

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

Date: August 21, 2013	Debra Lee, Chairperson	2015
	*Julie Gould	2016
Call to Order: 7:00 p.m.	Jeff Johnson	2014
	Troy Siefert	2014
Place: Ames City Hall	Rob Bowers, Vice Chairperson	2015
Council Chambers	Yvonne Wannemuehler	2015
	John Tillo	2016
Adjournment: 8:08 p.m.	*Absent	

**MAJOR TOPICS DISCUSSED:**

1. Recommendation of Text Amendment for Residential Development Standards of Ames Municipal Code Section 29.401(5) for Multiple Buildings on One Lot
2. Adaptive Reuse for 921 9<sup>th</sup> Street (former Roosevelt School building)

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**CALL TO ORDER:** Debra Lee, Chairperson, called the meeting to order at 7:00 p.m.

**APPROVAL OF AGENDA:**

MOTION: (Siefert/Wannemuehler) to approve the Agenda for the meeting of August 21, 2013.

MOTION PASSED: (6-0)

**APPROVAL OF THE MINUTES OF THE MEETING OF AUGUST 7, 2013:**

MOTION: (Siefert/Bowers) to approve the Minutes of the meeting of August 7, 2013.

MOTION PASSED: (6-0)

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**PUBLIC FORUM:** There were no public comments.

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**RECOMMENDATION OF TEXT AMENDMENT FOR RESIDENTIAL DEVELOPMENT STANDARDS OF AMES MUNICIPAL CODE SECTION 29.401(5) FOR MULTIPLE BUILDINGS ON ONE LOT**

Kelly Diekmann, Director of Planning & Housing, stated that a Zoning Text Amendment has been proposed in response to concerns that have been expressed about potential development patterns. He said that normally a single-family detached or a two-family detached unit has traditionally been on its own lot. Mr. Diekmann stated that subdivision requires a number of street and public facility improvements along with additional requirements. Mr. Diekmann stated that staff prepared a report for the City Council in July outlining the development and subdivision standards that would fit in traditional neighborhoods. He stated that staff reported back to the City Council last week that the simplest option for requiring subdivision improvements would be to remove an exception in the Code for multiple buildings on one lot. Mr. Diekmann stated that this exception addresses commercial buildings, apartment buildings, and single and two family

homes. He stated that staff is recommending to strike the provision relating to one and two-family homes on lots greater than one acre. Mr. Diekmann stated that apartment dwellings, commercial, industrial, and institutional type buildings would not be affected. He stated that if the City Council were to adopt the Zoning Text Amendment no more than one detached or two-family dwellings would be allowed on a single lot.

Troy Siefert asked for clarification of the definition of one and two-family dwellings and if this would pertain to a mother-in-law's cottage. Mr. Diekmann explained that both of those building types are defined as uses. He said that they do not have a defined term for an accessory living unit. Mr. Diekmann stated that the current requirement is that you need to have more than one acre of land in order to have more than one house on a lot. He said that most lots in Ames are not one acre or greater in size and would not have qualified for two structures.

John Tillo asked for examples of non-conforming use lots in Ames if this option were approved. Mr. Diekmann stated that staff looked at Low-Density and Suburban Residential Medium-Density to identify the number of lots in the City. He stated that we do not have the staff to identify the precise number of non-conformities. Mr. Diekmann stated that the City does have a provision for flag lots. He reported that there are approximately 178 Residential Low-Density parcels in the City that are one acre or larger, 4 Medium-Density, 22 in Suburban Residential, and 9 in Suburban Residential Medium-Density. Mr. Diekmann stated that they did not research High-Density.

Sharon Guber, 2931 Northwestern, stated that she is here representing the College Creek/Old Ames Middle School Neighborhood and that they urge the Planning & Zoning Commission to support Alternative #1. She stated that they feel that it is supportive of the intended Land Use Policy Plan goals and objectives for RL and FS-RL zoning. Ms. Guber cited the section of the Land Use Policy Plan that states that new developments should be compatible and conforming to the existing neighborhood. She said that the current language allows for exceptions that would look greatly different than the existing neighborhood.

Scott Renaud, FOX Engineering, stated that he feels that Staff and maybe Council are being a little disingenuous/dishonest and that this Code provision has been brought up to stop Aspen Heights from the redevelopment of the Ames Middle School area. He said that the Commission will be changing the Code and won't be aware of all of the potential City wide ramifications. Mr. Renaud stated that Aspen Heights has been asked to prepare a Master Plan and meet with the neighborhoods which they have done. He said that the Council has not yet seen the Master Plan. Mr. Renaud asked the Commission to vote against the proposed Text Amendment because he feels that there are ramifications beyond this project and beyond this Zone. He said that every water main, sanitary sewer, and storm sewer must meet City standards throughout the City. Mr. Renaud stated that the only difference between developments and subdivisions is a difference in street standards. He stated that some areas have private streets and have been allowed to use different standards. Mr. Renaud said that if this is the only thing that the Council is worried about then let's change the street standards. He said that he is not opposed to changing those standards. Mr. Renaud stated that he feels that the language of this Text Amendment is vague and that they do not know what the ramifications will be. Mr. Renaud stated that every time there is a project that is a little controversial the Council feels that they need to make an Ordinance change in order to stop the project and that the Commission should not feel that they need to participate or agree.

Yvonne Wannemuehler asked Mr. Renaud to site potential ramifications if this Text Amendment were approved. Mr. Renaud stated that if Ms. Wannemuehler lives in an F-PRD

then her home would be non-conforming. He said that her house sits on a condominium lot that does not have street frontage and is not on a private street.

Mr. Tillo asked Mr. Renaud to site additional ramifications. Mr. Renaud stated that Councilman Larson had concerns with some streets in north Ames and how they were constructed. Mr. Renaud stated that they are looking at areas that have been used as private streets and thus did not need to follow the City street standards. He said that fire protection and other items are covered in the context of Zoning and the Codes that are already existing. Mr. Renaud stated that there will be many non-conforming uses in the Medium-Density zones due to the fact that when there are multiple apartment buildings on a lot not all will have street frontage, thus being non-conforming. He said that Wessex would be non-conforming. Mr. Renaud stated that in the past the City has encouraged private streets due to the fact that the City does not have to pay for or maintain them.

Brian Torresi, Davis Brown Law Firm and attorney for Breckenridge Land Acquisition, stated that this Text Amendment is designed to kill one specific project. He stated that he feels that this impedes the development of the old Ames Middle School site. Mr. Torresi stated that this will not change the project. He said that it will still be the same density level in the RM and RL Zone. Mr. Torresi said that requiring them to subdivide is not going to change how their neighborhood will look. He said that no one will know that it is a subdivision unless they look at a plat and see lines on a piece of paper. Mr. Torresi stated that this does nothing other than impede the Rezone application for Breckenridge Land Acquisitions. He stated that he urges the Commission to vote not to change these standards for any district. Mr. Torresi stated that they have asked Planning & Housing for a list of non-conforming uses that this would create throughout the City. He stated that he is confused about the language "all districts" and wonders why any Zone that was not Low Density would be changed. Mr. Torresi stated that Breckenridge Land Acquisition disagrees with the change to the text as it is.

Catherine Scott, 1510 Roosevelt, expressed concern if the proposed student housing was no longer needed that it would be difficult to convert the property back to the kind of neighborhood that surrounds it. She stated that consideration should be given to the future not to the now.

Sharon Guber stated that the private road/public road was part of the rationale for recommending that this area be subdivision compliant. She said that it became a private development and the private road was disintegrating. Ms. Guber stated that the private road was not built to Code and the City has no control over a private road. She said that Subdivision Compliance was something that the City Council had made known from the beginning when they were considering whether to require a Master Plan. Ms. Guber stated that Mr. Torresi and Mr. Renaud were both in attendance at that Council meeting. She outlined a section of the Land Use Policy Plan goals regarding new development. Ms. Guber stated that as land becomes available, in particular school land in the middle of a neighborhood, this is a City wide concern about what happens with the Land Use Policy Plan expectations for the neighborhood and what kind of developments might occur and whether they would be compatible with the neighborhood. She outlined the area of the College Creek/old Ames Middle School neighborhood and stated that that area is platted. Ms. Guber presented a drawing that Mr. Renaud had presented recently regarding the Breckenridge property. She stated that the drawing indicates that the property is not platted. Ms. Guber stated that an earlier drawing that was presented to the neighbors showed an RL platted proposal. She stated that it does make a difference whether the property is platted

because platting has a required square footage per lot. Ms. Guber urged the Commission to adopt Alternative #1.

Mr. Tillo asked for clarification on Section 29.401(5). Mr. Diekmann stated that no additional language has been added. He stated that the only change is striking Section C.

Ms. Wannemuehler asked what other options the Commission might be able to consider. Mr. Diekmann explained the City Council's direction to the Planning and Zoning Commission. He said that staff felt that it was best to recommend removing the exception and relying on normal Subdivision Code and normal Zoning Standards rather than writing a second set of standards if there is no subdivision.

Rob Bowers asked about a possible change in the intent of the Council Action Form, which would apply to a couple of zoning designations, and what was presented here which shows it applying now to all zoning designations. Mr. Diekmann stated direction from Council based on July's Staff Report was for staff to look at subdivision improvements for Low and Medium-Density zoning districts. He said that at that time Council did not ask staff to look at High-Density Zoning Districts. Mr. Diekmann outlined staff's findings, based on the direction from July that was given by the Council. He said that last week Council asked staff to look at striking the provision for all Zoning Districts.

Mr. Bowers asked for clarification on non-conforming properties for existing property owners or when ownership is changed. Mr. Diekmann said that it doesn't affect transfer of ownership. He said that it pertains if the use is abandoned or destroyed beyond a certain percent then you wouldn't be allowed to rebuild as is. Mr. Diekmann stated that this is what the non-conforming provisions deal with in our Zoning Code. Ms. Wannemuehler asked if her home were to be destroyed by a tornado whether she would be allowed to rebuild. Mr. Diekmann stated that he did not indicate that her home was non-conforming. He said that Ms. Wannemuehler lives in a PRD which is different than standard zoning. Mr. Diekmann asked Ms. Wannemuehler if she owned the land where her condominium is built. Ms. Wannemuehler indicated that she did not own the land. She indicated that it was an attached unit. Mr. Diekmann made a suggestion as to a possible remedy to the scenario that was mentioned.

Ms. Wannemuehler asked about whether it was true that this request pertains mainly to the streets. Mr. Diekmann stated that if you are looking narrowly at the issue of subdivision improvements you have more flexibility and can look at a broader area through the subdivision process than through a site review process. He said that you would have the ability to look at external and off-site impacts as part of the subdivision review which could include off-site traffic. Mr. Diekmann stated that the subdivision process involves more than defining street size. Ms. Wannemuehler asked if they were trying to avoid the subdivision process to deal with the project. Mr. Diekmann stated that he wasn't able to answer that question since we have not yet received an application from Breckenridge Land Acquisition.

Mr. Bowers cited the section of the Land Use Policy Plan that states that an area must be compatible with the surrounding neighborhoods and consistent with the goals and objectives of the Land Use Plan. He asked, if in absence of this change, what could be done to achieve the same result. Mr. Diekmann stated that the real issue is in zoning, looking at what is an allowed use and what isn't. He stated that the provisions in the Zoning Code are to implement the goals and policies of the Land Use Policy Plan. He said that when you are looking at an individual project those goals and policies can be much more focused. Mr. Diekmann said that when you look at Zoning Amendments it is a broad look at general consistency.

MOTION: (Siefert/Lee) to accept Alternative #1, which states: that the Planning and Zoning Commission can recommend that the City Council **approve** the proposed draft amendment to eliminate the provision for more than one single-family or two-family structure on a lot greater than one acre for all zoning districts.

Ms. Wannemuehler and Mr. Bowers stated that they were not comfortable voting on this motion without knowing the ramifications of doing so and the intent behind the proposed Text Amendment.

Debra Lee stated that she would have concerns about a change that was recommended for a single issue; however, she feels that this situation is a unique opportunity within the Ames community. She said that the area in question is a large undeveloped area surrounded by a developed area. Ms. Lee stated that she saw the Staff Report that was presented to the City Council in July and she was willing to believe that due diligence had been done in determining the impact.

MOTION FAILED: (3-3) Bowers, Wannemuehler, Johnson voted nay.

Discussion was held as to what additional information the Commission needs in order to make a recommendation on this Text Amendment.

Jeff Johnson stated that he is concerned about the intent of the proposed Text Amendment and whether it was recommended based on one proposed project. Mr. Diekmann stated that he would try to capture some background but can't provide any additional direction other than what Council asked staff to do as a result of the July Staff Report.

MOTION: (Bowers/Wannemuehler) to accept Alternative #4 that the Planning and Zoning Commission requests to refer this issue back to staff for further information, that being: to provide a review of what non-conforming properties would be created as a result of the proposed Text Amendment, to review alternative ways to meet the desired goal, to review potential ramifications and unintended consequences to properties as a result of the proposed Text Amendment, and to provide a broader definition of the intent of the proposed Text Amendment.

MOTION PASSED (6-0)

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### **ADAPTIVE REUSE FOR 921 9<sup>TH</sup> STREET (FORMER ROOSEVELT SCHOOL BUILDING)**

Mr. Diekmann stated that the applicant and owner of the former Roosevelt School site, RES Development, are requesting an Adaptive Reuse for this structure. He outlined the features of the proposed reuse of the existing building. He stated that these proposed uses conform to the Zoning Code.

Luke Jensen, RES Development, 2519 Chamberlin, presented a video of the proposed project. He stated that Dean Jensen would be presenting and would be available to answer questions.

Dean Jensen, 2519 Chamberlin, stated that they have participated in various community input sessions and that they are happy to answer any questions that the Commission might have.

Mr. Siefert asked for clarification about being able to allow a higher residential density if the property is specified as an Adaptive Reuse Plan.

Mr. Diekmann stated that this was a result of a recent Code amendment that just passed the third reading. He stated that this project has 23 units and that normally a project in this zone allows for only 17 units. He stated that you can only have the higher density if the building is retained. Mr. Diekmann stated that if the site were cleared less units could be built.

Mr. Tillo asked if any recent changes had been made to the plans. Dean Jensen stated that a few details had been changed since visiting with the Historic Preservation Commission at a recent workshop. He stated that they have not received any adverse communication. Mr. Jensen stated that most of the communication has been answering inquiries from individuals that are possibly interested in living in the property.

Mr. Siefert asked about the difference in traffic that this project might create instead of the use as a school. Mr. Diekmann stated that this project might have 12 trips during the peak hours and it has not raised any concerns with the traffic department.

Mr. Johnson asked about the proposed garage structure. Dean Jensen stated that the proposed garage will be in back of the building in the location of the former playground. He said that the garage will be a new structure connecting the atrium.

MOTION: (Siefert/Tillo) to accept Alternative #1, which states: that the Planning and Zoning Commission can recommend that the City Council **approve** the Adaptive Reuse Plan for conversion of the former Roosevelt School, located at 921 9<sup>th</sup> Street, to a multiple-family residential dwelling with 23 units as proposed or as modified.

MOTION PASSED: (6-0)

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COMMISSION COMMENTS: Mr. Johnson congratulated Debbie Lee on being named an Unsung Hero.

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STAFF COMMENTS: The tentative agenda for the meeting of September 4, 2013 was reviewed.

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MOTION TO ADJOURN:

MOTION: (Wannemuehler/Siefert) to adjourn the meeting.

MOTION PASSED: (6-0)

The meeting adjourned at 8:08 p.m.

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Debra Lee, Chairperson  
Planning & Zoning Commission

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Lorrie Banks, Recording Secretary  
Department of Planning & Housing