D. An easement document shall be provided establishing rights and responsibilities for Outlots A through F, including but not limited to:
  - a. allowing use of the Outlots as open space by all residents of Northwood Heights Subdivision 2nd, 3rd and 4th Additions
  - b. prohibiting construction and other types of development in a manner that would restrict use of these properties by all residents of Northwood Heights Subdivision 2nd, 3rd and 4th Additions
  - c. prohibiting construction or development that would physically divide these Outlots into separate open space areas (e.g. fences) or to appear or function only as portions of Lots 1 through 4
  - d. defining responsibilities for improvement and maintenance costs
  - e. defining maintenance activities required
  - f. defining responsibility for maintenance activities required
  - g. describing other provisions necessary for Outlots to function as Open Space as defined by Ames Municipal Code Section 29.201
- E. These agreements shall bind all future owners of all of the property being platted.

***F. That a clear resolution regarding the plat restriction of Northwood Heights, 3<sup>rd</sup> Addition on further division of lots be determined by the City Attorney prior to the Preliminary Plat for Northwood Heights, 4<sup>th</sup> Addition moving forward to City Council.***

MOTION PASSED: 6-0

Discussion occurred about the minimum average net density for suburban residential development, both within the city limits and in the Ames Urban Fringe. Instead of providing more lots, the Plat "nets out" private open space to achieve the requirement.

Mr. Jons said we wouldn't be in this situation if we didn't have that restriction of the number of lots that were needed. We have found a way to get around it, but since Ames is the only community in close proximity that has those standards, it might be worth discussing at some point -- either with members of the Council or amongst ourselves as a Commission.

Mr. Barnes suggested that the Commission would take this under advisement and bring it back at a future session for discussion.

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**Annual Review of Commission Bylaws**

Mr. Osguthorpe explained that there are three different locations within the Bylaws (pages 2 and 3) that make reference to making recommendations to the Zoning Board of Adjustment. He reminded the Commission about the recent change made to the Code eliminating the two-step process for applications going first to the Planning and Zoning Commission and then to the Zoning Board of Adjustment; applications now go directly to the Zoning Board of Adjustment. He suggested that the Commission consider eliminating the language pertaining to the Zoning Board of Adjustment from the Bylaws.

The Commission agreed that the language pertaining to the Zoning Board of Adjustment be removed in the Bylaws. The Commission will approve the proposed changes to the Bylaws at a future meeting.

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**Broad Overview of the Goals and Objectives in the Land Use Policy Plan**

Mr. Osguthorpe explained that a follow-up meeting between the Commission and the Council has been scheduled for June 16 to discuss the goals and objectives in the Land Use Policy Plan. He said tonight we will go through some of the broader goals in the Plan so that the Commission will have a sense of what the big picture is. Not necessarily how we are achieving that picture, because we can have debate about that later. Right now the question is are the goals something the Commission can buy into.

A lengthy discussion occurred based on the following PowerPoint presentation:

## ***Projections.***

### Population Projections (page 7):

- Growth in Story County – by 2030 94,000 – 96,000
- Growth in City of Ames – by 2030 65,000 – 67,000
- Growth rate of 0.7 to 0.8 percent (rate between 1980 & 1990 in Story County)

### Employment projections (page 8)

- City of Ames and its fringe – by 2030 33,700 – 35,050
- Annual growth rate of 0.8 percent

### Housing projections (page 10)

- Units in City of Ames – by 2030, 25,000 – 25,800 units
- Annual growth rate of 0.8 percent

## ***Goals and Objectives.***

### A New Vision (page 12)

#### Precepts

1. Targeting Growth.
  - Based on provision of public infrastructure in coordination with release of land and support by development community.
2. Seeking more expansion areas while limiting intensification of existing areas
  - Anticipates provision of additional areas for development to lessen reliance on intensification of existing developed areas
3. Addressing existing and new development areas differently
  - Anticipates different planning objectives and implementation techniques in different areas including urban core, university-impacted area, and new lands
4. Providing connections for people, places, and activities
  - Provide provisions for public spaces designed to encourage social interaction. Encourage mixing of uses in new development to create “village” concepts and to create an integrated community and sense of place.

### ***Goals for a New Vision (page 14).***

1. Planning and management of growth
2. Developable area provisions
  - 3,000 – 3,500 acres of additional developable land by 2030
  - Greater compatibility among new and existing development
  - Greater conservation of natural resources and compatibility between development and environment
  - Integrate planning with Story and surrounding Counties

3. Environmental-friendliness
  - Conservation management, protection, replacement, etc.
  - Maintain value of stream corridors for drainage, flood management, habitat, recreation, scenery, and pathways
  - Protect and conserve water resources
  - Energy conservation
  - Protect air quality and sky access/visibility
4. Sense of place and connectivity
  - Integrated living and pedestrian amenities
  - Link area neighborhoods through intermodal transportation
  - Psychologically connect areas through
    - Proximity
    - Common design elements
    - Inclusion of community amenities (e.g. parks)
5. Cost-effectiveness and efficient growth pattern
  - Establish priority growth areas
  - Implement concurrency in priority areas
  - Continue development in areas with existing infrastructure and capacity
  - Have real costs borne by developer if outside of priority areas or areas of existing infrastructure
6. Housing opportunities expansion
  - Increase supply of low and moderate-income housing
  - Establish net densities of 5.6 units per acre to maximize housing units in near areas
  - Establish higher densities in designate area, with an emphasis on appearance compatibility among existing and new development
7. Mobility and alternative transportation
  - Establish comprehensive and integrated transportation system- multi-modal
  - Link transportation system with desired development pattern
  - Plan new transportation corridors to minimize impacts on significant natural resources
  - Reduce air pollutants by increasing traffic movement efficiency
  - Ensure development patterns protect airport and flight approach zones
8. Downtown as a central place – community focal point
  - Intensification for visitor attractions, residential, offices and business support services
  - Apply design standards and preserve historic structures
  - Expand parking in downtown
9. Economic expansion and diversification
  - Diversify regional employment opportunities
  - Attract small/medium business that utilize local workforce
  - Expand research and technology – public/private/university coordination

#### 10. Cultural heritage preservation

- Provide record of earlier development through preservation
- Ensure historic structures are integrated with new in a compatible way
- Protect archeologically significant resources

One Commission member suggested that staff explain in the Council Action Forms how the precepts from the Land Use Policy Plan are implemented for that particular application.

Discussion followed on what the focus should be at the next Commission meeting.

Mr. Barnes asked for clarification on what the Council said they wanted to do. Did they say to go back and look at the goals and objectives only?

Mr. Osguthorpe explained that it was decided that we would come back and take a look at the goals and policies on a broad level, and discuss how they are implemented. The implementation regulations are the zoning code standards or subdivision standards; things that are actually adopted by ordinance that are regulatory. For example, we have goals about the village and then we have within our zoning code village options, which is how we implement that goal statement in the Land Use Policy Plan to our village zone standards.

Mr. Barnes said he is hearing from the discussion tonight that there is pretty good agreement on the goals with more debate needed on the validity on some of the objectives (i.e. environment, downtown).

Mr. Osguthorpe said maybe you are thinking more of the implementation. What was talked about for the downtown is probably lacking in implementation of the goals. Maybe the goals need to be better defined. For example, one thing that is not mentioned is what a lot of cities and towns are concerned about for their downtown -- retaining their libraries, post offices, and city halls. Many cities are desperate to retain those kinds of things and he isn't sure we speak too much about that in our Plan.

Mr. Johnson said much of what happens downtown is sometimes predicated by the business owner. If you think about a vibrant downtown, you have to have some things within it that are not on business hours -- but city hours. Unless you are going to a bar or a couple of food places downtown, there is no civic space.

Mr. Platts said he agrees -- there is no impromptu space. The next question is how do we make that happen?

Mr. Johnson said if the goal in the Land Use Policy Plan is that downtown is a place that we want to be a destination portal, we either do it with infrastructure or we rethink its current use; we don't seem to be doing either.

Ms. Beck said one of the items she remembers from the conversation in December, is that we need to look at where we are in terms of the goals. We looked at this with 1994 data -- we don't have 2000 and 2005. She said she thinks we need to plug the data in, such as where growth should be going, what kind of current commercial aspects are out there -- what was hoped for, how many single-family unit homes are there versus all of the mobile units; those are the things that she is interested in seeing. How do they work? How do they fit? Do they fit? Do the goals and objectives fit with what has been going on?



Mr. Osguthorpe said that is what he thinks is the next appropriate level of questioning. If the Commission agrees with the general concepts of the plan – he thinks the goals can be timeless.

Ms. Beck said another thing we should look at is Ames continues to be noted as a place to retire, which is a different level of service when you take a look at that population segment.

Mr. Johnson said if you want to remain sleepy like we are, Ames is a great place to retire. If you want to be vibrant, it might be a nice place to want to move.

Mr. Jons said he still doesn't think that we have answered the question about whether or not we want Ames to grow or do we want to constrain growth. He said he will walk away not really knowing the answer to that question.

Mr. Osguthorpe said that is a question he has had too. He said he is not sure the final number that we ended up with was solely based on projection of growth, or if it was also a desired maximum level. We need to go back and look at some projections and trends. While we have control over some things, we don't have as much control over general population increase. And the question is in spite of what we would like to do, what is the actual demand going to be and are we prepared for it?

Mr. Platts said we do have control over population from because we have an ability of job growth that we can create to some extent.

Mr. Osguthorpe said for those people that are willing to commute and wanting to live in this area, and if the population of growth is such and we don't provide for it, they are going to find housing somehow. If this region is growing at a certain rate and we are not providing for it, it may be limited, but it will still somehow be beyond what the plan calls for.

Mr. Platts said we are not capturing the property tax revenue when that happens.

Mr. Johnson said we still provide the basic regional amenities, but no enhancements. There is nothing to either come here for and stay, but you can come here and get your basic amenities (medical, grocery, etc.). But if you are talking enhancement, that is not who we are -- nor have we tried to really be regional.

Mr. Platts said he isn't sure that we want to be regional.

Mr. Johnson said that has always been a struggle for him, and wishes Ames would get off the fence and say we want to be a town of a certain size.

Mr. Benson said we did say that. In 1997, there were advocates who said they would be perfectly happy if this town stayed at 50,000, and there were people who wanted to get out there and compete with West Des Moines. Where we ended up is a perfect reflection of Ames right in the middle, and how we grew in the past is perfectly fine as long as it keeps going. We want to grow at a rate that will create a population of 63,000 by 2030.

Mr. Platts clarified that this is what the .08 number is. It's not just 1980 - 1990 that is how we grew -- it is that is how we want to grow from 1990 to 2030.

Mr. Benson said yes.

Mr. Osguthorpe said a reasonable reflection of what reasonable growth will be. Not that we entice it, but that at least accommodate what we can expect is reasonable growth so that we are not surprised by a growth rate that we didn't plan for.

Mr. Benson said he thinks his impression from the Council's joint meeting is let's understand the goals and objectives to see if we are still behind them. If this is really a discussion about if minimum density is a good way to accomplish this goal and objective, let's talk about the policy. If downtown facades and doing Main Street event planning is not really the best way to accomplish our downtown vision, then what policy should we have to do it; let's have that discussion first. Good planning practice would be to take a look at the plan every five or six years to evaluate the progress for meeting the objectives and determine if there is a need to adjust, which we did in 2003. Now it is 2009, and there are things we can do in terms of housing numbers, job growth, rental versus owner-occupied, businesses, and all that – we did that in 2003. It will take time, and the Council has to decide if they want staff to do that kind of update with the Commission's recommendation.

Ms. Heuss asked if the Commission has an outcome for when the joint meeting is held with the City Council.

Mr. Johnson said the outcome is that we generally agree with the LUPP and the goals of the plan. He said personally he agrees for the most part, with the exception of a couple of areas that he doesn't necessarily see as goals but aspirations.

Ms. Beck said she thinks we need to see if the data that we have now support the assumptions and some of the objectives in the Plan. We can talk about how many housing units, but we don't know how many we have. We need to know how many units we have, what is that rental issue, and is there an estimate of how many people are working in Ames that aren't living in our area.

Mr. Osguthorpe said you have just focused down the discussion to a point where it is manageable; you have defined what it is you want to review in the LUPP -- at least for that issue.

Ms. Beck said she wants to see if the data is keeping up with the assumptions. The data that we have is several years old and we don't know what the hard numbers are for today.

Mr. Osguthorpe said we don't need to resolve that before we go to the Council meeting. It is a question you can take to the Council and say we like the general concept, but we believe that we need some updated information to see if we are achieving this goal, if we are on target, or if we need to expand or rethink.

Ms. Heuss suggested that we have discussion time at the next Commission meeting so that we are prepared for when we meet with the City Council. We are not adding new information or requesting information from staff because she feels like we understand the goals.

Ms. Beck said she is asking for those new numbers.

Mr. Johnson said what Kori and Steve are saying, is maybe it is not the numbers we need to be asking staff; those are the questions we need to be asking of Council. We want them to now put some meat around this and make sure we are on target to see if the projections are still accurate.

Ms. Heuss said agrees because Council has to direct staff to put more work into this.

The Commission decided that they would send their individual lists of what goals, objectives, or assumptions in the Land Use Policy Plan that they would like to discuss with the Council to staff by the end of the day of Monday, May 11. The lists will be compiled and sent out in the packet and be the basis for the Commission's discussion at the next meeting.

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COMMISSION COMMENTS: There were no Commission comments.

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STAFF COMMENTS: Staff reviewed the tentative agenda for the meeting of May 20, 2009.

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With no further business coming before the Commission, the Chair declared the meeting adjourned at 10:16 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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