

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

Date: November 19, 2014	Debra Lee, Chairperson	2015
	Rob Bowers, Vice Chairperson	2015
Call to Order: 7:00 p.m.	Yvonne Wannemuehler	2015
	*Julie Gould	2016
Place: Ames City Hall	*John Tillo	2016
Council Chambers	Carlton Basmajian	2017
	Matthew Converse	2017
Adjournment: 8:14 p.m.	*Absent	

MAJOR TOPICS DISCUSSED:

1. Text Amendment for Chapter 31 (Historic Preservation)
 2. Zoning Text Amendment for Steeple Height
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CALL TO ORDER: Debra Lee, Chairperson, called the meeting to order at 7:00 p.m.

APPROVAL OF AGENDA:

MOTION: (Converse/Bowers) to approve the Agenda for the meeting of November 19, 2014.

MOTION PASSED: (5 - 0)

APPROVAL OF THE MINUTES OF THE MEETING OF NOVEMBER 5, 2014:

MOTION: (Basmajian/Wannemuehler) to approve the Minutes of the meeting of November 5, 2014.

MOTION PASSED: (5 - 0)

PUBLIC FORUM: There were no public comments.

TEXT AMENDMENT FOR CHAPTER 31 (HISTORIC PRESERVATION)

Jeff Benson, Planner, stated that Chapter 31 of the Municipal Code contains standards for historic districts and landmarks. He outlined the elements of Chapter 31. Mr. Benson stated that it is only through local zoning preservation regulations that historic properties are regulated as to what a property owner is allowed to do with their structures. He stated that several years ago the City Council directed staff to look at major revisions to Chapter 31. Mr. Benson stated that recommendations were made by the Historic Preservation Commission. He stated that the main reason for the update is to clarify and better define the Historic Preservation guidelines. Mr. Benson reviewed the process that staff has followed in the preparation of the Chapter 31 Update (working with the Historic Preservation Commission, the Chapter 31 Workgroup, public out-reach meetings, etc.). He explained that the next step will be a Public Hearing at a future City Council meeting. Mr. Benson stated that a notice will be published prior to this meeting and letters will be mailed to owners of properties that are affected by the Chapter 31 Update. He explained that there are four categories of changes to Chapter 31. Mr. Benson stated that the

first category outlines which properties are affected (contributing and non-contributing). He stated that the regulations apply to every contributing structure in the District. Mr. Benson stated that the identification of the contributing properties that was prepared for the National Register nomination in 2003 (commonly referred to as the 2003 Inventory) has been used for the Update. He reviewed the contents of the 2003 Inventory with the Commission, one of which is the inclusion of 19 additional properties that were added to the contributing category. Mr. Benson stated that another proposed change to Chapter 31 is the identification and regulation of contributing garages. He stated that most of the garages in the District are structures that were built to accommodate cars shortly after they were first developed. Mr. Benson stated that the standards will include guidelines for the demolition and alteration of a historic garage. He stated that there are 56 garages in the District that are designated as contributing structures. Mr. Benson stated that the standards for tearing down a historic garage are more flexible than tearing down a historic house. He outlined the reasons for this flexibility. Mr. Benson explained the change that has been made regarding the alteration and new construction areas. He stated that the proposed Update will regulate both of the areas the same. Mr. Benson stated that there is also a new proposed section for standards for new construction. He reviewed the clarification that has been made regarding substitute materials. Mr. Benson reviewed the four criteria that need to be met when substitute materials are used. He stated the proposed Update broadens the standards for administrative staff approval. Mr. Benson outlined times when staff may use administrative approval for a property owner's request and when the request needs to go to the Commission. He stated that in the proposed Update, if the applicant does not agree with the staff recommendation, they may appeal the decision and go to the Commission for review and a decision.

Yvonne Wannemuehler asked if there is a list that determines whether a property is contributing or non-contributing. Mr. Benson explained that the proposed Update will adopt the 2003 Inventory which consists of a list of the contributing properties in the Old Town Historic District. She asked if there is a list that explains what makes a property contributing or non-contributing. He stated that for every property in the District, whether contributing or non-contributing, there is a site inventory sheet that includes information for that property. Mr. Benson stated that for contributing properties the inventory sheet explains what makes the property contributing. Ms. Wannemuehler asked what happens if a property owner does not follow the regulations. Mr. Benson stated that not complying with the regulations would be a zoning code violation that would consist of going to Court and the possibility of a penalty/fine. He stated that staff makes every effort to work with the property owner until they come into compliance.

Matt Converse asked if a structure is conforming or non-conforming does it affect property taxes. Mr. Benson stated that it does not directly affect property taxes. He stated that this has not been studied in Ames. He stated that if the property value goes up the taxes will go up. Mr. Converse asked how often the Historic Preservation Commission meets. Mr. Benson stated that they meet once a month.

Debra Lee asked if there is a definition of a historic district and what the probability might be that these regulations may be applied to another area of the city. Mr. Benson stated that Chapter 31 outlines the criteria that a district would need to meet in order to be determined to be a Historic District. He stated that there is also a process that must be followed in order for a District to be designated as a Historic District. Mr. Benson stated that 60% of the properties in the District need to be classified as contributing to the themes of the District. He reviewed various aspects of the notification and approval process for determining whether an area will be designated as a historic district. Mr. Benson stated that according to the Code not all of the property owners need to agree in order to create an historic district. He stated that some communities consider the designation of an historic district as a conservation tool.

Barbara Munson, observer for the League of Women Voters, stated that she served on the Historic Preservation Commission approximately twenty years ago. She stated at that time there was talk about the Country Club Neighborhood Association forming an historic district; however, this did not happen.

MOTION: (Bowers/Wannemuehler) to accept Alternative #1, which states: that the Planning and Zoning Commission recommends that the City Council approve the text amendments to Chapter 31, as proposed in the "Chapter 31 Revisions (working draft 11-14-14)".

MOTION PASSED: (5 - 0)

ZONING TEXT AMENDMENT FOR STEEPLE HEIGHT

Jeff Benson, Planner, stated that there are certain physical standards for different areas of the city based upon uses allowed in that area and the types of architecture. He outlined the height limit that is allowed in the various residential districts. Mr. Benson stated that the height limit is determined by the use standards. He stated that in high-density districts the height limit is much greater. Mr. Benson reviewed two exceptions in the Code that defines height regulations (projections and architectural features). He reviewed the characteristics and differences of projections and architectural features for the Commission. Mr. Benson stated that a steeple is an architectural feature. He stated that a single-family low-density residential zoning district, where the new Heartland Baptist Church will be built, has a maximum building height limit of 40 feet. Mr. Benson stated that the building/home with a projection on the roof would allow a total height of 60 feet. He reviewed the maximum height allowed in a residential medium-density zoning district. Mr. Benson stated that in order to build a church anywhere in the City it is necessary to obtain a Special Use Permit from the Zoning Board of Adjustment. He stated that Heartland Baptist Church has filed a request for a zoning ordinance text amendment to allow a different steeple height for a preset allowance. Mr. Benson outlined the details of this request. He stated that staff recommends approval of the applicant's request.

Randy Abell, 2713 Northridge Circle, stated that he is the Senior Pastor of Heartland Baptist Church. He stated that he is trying to build a new church. Pastor Abell stated that originally their land was zoned Agricultural (A). He stated that a former planner with the city encouraged him to try to rezone this property residential. Pastor Abell stated that the options available at that time were an RS-2 (which allows a height limit of 75 feet) or an RS-1 (which allows a height limit of 60 feet). He stated that it was suggested that they apply for RS-1 zoning. Pastor Abell stated that he is trying to resolve this situation without needing to ask for another rezone of the property.

Mr. Basmajian asked why they don't just reduce the height of the steeple. Pastor Abell stated that architecturally they feel that they need to have a 40 foot tall building peak in order to have two floors and they want to have a steeple that is close to the same height of the building. He stated that architecturally a 35 foot steeple would still work for this project. Pastor Abell stated that he feels that architecturally a shorter steeple would not look appropriate.

Ms. Lee stated that she has concerns about unintended consequences that might arise across the city (beyond a church use) if this request is approved.

Mr. Basmajian asked about what types of structures could be built besides steeples, spires, cupolas, clock towers, and similar features that are outlined in the staff report. He asked what other similar structures might be. Mr. Benson stated that it could be any architectural projection that is less than 200 square feet. He stated that there are no design standards for these types of features in the majority of the zoning districts in the city. Mr. Benson stated that add-on products, such as a radio tower/antenna, would not be allowed.

Mr. Basmajian asked if there have been any earlier requests for a text amendment of this type. Mr. Benson stated that he does not remember any requests of this nature.

Ms. Lee stated that she doesn't have a problem with a request such as this for church use; however, she does have problems with a request for general use. Pastor Abell stated that during the Special Use Permit process that the church needs to follow they will be required to submit elevation drawings.

Ms. Wannemuehler stated that this request, if approved, would increase the allowed height by 15 feet.

Mr. Basmajian expressed his concern about setting a precedence that the Commission does not necessarily want to set. He stated he is concerned that the proposed amendment would change the Zoning Ordinance for an individual request. Rob Bowers stated that since he has been on the Commission all of the text amendments that have come to the Commission have been a result of an individual request to the City Council that were referred back to staff. Mr. Basmajian stated that it is his opinion that this is not the process in which the Commission should be engaged.

Discussion was held on whether to place conditions on the proposed zoning text amendment. Mr. Benson reviewed various conditions that the Commission could include in their motion.

Discussion was held on what the Zoning Board of Adjustment has the authority to approve. Mr. Benson stated that the Zoning Board of Adjustment, when looking at a particular case and conditions to mitigate impact, cannot make anything less stringent than the Zoning Ordinance allows.

Ms. Wannemuehler stated that she is concerned about granting approval for one special case.

Pastor Abell stated that if they rezone the property it would be more work but the height would be allowed if the property was rezoned high-density. Discussion was held that if this text amendment would be changed it would affect all low-density zones across the City.

Mr. Benson explained what the Zoning Board of Adjustment might consider. He stated that the exception only allows for certain size projections.

Mr. Benson stated that when a staff report is written, for items going to the City Council, staff outlines what was discussed at the Planning and Zoning Commission meeting, the recommendation that the Commission made, and what issues were raised. He stated that the meeting is a public record and minutes are available.

MOTION: (Basmajian/Wannemuehler) to accept Alternative #2 that the Planning & Zoning Commission recommends that the City Council deny the proposed amendments and review the basic height limitations listed in this portion of the Zoning Ordinance.

MOTION PASSED: (3 – 2) (nay, Bowers and Converse)

COMMISSION COMMENTS: Debra Lee stated that the City Council held a workshop last night on City housing needs. She outlined various highlights of the workshop.

STAFF COMMENTS: Staff stated that the Planning and Zoning Commission meeting for December 3, 2014 has been canceled due to lack of agenda items.

MOTION TO ADJOURN:

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

MOTION PASSED: (5 - 0)

The meeting adjourned at 8:14 p.m.

Debra Lee, Chairperson
Planning & Zoning Commission

Lorrie Banks, Recording Secretary
Department of Planning & Housing