

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

Date: March 3, 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: 8:52 p.m.	All Members Were Present	

MAJOR TOPICS DISCUSSED:

1. Land Use Policy Plan Amendment for Properties North of the Ames City Limits Between Ames Golf and Country Club and Ada Hayden Heritage Park
2. Rezoning of Property Located at 615, 725, and 729 East Lincoln Way from Highway Oriented Commercial (HOC) to General Industrial (GI)
3. Zoning Ordinance Text Amendments to Define Bedroom and Living Room for Purposes of Calculating Parking Requirements
4. Zoning Ordinance Text Amendment Pertaining to Garage Parking Maximums for Single and Two Family Dwellings

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

APPROVAL OF AGENDA:

MOTION: (JOHNSON/JONS) to approve the Agenda for the meeting of March 3, 2010.

MOTION PASSED: 7-0

APPROVAL OF THE MINUTES OF THE MEETING OF FEBRUARY 17, 2010:

MOTION: (CLOUD/PLATTS) to approve the Minutes of the meeting of February 17, 2010.

MOTION PASSED: 7-0

PUBLIC FORUM: There were no public comments.

Land Use Policy Plan Amendment for Properties North of the Ames City Limits Between Ames Golf and Country Club and Ada Hayden Heritage Park

Charlie Kuester, planner, explained that City Council referred the request from Story County Land, L.C. to amend the Land Use Policy Plan designation for their property from Priority Transitional Residential to Urban Residential to accommodate the proposed Rose Prairie Development. In accordance with previous direction from the City Council, the City Manager directed staff to include a broader area in the proposed LUPP amendment than was requested

by Story County Land, L.C. Mr. Kuester then gave an overview of the proposed LUPP amendment.

Steve Osguthorpe, director, mentioned the Conservation Subdivision Ordinance, which is in the process of being developed. He said this ordinance will be the mechanism that will enable subdivisions like the proposed Rose Prairie development be more consistent with City policies. He said the one thing that is striking about the Rose Prairie development, is that it comes in with less density than other subdivisions, and we will want to look at what the implications are for the land capacity in that area should we adopt something that would be applied to that entire area. He said we will talk more about this as the ordinance moves forward.

Further discussion occurred between the Commission and staff pertaining to density in relation to the Conservation Subdivision Ordinance that is in the process of being developed.

Elizabeth Beck asked if the Conservation Subdivision Ordinance would be in place prior to anyone requesting replatting. Mr. Osguthorpe said yes.

Justin Platts asked if a bond issue for a fourth fire station would be triggered if this area is developed. Mr. Kuester said the Council would need to have a discussion if they would want to set a bond referendum for that fire station, or look at the most appropriate policy measure for public safety in that area. Mr. Osguthorpe mentioned that there are some things that could be imposed to mitigate the lack of response time for fire, such as the requirement for sprinkler systems, but it does not address the need for emergency response for health-related issues.

Kori Heuss said since we are talking about a land use policy plan change at this time, we wouldn't be required to serve this area with fire until this area is annexed. Mr. Kuester said that is correct; this change to the map is a prelude to a future annexation.

Norman Cloud asked how this change matters other than future annexation. Mr. Kuester said that is about it; the Urban Fringe Plan lays out areas that we anticipate the city will grow into, which will therefore require annexation.

Jeff Johnson commented that this ended exactly where he predicted.

Chuck Becker, Belin Law Firm, Des Moines, Iowa, attorney, was present to speak on behalf of the Rose Prairie property owners. He said he will be addressing the Commission tonight on the Rose Prairie development only, but the Rose Prairie property owners are happy to have the entire area be considered for the Land Use Policy Plan modification. Mr. Becker said this came about because they believe people want to grow to the north. The history of the last several years has indicated that the areas in which the City wants to grow isn't the area that people want to grow in. He said his client has a large parcel of property that they want to develop that will be advantageous to both the developer and the city. It is the most sensitive area that feeds into Ada Hayden Lake, and will be the first project in Ames that is really going to consider the environment. Mr. Becker said two years ago, the Commission gave its endorsement that the LUPP should be amended but the Council disagreed. A lot of things have changed since that time and this is a good place to grow. He said this is the first necessary step to move forward to allow growth to happen in this area, and hopes the Commission sends a recommendation to City Council that this amendment be approved.

Chuck Winkleblack, Hunziker and Associates, 105 South 16th Street, Ames, Iowa, spoke to the Commission in support of the Land Use Policy Plan amendment. He said they own some property within the area that is being considered that they will work with staff on to address

some concerns that they have as this goes through the annexation process, but is supportive of the proposal that is in front of the Commission tonight.

Kurt Friedrich, R. Friedrich & Sons, 619 East Lincoln Way, Ames, Iowa, said they too share some of the same concerns that Mr. Winkleblack enumerated on, but for tonight's meeting they are in support of the Land Use Policy Plan amendment.

Mr. Kuester mentioned the e-mail that was received and forwarded to the Commission from Cathy Stahlman, who lives at 3309 Cameron School Road, who is not in support of the proposed development. Ms. Beck said Ms. Stahlman indicated in her e-mail that the people living in the area were not in favor of the change in the Plan but thought staff indicated during the presentation that they talked to the property owners who were in agreement with the change. Mr. Kuester said he has not personally spoken the property owners, but the City Manager and his staff have talked to the people located in the areas within this study area. He said Ms. Stahlman lives further to the west and is not sure who Ms. Stahlman is referring to when she says property owners don't agree.

Ms. Beck asked about what will happen to the horse stable that is in located the area if annexation were to occur. Mr. Osguthorpe said there are discussions occurring as to whether this property would be part of the annexation.

Ms. Heuss asked if tonight's LUPP amendment changes anything for the stable. Mr. Kuester said it does not.

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

The Planning & Zoning Commission recommends that the City Council approve the proposed Land Use Policy Plan amendments that would change the Priority Transitional Residential within the subject area to Urban Residential; and adopt the text amendments as shown in Attachment C, which change the definition of New Lands to include those areas of the Ames Urban Fringe that are designated as Urban Services Area.

MOTION PASSED: 6-1 (Norman Cloud voted against this motion)

Mr. Platts said since we are moving forward with the Conservation Subdivision Ordinance, he encouraged both the City and the developer to check out places like Jackson Meadow, St. Croix, Minnesota, St. Prairie Crossing, Illinois, and the Woodlands in Houston, Texas as ways to get density and to get the green that you want to promote the conservation standpoint.

Mr. Osguthorpe said the Conservation Subdivision Ordinance is proposed to be within the Subdivision Code so it will come before the Commission for review.

Rezoning of Property Located at 615, 725, and 729 East Lincoln Way from Highway Oriented Commercial (HOC) to General Industrial (GI)

Ray Anderson, planner, gave an overview of the proposed rezoning request. The request for rezoning involves three adjacent properties under single ownership by R. Friedrich & Sons, Inc. The three properties are located at 615, 725, and 729 East Lincoln Way. An application for approval of a Final Plat to change the boundaries of these three properties and establish Lots 1, 2, and 3 of Friedrich's Commercial Subdivision, Second Addition is being processed

concurrently with the request for rezoning. The property at 615 East Lincoln Way is zoned as HOC. The developer proposes to add a narrow strip of land from the abutting property to the north at 725 East Lincoln Way to include in proposed Lot 1. This narrow strip of land is presently zoned as GI. The proposal is to rezone this narrow strip from GI to HOC which will result in the HOC zoning designation for the entire property at 615 East Lincoln Way (Lot 1).

The proposed Final Plat shows the property at 725 East Lincoln Way as Lot 3. Lot 3 includes a strip of land 25 feet wide that extends south to provide lot frontage on East Lincoln Way. This 25-foot strip of land is presently zoned as HOC. The remainder of Lot 3 is zoned as GI. The proposal is to rezone this 25-foot strip of land from "HOC" to "GI" which will result in the GI zoning designation for the entire property at 725 East Lincoln Way.

The proposed Final Plat shows the property at 729 East Lincoln Way as Lot 2. Lot 2 is an expansion of the property occupied by United Parcel Services (UPS). The developer proposes to add a part of the parcel of land at 725 East Lincoln Way to the parcel at 729 East Lincoln Way to create the proposed Lot 2. The part of Lot 2 presently occupied by UPS is zoned as HOC. The parcel of land to be added to the UPS site as the rest of Lot 2 is zoned as GI. The proposal is to rezone the HOC portion of Lot 2 to GI which will result in the GI zoning designation for the entire property at 729 East Lincoln Way.

Jeff Johnson suggested that it be clear in Condition C that it is the property owner who is required to install the section of sidewalk.

Kurt Friedrich, R. Friedrich & Sons, Inc., 100 6th Street, Ames, Iowa, property owner, explained that what precipitated this was the desire of UPS to expand their facility. He reminded the Commission that the Land Use Policy Plan was recently amended to reflect the appropriate uses of the properties, and now these properties are being rezoned to bring them into congruency with the Land Use Policy Plan. He spoke about how they believe sidewalks in this area are really not needed as they do not have a pedestrian use in this area, but it is a requirement and are willing to comply with the additional condition of extending that sidewalk to the north. He said this has been a good cooperative effort between them, the businesses, and city staff, and would appreciate the Commission's approval of the rezoning request.

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

The Planning and Zoning Commission recommends that the City Council approve the rezoning of:

- A narrow strip of land located at 615 East Lincoln Way from "GI" (General Industrial) to "HOC" (Highway-Oriented Commercial); and,
- A portion of the proposed lots located at 725 and 729 East Lincoln Way from "HOC" (Highway-Oriented Commercial) to "GI" (General Industrial), by adopting the findings of fact and the conclusions of staff, with the following conditions:
 - A. That the proposed rezoning of properties at 615, 725, and 729 East Lincoln Way be approved only in conjunction with the approval of the Final Plat of Friedrich's Commercial Subdivision, Second Addition, and that the zoning boundaries follow the platted lots lines between Lot 1 and Lot 3, and between Lot 2 and Lot 3, as shown on the Final Plat.

- B. The rezoning shall not be effective until the recording of the Final Plat of Friedrich's Commercial Subdivision, Second Addition.
- C. A section of sidewalk (approximately 20 feet in length) shall be constructed by the property owner at the end of the existing sidewalk which will be oriented to the north for access to the building at 615 East Lincoln Way. Installation of the sidewalk will occur prior to rezoning of the property at 615, 725, and 729 East Lincoln way, unless an Agreement ensuring the future installation of the sidewalk, including financial security, is approved as part of the approval of the Final Plat of Friedrich's Commercial Subdivision, Second Addition.

MOTION PASSED: 7-0

Zoning Ordinance Text Amendments to Define Bedroom and Living Room for Purposes of Calculating Parking Requirements

Steve Osguthorpe, director, gave an overview of why the proposed text amendment to define bedrooms and living rooms is occurring. He said the proposed definitions would ensure a consistent determination of what constitutes a bedroom for calculating parking requirements that would not depend upon how current or future tenants choose to use the rooms of their living units. This will better ensure that adequate parking will be provided regardless of how occupants use the rooms of the apartment or dwelling houses.

The Commission asked who has the problem with this issue. Mr. Osguthorpe said the Inspections Department brought this to our attention because they enforce the Zoning Code. When they are reviewing their plans and when they are doing their rental inspections, they have come across situations where there are parking issues or rooms being used for bedrooms that are not labeled as a bedroom on the plan. He further stated that where we have most of the complaints about the on-street parking situation is in the campustown and abutting residential areas. He said this provision would apply to that area, as well as other areas with apartments or dwelling units.

Mr. Jons asked if it would be simpler for the Inspections Department to notify the property owner when they notice a discrepancy. Mr. Osguthorpe said that would be difficult because they rarely have a reason to get into people's units and it is when they are doing the rental inspection that the problem may be realized. It is an enforcement difficulty because they can't regularly be on top of who is using a den as a bedroom, but the ongoing problem is real when the room is being used as a bedroom because the impact is there. Since the property has already been developed, it will be difficult for the City to tell the property owner that they will be required to install additional parking because the den is being used as a bedroom. He said it is better to have the overall development designed to fit the site with the parking demand in mind, instead of having the impact occur after the fact and not be able to resolve it.

Mr. Cloud asked if the older buildings would be grandfathered in. Mr. Osguthorpe said yes they would. He said what this does is address anybody that comes in with a new plan for an apartment building, and the required parking for that new building will be based upon this new standard. It does not require somebody to retrofit, apply, or add new parking stalls to an existing building.

Mr. Cloud asked how the number of parking or garage spaces matches with this new designation of a bedroom. Mr. Osguthorpe said there are different parking standards for single family dwellings than for apartments.

Keith Barnes asked what happens if the inspectors are the ones bringing this up and they go out and find a violation during an inspection. Mr. Osguthorpe said the buildings that are out there are vested under the old code and should continue to comply with the old code. He said this isn't going to solve the problem for the existing situations, but it will keep it from being perpetuated into new development and hopefully stop it from getting worse.

Discussion occurred between the Commission and staff on how this amendment would interact with the City's policy of no more than three unrelated people living in a dwelling unit.

Mr. Jons said he believes this is another extension of government where it hasn't been before and doesn't know if it is a priority that we need to be spending our time. Ms. Beck said she thinks it is a priority for the south campustown area and it may do something that could help the parking situation in this area.

Mr. Johnson said he wishes this amendment was written as a parking issue. He said there are student implications here, much like the couch ordinance, and it starts to feel like it has racial overtones, especially when you think about some of the cultures that are now living in our community that do live multiple individuals. He said there are unintended consequences in the language that we don't need in this community, and wishes it was written as a parking issue.

Mr. Osguthorpe said he strongly believes that the implications of this amendment are more to the developer than will ever be known by the tenants or occupants of the building. By then the building will have been constructed, and the issue of the parking will have already been addressed and there will be no question.

Ms. Heuss said this amendment just deals with parking spaces required for new construction, and not the three unrelated people living in a dwelling unit.

Mr. Cloud said there is already an ordinance for the number of people that are supposed to be living in one dwelling, which is independent of the parking. The issue he is hearing is there are places that are capable of having six or seven people living in one building and there are only a certain number of parking spaces, and now you have a lot more cars than you anticipated for that particular housing unit.

Mr. Johnson said he agrees, but when you spend as much time as we have on defining a bedroom and a living room it no longer sounds like parking, which is the unintended consequence.

Mr. Cloud said he doesn't see any other way to assign parking spaces unless we know how many people are going to be living in the dwelling.

Mr. Jons asked at what point the property owner is responsible. He said he would much rather see us having some kind of punishment for the property owner for failing to check on his own tenants. Mr. Osguthorpe asked why we would want to get ourselves in that situation. Why not design and build a project that works for any situation so the inspector never has to worry about how a room is being used. There would be no need for further review or consideration for how that room is being used because it was approved at a plan level.

Ms. Beck asked for clarification from Mr. Johnson that he sees this as an unfriendly proposal because it could be posed in a different way. Mr. Johnson said that is correct, but he wants to be on record saying that he is all for this amendment but thinks it can be written better. Ms. Beck questioned the need for this amendment coming back in terms of a proposal that defines parking instead of bedrooms, which would make the intent clearer and create a better environment and atmosphere.

Ms. Heuss said she understands that it might just be the way we say it, but we still have to tie the parking to the number of bedrooms in a unit so we will probably still end up defining a bedroom. Mr. Perry said we almost have to have a separate definition for a bedroom for parking purposes. Mr. Osguthorpe said we don't have a definition for a bedroom for any purposes right now.

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

The Planning and Zoning Commission recommends that the City Council adopt the language as proposed by staff, adding the definitions of bedroom and living room to Section 29.201 of the zoning code.

MOTION PASSED: 5-2 (Jeff Johnson and Chuck Jons voted against this motion)

Zoning Ordinance Text Amendment Pertaining to Garage Parking Maximums for Single and Two Family Dwellings

Sam Perry, planner, explained that there have been a handful of situations in the past couple of years where designers want to build homes with large garages for a workshop space or a use that has a potential for a parking space, which has been difficult for the inspections department. He said the particular language that the Commission is dealing with tonight is the maximum number of parking spaces in a garage. The intent is to maintain a reasonable size in comparison to the actual dwelling unit. What has happened over time is the focus on expanding the garage for other uses.

The existing standard is effective at minimizing the visual dominance of garages. However, it limits the ability to have more than three parking stalls in a garage even if the enlarged garage were not visually obvious from the street. For example, a garage with tandem parking would result in a deeper garage, but would not increase the visual façade width of the garage. Staff is proposing language that would limit the number of garage doors rather than the number of garage parking bays. Staff believes this would achieve the aesthetic intent of the existing standard, but would provide more flexibility to the builder in meeting market demands for larger garages. The proposal further clarifies the standard as being for the entire property, not each individual garage being regulated separately.

Chuck Winkleblack, Hunziker and Associates, 105 South 16th Street, Ames, Iowa, developer, said this is not an issue that is brought up a lot, but they do appreciate that the City is trying to find a way to deal with this. He said they do have people from time to time that request more space in their garage for uses other than parking. He said although this amendment may not be perfect, it is a step in the right direction and would appreciate it moving forward to the Council.

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

The Planning and Zoning Commission recommends that the City Council revise the standard as noted to regulate garage sizes based upon the number of garage doors rather than the number of parking spaces within the garage.

MOTION PASSED: 7-0

COMMISSION COMMENTS: There were no Commission comments.

STAFF COMMENTS: Staff reviewed the tentative agenda for the meeting of March 17, 2010.

With no further business coming before the Commission, the Chair declared the meeting adjourned at 8:52 p.m.

Keith Barnes, Chairperson
Planning & Zoning Commission

Cindy L. Hollar, Recording Secretary
Department of Planning & Housing

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