

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

Date: August 5, 2009	Norman Cloud	2010
	Keith Barnes, Chairperson	2010
Call to Order: 7:05 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: 8:55 p.m.		
	*Absent	

MAJOR TOPICS DISCUSSED:

1. Continued Discussion of Possible Language for Solar and Wind Energy Systems
2. Zoning Ordinance and Subdivision Regulations Text Amendments Pertaining to Source Water Protection
3. Zoning Text Amendment Pertaining to Design Criteria for the 1915 City Hall at 420 Kellogg Avenue
4. Flood Plain Zoning Regulations Text Amendments

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CALL TO ORDER: Keith Barnes, Chairperson, called the meeting to order at 7:00 p.m.

APPROVAL OF AGENDA:

MOTION: (PLATTS/HEUSS) to approve the Agenda for the meeting of August 5, 2009.

MOTION PASSED: 4-0

APPROVAL OF THE MINUTES OF THE MEETING OF JULY 15, 2009:

MOTION: (CLOUD/PLATTS) to approve the Minutes of the meeting of July 15, 2009.

MOTION PASSED: 4-0

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PUBLIC FORUM: There were no public comments.

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**Continued Discussion of Possible Language for Solar and Wind Energy Systems**

Sam Perry, Planner, explained that this is a continued discussion of possible language for solar and wind energy systems. He stated that staff took the Commission's comments from the last meeting and made some changes to the proposed text amendments. He said a recommendation from the Commission is not being forwarded to the City Council at this time for the actual code language. The City Council will first hold a workshop to discuss this topic, and then direct staff on the next step. This will then come back to the Commission for a formal recommendation to the City Council on the language for solar and wind energy systems.

Mr. Perry then spoke about the field trip that occurred prior to the meeting to view the wind tower located at 2381 220<sup>th</sup> Street.

Discussion ensued about the Special Use Permit process for wind and solar energy systems.

MOTION: (HEUSS/CLOUD):

The Planning and Zoning Commission recommends that the renewable energy document with the proposed changes be forwarded to the City Council for their consideration.

MOTION PASSED: 4-0

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### **Zoning Ordinance and Subdivision Regulations Text Amendments Pertaining to Source Water Protection**

Sam Perry, Planner, gave an overview of the proposed text amendments pertaining to source water protection. Approval of the text amendments to Ames *Municipal Code* Chapters 23 (Subdivisions) and Chapter 29 (Zoning) are recommended.

Christina Murphy, Assistant Director, Water and Pollution Control, gave a presentation showing the location of the City's well fields. She said for the past several years, they have been working with Dr. Bill Simpkins, from Iowa State University, to better understand where the water comes from that goes into the wells. She then showed a schematic cross section drawing depicting the different well locations, explaining that she is going to focus tonight on the southeast well fields and the sports complex well fields because these are the wells that will need to serve the community for a long time.

Ms. Murphy then explained the development process for the existing Wal-Mart Super Center and the proposed Petco site, which is currently in the review process, that are close to the City's wells. She said as they went through the development process for the proposed Petco site, it became apparent that there isn't anything in the code to protect the wells.

Ms. Murphy listed the three goals for the proposed amendments:

1. To allow development to occur on South Duff in a way that protects the City's wells.
2. To be able to meet site separation criteria so that they have the ability to redrill a well.
3. To protect the shallow overburden over the soil.

Ms. Murphy then gave an overview of the proposed text amendments that would allow them to meet the three goals.

Scott Renaud, FOX Engineering, 1601 Golden Aspen Drive, Ames, Iowa, spoke to the Commission as a representative for Dennis Pyle, Brent Haverkamp, Hickory Park Farms, and Bradshaw Farms. Mr. Renaud expressed several concerns about the proposed text amendments.

- Because there is no definition of a lagoon in the Code, the City is using a rather broad definition, and he believes there is a difference between a storm water lagoon and a waste water lagoon.

- The need for protection of the wellheads is understandable, but the separation distance of 1,000 feet is on the excessive side, which creates some potential issues with property rights. These amendments are basically extending the City's property rights by a zoning method, as opposed to going out and purchasing those rights straight forward.
- The rehabilitation of property can sometimes be a problem because these properties can have difficulty meeting new requirements. Developing in areas that are undeveloped or totally within the flood plain are pretty straight forward, but when you are redeveloping a property for whatever reason, it is going to be more problematic as far as how you deal with it. In particular, some of this area actually sits over old mines that were filled with various items, so there is some ripple effect for how these properties can be redeveloped.
- There is more than one way to do something, and having a blanket restriction the way this is being set up is not advisable.

Mr. Barnes asked Mr. Renaud to clarify his concerns pertaining to the change from 200 feet to 1,000 feet.

Mr. Renaud said this is an extension without a lot of reason to it. He said there are a lot of things that are pretty nasty that are located closer to those wells, yet the City ended up with 1,000 feet. He said he thinks the City is being overly cautious, and he wouldn't even be here if the City had decided to make the separation distance 500 feet.

Ms. Murphy said she can understand what Mr. Renaud is saying about why the 1,000 feet; however, right, wrong, or indifferent, they have to meet DNR standards in order to meet the City's site separation criteria for drilling a new well. She said Mr. Renaud is correct that there is no definition for a lagoon, and a lot of times there are no clear definitions for specific things in the code. Unfortunately, it is the DNR's determination on what a lagoon means, and they are also the ones that gives the approval for these things.

Ms. Murphy then spoke to Mr. Renaud's comment about property rights. She reminded the Commission about the building height restrictions near the airport for safety reason. She said the City didn't purchase property rights for that specific restriction, and doesn't think they are by any means setting a precedent with these proposed amendments.

A lengthy question and answer period occurred between staff and the Commission.

MOTION: (PLATTS/HEUSS) to accept Alternative #1, which states:

The Planning and Zoning Commission can recommend that the City Council adopt the text amendments as described above.

MOTION PASSED: 4-0

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**Zoning Text Amendment Pertaining to Design Criteria for the 1915 City Hall at 420 Kellogg Avenue**

Ray Anderson, Planner, gave an overview of the proposed zoning text amendments. Approval of the changes to Design Criteria for the steps to the west building entrance, as recommended by the Historic Preservation Commission, is recommended.

MOTION: (PLATTS/CLOUD) to accept Alternative #1, which states:

The Planning and Zoning Commission can recommend that the City Council adopt the changes to Design Criteria for the steps to the west building entrance, as recommended by the Historic Preservation Commission.

MOTION PASSED: 4-0

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### **Flood Plain Zoning Regulations Text Amendments**

Charlie Kuester, Planner, gave an overview of the proposed Flood Plain Zoning Regulations text amendments. Approval of the proposed text amendments is recommended.

Scott Renaud, FOX Engineering, 1601 Airport Road, Ames, Iowa, spoke in support of the proposed changes to the Flood Plain Regulations.

MOTION: (HEUSS/CLOUD) to accept Alternative #1, which states:

The Planning and Zoning Commission may recommend to the City Council to adopt the amended flood plain zoning regulations as proposed by staff to amend Chapter 9.

MOTION PASSED: 4-0

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COMMISSION COMMENTS: Justin Platts thanked staff for making the arrangements with Rebecca Shivers to visit the wind tower on her property prior to the meeting. He also thanked Ray and Charlie for their presentations to the Commission tonight.

Norman Cloud expressed his appreciation for the information given tonight and the ability to discuss the issues.

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STAFF COMMENTS: Staff reviewed the tentative agenda for the meeting of August 19, 2009.

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With no further business coming before the Commission, the Chair declared the meeting adjourned at 8:55 p.m.

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Cindy L. Hollar, Secretary  
Department of Planning & Housing

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Keith Barnes, Chairperson  
Planning & Zoning Commission