

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

Date: January 20, 2010	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: 8:50 p.m.		
	*Absent	

MAJOR TOPICS DISCUSSED:

1. Land Use Policy Plan Map Amendment for property located at 729 East Lincoln Way and other properties within the vicinity
 2. Land Use Policy Plan Map Amendment for property located at 130 South Sheldon Avenue and other properties within the vicinity
 3. Discussion of Code Amendments for Wind Energy Systems
 4. LUPP Update Follow-up
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CALL TO ORDER: Kori Heuss, Vice-Chairperson, called the meeting to order at 7:00 p.m.

APPROVAL OF AGENDA:

MOTION: (JONS/BECK) to approve the Agenda for the meeting of January 10, 2010.

MOTION PASSED: 5-0

APPROVAL OF THE MINUTES OF THE MEETING OF DECEMBER 16, 2009:

MOTION: (CLOUD/JONS) to approve the Minutes of the meeting of December 16, 2009.

MOTION PASSED: 5-0

PUBLIC FORUM: There were no public comments.

Land Use Policy Plan Map Amendment for property located at 729 East Lincoln Way and other properties within the vicinity

Ray Anderson, Planner, gave an overview of the proposed amendment to the Land Use Policy Plan Map amendments. On November 10, 2009, the City Council referred to staff the request of R. Friedrich & Sons, Inc., to amend the Future Land Use Map of the Land Use Policy Plan by changing the designation of land located at 729 East Lincoln Way (the location of United Parcel Services distribution facility), and 707 East 2nd Street (the location of Friedrich Construction) from Highway-Oriented Commercial to General Industrial.

As City staff reviewed the applicant's proposal for amending the LUPP Future Land Use Map, the designation of properties in the general vicinity was examined. The land use designation of properties, which abut East Lincoln Way directly west of the UPS site, is Highway-Oriented Commercial, which is consistent with the HOC zoning and is appropriate for the existing uses of these properties. The properties west and north of the Friedrich Construction site are also designated as Highway-Oriented Commercial on the Future Land Use Map; however, the zoning of these five properties is General Industrial.

Two of the five properties are owned and occupied by the City of Ames Electric Department facilities. The property at 605 East 2nd Street is occupied by Alliant Energy maintenance equipment. The property at 525 East 2nd Street is occupied by a heating and cooling contractor, warehouse facilities, and a manufacturer of food equipment. The property at 210 Borne Avenue is occupied by a private shop facility for woodworking and painting. These land uses are consistent with the GI zoning of the five properties.

City staff sent notice to the owners of the three privately-owned properties concerning the proposal by the applicant to change the future land use designation of the two properties owned by R. Friedrich & Sons, Inc., and has solicited their input about changing the future land use designation of their own properties from Highway-Oriented Commercial to General Industrial. Responses expressing support for the changes to the Future Land Use Map were received from Alliant Energy and Ralph Goebel. Mulmac, LLC, the owner of property at 525 East 2nd Street, has not responded; however, the current uses of this property are industrial-type uses and would be consistent with a General Industrial land use map designation. The remaining two of five properties proposed by staff for inclusion in this land use change are City-owned.

The properties under consideration, including those requested for a land use change by the applicant and those identified by City staff, are well-established properties of an industrial nature and character that were initially developed several years ago. The Highway-Oriented Commercial land use designation is not consistent with the established uses of the properties and, except for the property at 729 East Lincoln Way, does not conform to the General Industrial zoning. The "parcel services" use of the property at 729 East Lincoln Way does not conform to the Highway Oriented Commercial zoning of the property and is therefore a non-conforming use. Change of the land use designation of this property followed by a rezoning to General Industrial would bring the use of the property into conformance with the zoning district and would establish consistency between the land use planned for the subject properties and the zoning district in which the properties are located. Approval of the request of the applicant, as well as the change in the LUPP Future Land Use Map designation for the five properties identified by City staff, is recommended.

Kurt Friedrich, 100 6th Street, Ames, Iowa, applicant, was present to answer any questions the Commission may have. He said they are in agreement with staff's recommendation to approve his request and to include the surrounding properties, but would be concerned if there were any kind of delay with bringing in the other properties that would not allow their request to move forward.

Mr. Anderson said staff doesn't anticipate that there will be any problems.

Steve Osguthorpe, Director, said even if there was, when we advertise and identify broadly, we can always pull back in if we find that there are issues at the last minute in order to move forward with the applicant's request. He said in this case, it would be within the scope for what has been advertised for.

Mr. Friedrich said he thinks staff has the right concept, but when staff mentioned that they had not been able to contact the Mulmac group, he wondered if that would create some kind of problem for their request to move forward.

Mr. Anderson said the heating and air conditioning tenant for that property is very supportive of the amendment, so there should be no reason why the property owner wouldn't support the change.

Mr. Osguthorpe said there has been considerable effort to contact the owner.

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

The Planning and Zoning Commission recommends that the City Council approve an amendment to the LUPP Future Land Use Map to change the land use designation of the following properties from Highway-Oriented Commercial to General Industrial:

- 729 East Lincoln Way (Applicant's Proposal)
- 707 East 2nd Street (Applicant's Proposal)
- 605 East 2nd Street (City Staff Proposal)
- 605 East 2nd Street Rear (City Staff Proposal)
- 525 East 2nd Street (City Staff Proposal)
- 210 Borne Avenue (City Staff Proposal)
- 314 Borne Avenue (City Staff Proposal)

MOTION PASSED: 5-0

Land Use Policy Plan Map Amendment for property located at 130 South Sheldon Avenue and other properties within the vicinity

Sam Perry, Planner, gave an overview of the proposed amendment to the Land Use Policy Plan Map amendments. The City Council referred to staff the request of the Collegiate United Methodist Church to amend the Future Land Use Map of the Land Use Policy Plan for 130 South Sheldon Avenue. The requested change comes about because the current zoning of the property is S-GA reflecting the previous ownership of Iowa State University. The church purchased this vacant one-acre parcel in 2007. The property does not have frontage but likely can be combined with an adjacent church property fronting on South Sheldon Avenue. Because the future land use designation is Residential High Density, a rezoning to Campustown Service Center to match surrounding existing zoning cannot be supported. Therefore, the church requests a change in the Future Land Use Map. City staff therefore analyzed surrounding properties and determined a larger amendment area would be more consistent with existing zoning and uses. A land use change from Residential High Density to Downtown Service Center would support a rezoning to either Campustown Service Center zoning or Downtown Service Center zoning. In this context, the surrounding zoning is Campustown Service Center.

To change only the applicant's property to DSC would result in an isolated area of DSC surrounded by RH. Therefore, staff explored the possibility of expanding the proposed change to surrounding properties that are already zoned or developed commercial. Specifically, staff expanded the amendment area to include all of the land between South Sheldon and Hayward Avenues, bound by Lincoln Way and College Creek. Most of the land in the proposed amendment area is church property. There is also a Taco Bell property and U.S. Bank property. City staff sent notice to those two additional owners requesting comments. The bank has responded in favor of the amendment. The owner of the Taco Bell property has not yet

responded, but has been informed that the residential designation is not consistent with the commercial zoning and use.

It is unclear to staff what the original intent for a High Density Residential designation was. However, the existing land uses were the same at the time of the last major LUPP update. In order for a typical high-density residential project near campus to happen, an area of land larger than any one of these parcels must be consolidated. Because of the existing developed nature of the area, the likelihood for demolition, consolidation and redevelopment in this area is low. Furthermore, the existing mixed uses of the subject area are compatible with the surrounding area. An amendment changing the subject area from a residential designation to a commercial designation would be consistent with the existing zoning and uses because a church is allowed in either designation.

Additionally, the subject area is within the West University Impacted Area (UIA) Overlay Zone. The 2005 Sub-Area Plan for the University Impacted Area identifies the subject area as being a Campustown Service District, with the Service Core being one block to the east. The plan further expands on the importance that the UIA has in providing a transition between campus and the lower density residential uses. Therefore, amending the Future Land Use Map to maintain the commercial nature of the subject area is consistent with the Sub-Area Plan.

Gary Taylor, 2412 Clayton Drive, representative for the applicant, Collegiate United Methodist Church Board of Trustees, was present to answer any questions the Commission may have. Mr. Taylor said it is their plan to eventually merge the two lots so that the lot that is being talked about tonight can be buildable for a small garage/storage shed.

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

The Planning & Zoning Commission can recommend that the City Council approve the request of the applicant and include the additional church properties and two commercial properties identified by City staff for a Future Land Use Map amendment from High Density Residential to Downtown Service Center.

MOTION PASSED: 5-0

Wind Energy Systems

Sam Perry, Planner, explained that the Commission will be reviewing options for wind energy systems and preparing a recommendation for the City Council. He said this report includes concept summaries of possible alternatives for the Commission to consider. Staff will report to the City Council the general direction of the concept the Commission considers to gain feedback from them on that concept before drafting the code language and presenting it to the Commission.

The four concepts to be considered are:

- Concept 1: The “Non-Residential Only” Alternative
- Concept 2: The “City-wide Highly Technical” Alternative
- Concept 3: The “City-wide Unique Context” Alternative
- Concept 4: The “City-wide Rigid Technical” Alternative

Chuck Jons stated that because the City Council is fifty percent new, he wonders if it would be a better approach to send this back to them for an opinion first.

Mr. Osguthorpe explained that we don't want to get into the specifics and details tonight, we just want to look at this conceptually first, which is what is intended to be done with the Council. If the Commission looks at this and makes a recommendation on its preference, we will still go to the City Council at a very general level before we work on the details.

Kori Heuss ask for clarification that the recommendation is from staff, which is why we have four options on the table; the Council didn't tell staff what particular direction to head in.

Mr. Osguthorpe said the Council believed solar energy was less controversial than wind, so they made a decision on solar, and requested that wind options be discussed at a later date. He said from staff's point of view, we were more inclined to suggest we start out conservatively so that some of the concerns that might come up could be minimized. If we start out slowly, then we can determine whether those concerns expressed might be founded as we take the next step.

Norman Cloud asked staff what size and type of wind units are being requested from the public.

Mr. Perry said we haven't had any requests for the small rooftop systems. The requests have been for the freestanding pole mounted systems for industrial, commercial, and residential areas.

Mr. Cloud asked what percentages of those requests are residential versus commercial. If eight of the ten requests are for large poles in residential, and we are thinking about an alternative that locks all of those people out, there are going to be a lot of unhappy people.

Mr. Perry said a handful of the requests were for residential. There were only two people that actually gave their location, the rest were just inquiries and didn't leave a name or address. He said we don't have anybody waiting in the wings; at least no one has told us that they are waiting for the City to get something passed for residential areas. He said we haven't heard anything from those in the commercial and residential areas in the last several months.

Chuck Jons asked if somebody could put a wind unit up right now without an ordinance or any kind of criteria.

Mr. Perry explained that there used to be something in the code called 'energy production' that would have allowed somebody to put up a turbine with only a site plan application in the industrial zones; however, that has since gone away with the approval of the ordinance for solar energy production.

Mr. Cloud asked what percentage of the residential properties within the city limits are of sufficient size to put up a monopole that could meet the specifications to not fall over across the property line.

Mr. Perry said less than 1%. And of those, there are the variables of are they in a high enough spot, are there any trees blocking the area, do they have the money to do it, etc. He said we are getting down into the 0% of people that have the minimum lot size and minimum setback. This is the kind of criteria that if you recommended going in that direction, it would rule out a lot of people, and we want to make sure the Council understands that they are passing something that leave only a select few individuals the possibility.

Mr. Osguthorpe said regarding the option for non-residential only, you may recall that some of the questions we had and the things that we talked about were the things that were hard to define up front, such as what is something going to sound like. If we were to put a requirement that something not have a certain decibel, we won't know that it complies until after it is already up. It is staff's thought that a more conservative approach might allow people to get used to these systems to really know what they sound like.

Jeff Johnson asked if staff looked at other communities to see how these units were integrated over time -- did they start away from the city and then move in or within and move out.

Mr. Perry said most of the cities that have passed regulations have had wind turbines put up within their peripheral areas that were later annexed into the city. He said there are very few cities that have wind turbines within subdivisions. Of those, they are probably there because of an ordinance that was adopted; it was something that was put in beforehand. He said there is just not enough data to work with.

Ms. Beck said if we agree to Concept 1, is that going to open up the door and we will see proposals come through, or do we just take this proposal on its weight.

Mr. Perry said we don't know.

Mr. Johnson said this question is important because of the requests that the City has -- where are they coming from.

Mr. Cloud said we live in a state that has a lot of wind farms, so as people are thinking of wind turbines their neighbors might be concerned about the height of the turbine. However, there are much smaller pole mounted systems that are based for residential, which this community hasn't had any experience in. If we go with something like Concept 1, those systems can never be erected in the city because no commercial user is going to put something up that small. So there is this gap of what people can see that a commercial or an industrial site would put up, versus what a residential user would want to put up and can afford. He said it is the gap that is the struggle we are looking at here.

Ms. Beck asked for clarification that the proposal allows residents to actually consider wind energy, as long as it is not a freestanding piece of equipment, and the freestanding pieces of equipment are only allowed in the commercial area. Concept 1 actually leaves it open to two different kinds -- for the residential type under certain conditions, and for commercial type under a broad set of conditions.

Mr. Perry replied yes.

Ms. Beck said as a starting point, Concept 1 brings it forward to the Council; it puts it out there and keeps it open for residential areas. It doesn't mean it can't be adjusted as we move forward, it means we will at least have something in our code that allows for wind energy.

Mr. Jons questioned why staff put in the first bullet under Concept 1 that only smaller rooftop systems would be allowed in residential zones; why not just go with Concept 1 being in commercial areas. He said he would think that staff would only want to allow this in commercial areas first to let people see what it is like. He reminded staff and the Commission about the discussion the Commission had at a previous meeting about aesthetics with air conditioning units on rooftops.

Mr. Perry said that is a really good point. The City Council is going to be challenged with trying to decide if the benefit to the entire community is enough to sacrifice some of the aesthetic factors. If we are going to have these things in an urban environment, we are going to have to be willing to make sacrifices.

Mr. Jons said he would be supportive of Concept 1 without the residential.

Ms. Heuss asked what the original purpose was. Did we want to have a way to deal with the requests coming in, or did we want to have a city that is green and want people to use wind energy.

Mr. Perry said he thinks it was more that we were having requests coming in.

Ms. Heuss said that helps because if we want to be green, then our goal is to find a way to be green.

Mr. Perry said that is in concert with everything about the Land Use Policy Plan; there are three goals in the Land Use Policy Plan that talk about the city being green.

Mr. Johnson said that is why he would not support removing the rooftop systems out of Concept 1.

Mr. Cloud said he agrees because the goal of this is to control, but not put a permanent barrier in front of the people who want to use alternative energy. If we are not careful, we will prohibit wind turbines for the majority of the people if we say the only areas that they would be allowed are in non-residential locations.

Mr. Osguthorpe said he thinks it is also important to remember that each of these options has extreme merit, but it goes back to Kori's question of what was the intent. If the intent and the priority of this city is to be green, then that answers the question about how we feel about the aesthetic component. As much as aesthetics may be important, we have decided that to be green is more important. However, it is really a question about comfort level. Although Concept 4 may be extremely beneficial in many ways, it is a matter of where our comfort level is and if we are ready to go to that level now.

Ms. Heuss said she felt like she had to start with a goal. If we are trying to respond to people's requests, she can either agree or disagree with them, which isn't an overarching goal and she would care differently about allowing them to be located in residential areas. If we are responding because we as a city want to see these all over, then she would feel differently.

Mr. Johnson said if we want to become more green and give people the ability to use present day energy options, it does need to fit into where the City sees itself in the green landscape.

Mr. Cloud said if we had 150 requests pending, we need to have clear cut guidelines for what people need to do. But because we have a very small number of requests, the onerous should be on the applicant to convince the city that what they are going to do is aesthetically pleasing, and that the property owners around them are all on board. He said these are going to be rare events for quite a while, so it is difficult to set standards when there haven't been enough events to know what the standards should be.

Discussion then commenced on which options each Commission member may be favoring.

Mr. Johnson said he is favoring Concept 1.

Mr. Cloud said he is favoring Concept 1, but can see both sides of the debate on Concept 1 with regard to allowing residential.

Ms. Beck said she thinks the first step is to put forward a concept and then work on some of the other questions. If the City Council doesn't like the concept the Commission sends forward, then we have another discussion in front of us. She said this is a conceptual thing to her; it gets it in the code and it puts it out there so that people can move ahead, but we will need to be flexible enough to adjust it if we see problems coming up on the horizon.

Mr. Cloud said he thinks Concept 1 is a good way to get started, but is concerned because the people that may want to put up a freestanding system will be excluded.

MOTION: (JONS/BECK) to accept Alternative #1, which states:

The Planning & Zoning Commission recommends that the City Council direct staff to prepare text amendments for Concept 1, the "Non-Residential Only" Alternative, as a way to facilitate small wind energy systems on an active, yet cautious basis. ***However, concern was expressed about Concept 1 on whether it should be allowed only in industrial areas, or if the residential option should be available.***

Mr. Cloud said he can agree with the motion, but would like a window of opportunity under Concept 1 that if somebody can convince the City that what they want to do will work and nobody will be upset about it, that they shouldn't be excluded right up front by the language. He said he is in agreement with what everybody has said here tonight, but he is very cognizant that our language could exclude the very people that want to move in this direction.

Mr. Osguthorpe said he wants to make sure we are very clear that in order to do that, it adds more to Concept 1 than what has been put forward here. What is being suggested are criteria for that unique situation that would have to be developed. If we were to go with Concept 1 and allow the smaller rooftop systems in residential zones, and then somebody comes to us and wants to do something more, that will be the trigger for us to take the next level discussion because we are now starting to hear there is interest in that.

MOTION PASSED: 4-1 (Jeff Johnson voted against this motion)

Mr. Johnson said when we say in our motion that there is some concern, we don't say that there is some concern by some Commission members, which is why he voted against the motion. He said the motion makes it read that the concern is universal, when it is not.

MOTION: (BECK/CLOUD)

The Commission rescinded the previous motion.

MOTION PASSED: 5-0

MOTION: (BECK/JOHNSON) to accept Alternative #1, which states:

The Planning & Zoning Commission recommends that the City Council direct staff to prepare text amendments for Concept 1, the “Non-Residential Only” Alternative, as a way to facilitate small wind energy systems on an active, yet cautious basis. **Concern was expressed by some Commission members about including residential areas in this concept.**

Mr. Cloud said he understands that some people are concerned that residential shouldn't be included in Concept 1, but he is concerned that the debate was also that the limitations of residential in Concept 1 may be too restrictive as it is written.

Mr. Johnson said it is his understanding that once we get something approved and then start receiving requests for freestanding systems in residential areas, then that will be the opportunity to begin a discussion about expanding. But right now we are dealing with Concept 1, and to put that language in would change Concept 1, which is not the intent.

Ms. Beck said she sees that as pulling in parts of Concept 2.

Mr. Cloud said if that discussion is clearly captured in our motion and in our minutes, then he is good with this motion.

MOTION PASSED: 5-0.

Jeff Johnson left the meeting at 8:30 p.m.

LUPP Update Follow-up

Steve Osguthorpe, Director, reminded the Commission that staff prepared a report for the Planning and Zoning Commission detailing changes in certain metrics identified in the 1997 Land Use Policy Plan. Staff evaluated the best available data and obtained estimates of the current population of Ames, current housing stock, and current employment. The report also compared these metrics of where the City is now to where it was in 1997, and where the LUPP projects it to be in 2030.

While the purpose of that staff report was to take a “snapshot” of Ames—where is the city in regards to those metrics—the report raises questions as to whether certain aspects of the Land Use Policy Plan need to be examined in light of the unexpected growth in population. This data identifies those areas of the LUPP for which these new measures of growth have an impact. While much of the LUPP focuses on how the city will look, there are several sections that address the size of the community. The following sections identify the pages of the Land Use Policy Plan that should be re-examined based on the recent analysis.

- Page 7 and 129: Population projections.
- Pages 8-9: Employment projections.
- Page 10: Housing projections.
- Page 11: Land use projections.
- Page 14: Objective 1.C
- Page 15: Objective 2.A
- Page 29: Land use allocations.
- Page 57: Commercial land use needs.

- Page 87: Water usage projections.
- Page 90: Waste water projections.
- Page 97: Park land needs.

Some of the recommended examination of the data, such as population projections and housing needs, can be accomplished by staff. However, other projections of the future, such as housing types, employment, jobs mix, and land use allocations, will need to be driven, to some degree, by policy choices that the city needs to make. The Planning and Zoning Commission and the City Council will need to have those discussions on policy.

Mr. Osguthorpe mentioned that staff did forward the Commission's priority list to the City Council. He said he explained to the Council that based upon what we are going to be doing here, the Commission may also want that to be included in its recommendation in terms of reviewing the Land Use Policy Plan. He said if the Commission is comfortable with this list of pages of the Land Use Policy Plan that should be re-examined based on the recent analysis, we will add this to the priority list that the Council has already received.

Mr. Osguthorpe informed the Commission that a combined joint work session between the Council, Planning and Zoning Commission, and Historic Preservation Commission has been tentatively scheduled for April 20, which will be confirmed as that date get closer.

COMMISSION COMMENTS: A lengthy discussion occurred between staff and the Commission on the status of the proposed development for a Casey's convenience store on Stange Road, which is a Convenience Commercial Node. Mr. Osguthorpe informed the Commission that there is an item on the January 26 Council agenda for discussion on a request for zoning text amendments pertaining to development in Convenience Commercial Node.

Mr. Cloud thanked staff for the information pertaining to wind energy. He also thanked the other Commission members for the discussions tonight and differing points of view.

STAFF COMMENTS: Staff reviewed the tentative agenda for the meeting of February 3, 2010.

With no further business coming before the Commission, the Chair declared the meeting adjourned at 8:50 p.m.

Kori Heuss, Vice-Chairperson
Planning & Zoning Commission

Cindy L. Hollar, Secretary
Department of Planning & Housing