

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

Date: March 18, 2015	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: 7:57 p.m.	*Absent	

**MAJOR TOPICS DISCUSSED:**

1. Public Hearing for the Annexation of 3599 and 3601 GW Carver Avenue
2. Discussion of the Planning Division Work Plan

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

**APPROVAL OF AGENDA:**

**MOTION:** (Tillo/Converse) to approve the Agenda for the meeting of March 18, 2015.

**MOTION PASSED:** (4 - 0)

**APPROVAL OF THE MINUTES OF THE MEETING OF FEBRUARY 4, 2015:**

John Tillo stated that he would like to amend the Planning and Zoning Commission February 4, 2015 minutes by amending paragraph 1, of page 1 of the Public Hearing for the Rezone of 516 South 17<sup>th</sup> Street discussion, by adding: John Tillo asked Ray Anderson, City of Ames Planner, for clarification as to why the applicant requested a continuance.

**MOTION:** (Converse/Tillo) to approve the Minutes of the meeting of February 4, 2015 as amended.

**MOTION PASSED:** (4 - 0)

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

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**PUBLIC HEARING FOR THE ANNEXATION OF 3599 AND 3601 GW CARVER AVENUE**

Kelly Diekmann, Director of Planning & Housing, stated that the applicant is requesting the annexation of two properties under the control of Hunziker Development, shown on the map as the Athen property and the Hunziker property. He stated that these two properties are listed as a voluntary annexation which would leave the Spillers and Fromm property as islands. Mr.

Diekmann stated that staff is recommending the utilization of the state allowed 80/20 rule and incorporate the Spillers and Fromm properties along with the Athen and Hunziker properties into the annexation request. He stated this would be allowed because the net acreage of the annexation would be 83 percent consenting and 17 percent non-consenting. Mr. Diekmann stated that staff contacted the Fromms and the Spillers in February prior to notice of the public hearing for the annexation request being mailed. He stated that staff has since received correspondence from both parties. Mr. Diekmann stated staff does not see how the annexation would affect the Fromm's drainage ditch issues. He stated that the Spillers' have questions about how the annexation will affect the use of their property if they are annexed into the city. Mr. Diekmann stated that staff recommends the 80/20 annexation rather than ask the applicant to prepare a boundary line adjustment and adjust their property lines in a way that would meet state code requirements so that those properties would not become islands. He explained how the boundary line adjustment might be done; although, it is not staff's recommendation. Mr. Diekmann stated that staff recommends Alternative #1. He stated that the Fromms and the Spillers are currently out of town and unable to attend tonight's meeting.

John Tillo asked for clarification of the 80/20 rule and the process for cleaning up islands of property if the annexation is not approved at this time. Mr. Diekmann explained how the Spillers' and the Fromm's property could be annexed in the future if it is not done at this time

Debra Lee asked for details of staff's conversations with the Spillers and the Fromms. Mr. Diekmann stated that staff sent a courtesy notice to the Spillers and the Fromms in February letting them know that staff had received an application from the applicant and asking them if they wanted to join the application. He stated staff has received multiple conversations/correspondence from Katherine Fromm and one communication from the Spillers that was received right before this meeting.

Ms. Lee asked for clarification of the existing drainage ditch maintenance issue that has been mentioned. Mr. Diekmann reviewed the location on a map of an existing box culvert that runs north/south and the channel that runs west. He stated that there is a regional storm water detention pond that has an outflow into the box culvert. Mr. Diekmann reviewed the details of the City's bank maintenance easement (essentially for mowing and brush control) for the north/south part of the channel. He stated that this agreement does not include the east/west portion. Mr. Diekmann stated that staff does not feel that the development and annexation of the Hunziker property will impact this part of the channel. He stated that current maintenance of the channel is not related to whether additional land is annexed. Mr. Diekmann stated that staff will review this issue at the time of development of the property.

Justin Dodge, Hunziker Land Development, 105 So 16<sup>th</sup> Street, stated that he is present to answer any questions that the Commission might have.

Ms. Lee asked if the Commission discussed this property at an earlier time. Mr. Diekmann stated that it was a part of the broader Scenic Valley Land Use Policy Plan Amendment that created the North Growth Area several years ago. He stated that it was not a part of the annexation that led to the subdivision located in the area.

Andrew Zbaracki, Newbrough Law Firm, 612 Kellogg Avenue, stated that he is representing the Spillers. He stated that the Spillers are concerned that this annexation is moving ahead so quickly. Mr. Zbaracki stated that the Spillers are trying to figure out how the annexation will impact the use of their land. He stated that it will cost the Spillers \$25,000 to withdraw from the rural water system. Mr. Zbaracki stated that the Spillers use a septic system. He stated that

these are expenses that they did not take into consideration when they purchased this property nor did the Spillers anticipate that this property would be annexed. Mr. Zbaracki stated that the Spillers want to know who will be responsible for covering these potential future expenses. He stated that this is the reason that the Spillers are opposed to the annexation at this time. Mr. Zbaracki stated that if the Spillers current septic system or water system fails the City would expect them to connect to the City services. He stated that the Spillers have questions and they are still waiting on answers. Mr. Tillo asked if the Spillers' primary concern is the costs that they did not anticipate when they purchased the property. Mr. Zbaracki stated that this is a big issue for the Spillers. He stated that if someone would help them with those potential future costs the Spillers might not have any objections. Mr. Tillo asked when the Spillers purchased the property. Mr. Zbaracki stated that he is not sure but it might be within the last year. He stated that the Spillers just contacted him yesterday.

The Public Hearing was closed at 7:20 p.m.

Mr. Diekmann stated that staff has not formally responded to the email that they received yesterday from the Spillers. He outlined the services that will not change for these property owners if the annexation is approved, electric service area and school boundaries. Mr. Diekmann stated that the use of Xenia Rural Water as a provider would not change, unless the property owners wanted to develop their property, at which time the City would require the property owners to disconnect from Xenia. He stated that if property owners are not planning to develop their property Xenia Rural Water would charge the property owners to buy out their contracts to connect to City services. Mr. Diekmann stated that it is a state law that property owners that are within 200 feet from a City sanitary sewer system whose septic system fails/needs significant upgrades must connect to that sanitary sewer system. He explained that there are charges for hook-ups to City services. Mr. Diekmann stated that the City does not offer compensation for hook-ups to services with the exception of a prior program that the City offered for property owners in the north growth area along Grant Avenue (in the City's jurisdiction) to encourage voluntary participation. He stated that one property owner out of 12 chose to take advantage of that discounted hook-up rate. Ms. Lee asked if it is up to the property owners to contact Xenia Water about disconnecting from their services. Mr. Diekmann stated that the City cannot compel Xenia Water to release a customer from their contract.

Ms. Lee asked for clarification of the potential access to this property. Mr. Diekmann outlined the access point to this property on a map. He stated that the applicant's intent is to build homes on approximately four acres of this site. Ms. Lee asked if there was any access continuity with the Scenic Valley Subdivision. Mr. Diekmann stated that there will not be a means of connection between these two areas.

Mr. Tillo stated that he feels that it is important to note the potential costs that will be imposed on the Spillers and the Fromms; however, he stated that there are also benefits to annexation. Mr. Tillo outlined some of the potential benefits of annexation. He spoke about the difficulties that arise when properties are not annexed and are left as islands.

Ms. Lee stated that the Fromms and the Spillers had approximately a six week notice of the impending annexation. She stated that she realizes that this wasn't a lot of notice. Ms. Lee spoke about the potential impacts to the surrounding property owners. The Commission discussed the potential negative impacts and benefits of annexation. Carlton Basmajian stated that a basic planning rule to follow is not to create islands of property. He stated that the property owners can continue to use their property without incurring any additional costs unless there is a change. Ms. Lee stated that there would be expenses if the septic system fails. Mr.

Basmajian stated that replacing a septic system is also an expensive endeavor. He stated that the Commission cannot adjudicate this expense if the septic were to fail.

Matt Converse asked about the amount of time that is required to notice affected property owners. Mr. Diekmann stated that a courtesy notice was sent out 14 days prior to the meeting with the Story County Trustees and Board of Supervisors. He stated that the City was not required to send this notice. Ms. Lee asked when this case will be placed on the City Council agenda. Mr. Diekmann stated that the earliest date would be the April 14, 2015 agenda. He stated that there are several issues that need to be resolved prior to the Council meeting. Mr. Diekmann stated that staff will respond to the Spillers and provide them more precise answers to their questions. He stated that staff does not feel that they will have answers to the Fromm's' concerns by April 14, 2015.

MOTION: (Tillo/Converse) to accept Alternative #1, which states: that the Planning and Zoning Commission recommends that the City Council approve the request to annex the 25.17 gross acres, all in Sections 28 and 29 of Franklin Township, Story County by finding that the proposed annexation is consistent with the Land Use Policy Plan and Urban Fringe Plan.

MOTION PASSED: (4 - 0)

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## **DISCUSSION OF THE PLANNING DIVISION WORK PLAN**

Kelly Diekmann, Director of Planning & Housing, stated that a referral list of 35 items was prepared and presented to the City Council on March 10, 2015 in order to prioritize a list of Planning Department future tasks. He stated that he had two additions to add to the list (the nomination of the downtown area for the National Historic Register and the referral for the consideration of rental concentration restrictions in low-density zoning districts). Mr. Diekmann stated that the dates listed on the work plan are the start dates. He clarified that each group of tasks will not be completed necessarily within the noted six month period. Mr. Diekmann reviewed the timing of several projects on the work plan.

Ms. Lee asked for clarification of Council approval for the addition of a planner position. Mr. Diekmann stated that they have received approval for a full-time permanent planner. He stated that ideally they could begin in May of this year. Mr. Diekmann stated that current planning staff work on both current and policy planning projects. He stated that the new planner position will also work on both current and policy planning projects.

Mr. Basmajian asked about the status of the Campustown Façade Grant Program. Mr. Diekmann reviewed the current status of this program. He stated that this program promotes eclectic design in this area.

Commission members asked for clarification of the content and scope of various items listed on the Planning Department's Work Plan. Mr. Diekmann reviewed those items with the Commission.

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COMMISSION COMMENTS: Deb Lee inquired about the City Council's reception of the hydrology report for Riverside Manor. Mr. Diekmann stated that they accepted the 100 year and 500 year modeling results. He stated that it will be placed on the City Council's April 14, 2015 agenda if the applicant wants to pursue their request. Mr. Diekmann reviewed some of the content that was contained in the report with the Commission. He stated that the applicant is not certain that they will pursue the request. Mr. Diekmann stated that the applicant might raze the Riverside Manor and construct apartment buildings on the property as an alternative.

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STAFF COMMENTS: Staff reviewed the tentative agenda for the meeting of April 1, 2015. He explained that the Rezone for 516 So 17<sup>th</sup> Street will be placed on the agenda and listed as being continued indefinitely.

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MOTION TO ADJOURN:

MOTION: (Tillo/Basmajian) to adjourn the meeting.

MOTION PASSED: (4 - 0)

The meeting adjourned at 7:57 p.m.

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Debra Lee, Chairperson  
Planning & Zoning Commission

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Lorrie Banks, Recording Secretary  
Department of Planning & Housing