

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

Date: February 17, 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: 8:06 p.m.		
	*Absent	

MAJOR TOPICS DISCUSSED:

1. Preliminary Plat for Speck Subdivision, Second Addition
2. Zoning Ordinance Text Amendment for the Creation of the Community General Services (GCS) District

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

APPROVAL OF AGENDA:

MOTION: (Jons/Platts) to approve the Agenda for the meeting of February 17, 2010.

MOTION PASSED: 6-0

APPROVAL OF THE MINUTES OF THE MEETING OF FEBRUARY 3, 2010:

MOTION: (Cloud/Heuss) to approve the Minutes of the meeting of February 3, 2010.

MOTION PASSED: 6-0

PUBLIC FORUM: There were no public comments.

Preliminary Plat for Speck Subdivision, Second Addition

Jeff Benson, planner, described the location of the subdivision and which regulations apply to this property. He stated that the main issue for the City is whether it complies with the Land Use Policy Plan. This project meets the density requirements for the current zoning for the area. The City Council makes decisions on a case-by-case basis for this area to determine whether there needs to be infrastructure added.

MOTION: (Platts/Beck) to accept Alternative #1, which states:

The Planning and Zoning Commission recommends that the City Council approve the Preliminary Plat for Speck Subdivision, Second Addition, based on staff findings and conclusions.

MOTION PASSED: 6-0

Zoning Ordinance Text Amendment for the Creation of the Convenience General Services (CGS) District

Steve Osguthorpe reminded the Commission that the City Council had asked for this item to be referred for further development. He stated that there was a meeting with the Council clarifying what was desired. The items they wished to see added would (a) eliminate the requirements for a Special Use Permit for car washes and convenience stores, (b) exempt gas station canopies from CVCN design standards, (c) allow increased building signage and incidental signage to no more than 70 square feet, and (d) increase the number of gas pumping stations from eight to a maximum of ten.

Mr. Osguthorpe stated that, because an overlay is only applied to add more restrictions rather than reduce restrictions, the only way to meet the directives of the Council was to create a new zoning designation. The new CGS zone would encompass all of the restrictions of the CVCN zone with the changes noted earlier. There is also a new purpose statement for this zone.

Mr. Osguthorpe described the limits for different types of signs and where the size limits were derived from. He stated that there were issues of deciding which signs were visible from the road and which were not. He also stated that Bart Clark, owner of the car wash, said that the signs on the back side of his building would place his total incidental signage over the proposed limit for incidental signage. Because of this, Mr. Osguthorpe suggested the following wording for item 12(c)iii:

The cumulative area of all incidental signs shall not exceed 32 square feet per building for wall signs and shall not exceed eight square feet per site for ground signs, except that incidental signage on the rear façade of a building that does not face a public right-of-way shall not be included in the maximum incidental sign area.

Mr. Osguthorpe pointed out that the regulations for landscaping and parking in the CVCN might need to be addressed in the CGS. He also reminded the Commission that the issues previously considered for the Special Use Permit – hours of operation, glare created by lighting, and architectural compatibility of the canopy – would not be regulated under the new zoning designation.

Norman Cloud asked for clarification on the differences between wall and incidental signs. Mr. Osguthorpe stated that incidental signs may also be wall signs, but have other restrictions such as that incidental signs are not illuminated.

Liz Beck asked if this would be the only such zone in the City. Mr. Osguthorpe stated that other areas in the City could apply for this zoning.

According to Mr. Osguthorpe, because the CGS zoning designation is not specifically mentioned in the LUPP, the Legal Department would like to eventually see an LUPP amendment to address it. However the Legal Department determined that the language of the CGS zone provided enough of a “bridge” to CVCN language in the LUPP to move forward without amending the LUPP at this time. He also clarified that the new designation is not automatically applied to this location; the developers would need to apply to have the site rezoned. If there were other locations in town that wished to be rezoned as CGS, there could be requests submitted for those sites.

Mr. Cloud asked if someone could request that another CVCN be rezoned to CGS. Mr. Osguthorpe stated that, if it were a single parcel within a CVCN, that would likely be considered spot-zoning and would thus be illegal. Mr. Cloud then asked if only a portion of the current CVCN at Bloomington and Stange would be rezoned. Mr. Osguthorpe stated that this entire CVCN would be rezoned to CGS.

Mr. Platts asked whether multiple wall signs would be allowed for a single building. Mr. Osguthorpe stated that there would be two wall signs allowed per business.

Mr. Platts questioned why anyone would want a CVCN zone when the CGS is less restrictive. Mr. Osguthorpe pointed out changes he made to the purpose statement which limit the areas where it might be used to ones “less likely to impact surrounding residential development.”

Mr. Platts asked for staff’s opinion on the removal of the wording that canopies must be compliant with residential design. Mr. Osguthorpe stated that he would not be giving an opinion on that because it was a Council directive. Mr. Platts stated that he didn’t understand why the requirement that is already in there would be removed.

Kori Heuss stated that, while she is in favor of development in this area, she is uncomfortable with the new zoning. She said that it feels too much like spot zoning for her to be comfortable with the directive.

Mr. Platts asked about the lighting requirements. Mr. Osguthorpe stated that it would have to meet the standard lighting requirements. He said that staff did include in the original special use permit application a recommendation that lighting be limited to flat lenses rather than drop lenses to lessen impact on surrounding residential areas.

Mr. Platts asked why the application before the ZBA was pulled. Mr. Osguthorpe shared the history of the application and stated that neither staff nor the ZBA could make the findings to approve the variances, and the variance criteria are all the ZBA can act on when considering a variance request.

Mr. Osguthorpe said he wanted to make sure the Commission was clear that the full use table of the CVCN would apply to the CGS designation for any developer who wanted to apply for that designation elsewhere in the City, but that the developer’s agreement would continue to restrict uses of the Stange/Bloomington site to four uses.

Mr. Cloud asked what the opinion of the City’s Legal department was on this. Mr. Osguthorpe stated that this wording had been approved.

Doug Beech, PO Box 3001, Ankeny, spoke representing Casey’s. He stated that there were compromises that were made already on this proposal. He stated that he was under the impression that the only thing being requested was a text amendment and not a zoning change. He said that the hardships put before the ZBA were not deemed appropriate and that is why this project was shifted to P&Z.

Paul Livingston, 3108 Roxboro Drive, Ames, said he was speaking on behalf of Bart Clark. He stated that the signs on the rear of the car wash are not very visible and not legible from the road. He also stated that he is concerned this site will be labeled “undevelopable” if Casey’s is unable to build there.

Chuck Winkleblack, 105 S. 16th St., Ames, said that he has been working on a convenience store in north Ames for the last ten and a half years, and that the way things stand there are eight more meetings that would be required to get this developed.

MOTION: (Beck/Jons) to accept Alternative #1, which states:

The Planning and Zoning Commission recommends that City Council adopt the draft language for the zoning of Convenience General Service with the proposed changes made by staff.

MOTION PASSED: 6-0

COMMISSION COMMENTS: Chuck Jons congratulated Mr. Osguthorpe on a job well done on the CGS zoning.

Mr. Cloud stated that he remembered citizens at a previous meeting were assured that the site would meet certain standards and there would not be a conventional convenience store put at that location. He said he is not comfortable with saying that there can be different design standards and then not getting it done. He said he voted yes because he thinks the project needs to get done, but he is not comfortable with how it got done.

STAFF COMMENTS: Staff reviewed the tentative agenda for the meeting of March 3, 2010. Mr. Jons asked if it was an invasion of privacy to determine the number of bedrooms. Mr. Osguthorpe stated that this is necessary to determine the number of parking spaces likely to be used.

With no further business coming before the Commission, the Chair declared the meeting adjourned at 8:06 p.m.

Keith Barnes, Chairperson
Planning & Zoning Commission

Tami Moen, Recording Secretary
Department of Planning & Housing

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