

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

Date: May 6, 2015	Debra Lee, Chairperson	2018
	Rob Bowers, Vice Chairperson	2018
Call to Order: 7:01 PM	Yvonne Wannemuehler	2018
	Julie Gould	2016
Place: Ames City Hall Council Chambers	John Tillo	2016
	*Carlton Basmajian	2017
Adjournment: 9:34 PM	Matthew Converse	2017
	[*Absent]	

**MAJOR TOPICS DISCUSSED:**

1. Public Hearing for the Annexation of 3535 South 530th Avenue
  2. Public Hearing for the Revised Major Site Development Plan for 2710-2810 Bobcat Drive in Ringgenberg Park Subdivision, 4th Addition
  3. Public Hearing for the LUPP Minor Amendment for 5571 Grant Avenue (Rose Prairie)
  4. Public Hearing for the Zoning Text Amendment to Exclude Parking Structures from Definition of Floor Area Ratio
  5. Public Hearing for the Zoning Text Amendment for the Mixed Use Overlay Zone
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CALL TO ORDER: Debra Lee, Chairperson, called the meeting to order at 7:01 PM

**APPROVAL OF AGENDA:**

MOTION: (Wannemuehler/Tillo) to approve the Agenda for the meeting of May 6, 2015

*MOTION PASSED: (6-0)*

**APPROVAL OF THE MINUTES OF THE MEETING OF APRIL 15, 2015:**

MOTION: (Converse/Gould) to approve the Minutes of the meeting of April 15, 2015

*MOTION PASSED: (6-0)*

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PUBLIC FORUM: There were no public comments.

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**PUBLIC HEARING FOR THE ANNEXATION OF 3535 SOUTH 530TH AVENUE**

Ray Anderson, Case Planner, explained that the City of Ames received a Voluntary Annexation Petition for properties totaling 20.55 gross acres, located south of the Ames corporate limits and west of South 530th Avenue (University Boulevard). Mr. Anderson noted that the annexation proposal would involve a total of six parcels, with five being consenting parcels under the control of Hunziker Development Company LLC, and one parcel a non-consenting property controlled by Holly Plagmann. The annexation proposal is 97.13 percent consenting territory, and 2.87 percent non-consenting, as allowed by Code of Iowa, Section 368.7(a), where up to 20 percent of an

annexation area may include non-consenting property owners. The proposed annexation is intended to prevent the creation of an island of unincorporated land, Mr. Anderson explained. According to the Land Use Policy Plan (LUPP), this area is appropriate for urban residential development, he noted, and that as the land area is brought into the City, its LUPP designation would be Village/Suburban Residential. In this case, the developer intends to seek rezoning of the property to Planned Residence District (PRD) for future multi-family development.

Surrounding property owners within 200 feet have been notified, Mr. Anderson reported, and outreach efforts were made with the Franklin Township Trustees and the Story County Supervisors regarding any issues or recommendations related to the proposed annexation. With no written objections or concerns resulting from these outreach efforts, Mr. Anderson indicated that staff recommends that the Commission recommend that the City Council approve the annexation request, as it is consistent with both the City's LUPP and the Urban Fringe Plan.

Applicant, Justin Dodge, Hunziker Companies, 105 South 16th Street, stated he was excited to bring this proposal before the Commission again after resolution of past issues. He noted that the project is within the targeted growth area of the City, and that it is the developer's intention to bring forth quality housing specifically geared toward young professionals working in the ISU Research Park, enabling them to walk to work. Mr. Dodge supported staff's recommendation that the Commission recommend City Council approval of the annexation.

Ms. Gould asked if, assuming annexation approval, the applicant's expected rezoning request would require a land use amendment. Kelly Diekmann, Director of Planning and Housing, indicated that staff had not yet seen an exact proposal for the PRD, but that typically a PRD would not require the land use designation to be altered from Village/Suburban Residential.

Mr. Tillo said he assumes there could be cases requiring a LUPP amendment. Mr. Diekmann explained that PRD designation is constrained in its range of allowable uses without a land use designation change, and that he believes it is highly likely the expected rezoning request by the developer will result in PRD designation.

Ms. Lee asked staff to clarify several zoning designation distinctions. Mr. Diekmann indicated that with the proposed annexation, the land would come into the City with Agricultural designation. He noted that the proposed annexation does not meet the minimum of 40 acres for the developer to request a designation of Village Residential District. Instead, following a developer request, the annexed area could change from Agricultural designation to one of three Village/Suburban Residential designations: Suburban Residential Zone Residential Low Density (FS-RL), Suburban Residential Zone Residential Medium Density (FS-RM), or Planned Residence District (PRD). He highlighted distinctions among those designations, noting that FS-RL is the base suburban density designation, ranging from 3.75-10 units per acre and allowing for two uses: attached single family and detached single family. FS-RM designation applies to medium density, ranging from 10-20 units per acre, and allows uses for small apartment buildings as well as attached single family and detached single family. Mr. Diekmann clarified that a PRD designation allows for a broader range of uses and has greater flexibility in site and lot size requirements, while also requiring amenities and open spaces to balance different uses/configurations. He explained that PRD designation would be the only one of these three zoning options requiring design work upfront, enabling analysis of proposed uses and arrangements, thereby bringing design controls and an integrated development plan. With FS-RL zoning, in contrast, there would be no initial design review for allowed uses, only subdivision review at a later date. With FS-RM zoning, site plan review would hinge upon whether or not apartments were proposed and would not necessarily occur at the zoning stage.

MOTION: (Bowers/Converse) to accept Alternative #1, which states: that the Planning and Zoning Commission recommends that the City Council **approve** an annexation of 20.55 gross acres in Section 16 of Washington Township, Story County by finding that the proposed annexation is consistent with the Land Use Policy Plan and Urban Fringe Plan.

*MOTION PASSED: (5-0-1, Abstaining: Tillo)*

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**PUBLIC HEARING FOR THE REVISED MAJOR SITE DEVELOPMENT PLAN FOR 2710-2810 BOBCAT DRIVE IN RINGGENBERG PARK SUBDIVISION, 4TH ADDITION**

Jeff Benson, Case Planner, reviewed the location and development history of Bobcat Drive, noting it is part of the Ringgenberg project in an area of single-family detached homes. Bobcat Drive itself is being developed with small apartment buildings as well as senior housing and single-family detached homes. The Bobcat Drive property has been divided into lots through a subdivision plat, and had a Master Plan approved as well as three Major Site Development Plans that result in the overall plan for the entire property.

Mr. Benson referred to several figures to illustrate revisions to the entrance of Bobcat Drive from Oakwood Road. He stated that the currently approved plan divides the Bobcat Drive entrance into two 16-foot wide lanes with a 12-foot wide median with plantings. The requested revision would combine those lanes into a single, 24-foot-wide driveway with native plantings on both sides brought up to the Right of Way as a decorative element. In his review of the principal reasons for the proposed changes, Mr. Benson cited improvement of the already appropriately-designed fire access, lessened impact on a large and old bur oak tree, and reduced pavement width reducing storm water runoff and construction cost.

Mr. Benson presented endorsements of the plan revision from Henry Graham, property owner of 2626 Bobcat Drive, who wrote a letter to Mr. Benson expressing his belief that the proposed change would still provide a very attractive and functional entry to the site and will remove the burden of carrying forward and maintaining the median strip, which often becomes problematic rather than an asset. Additionally, Mr. Benson read from an email sent by Luke Jensen, RES Development, representing multiple property owners on Bobcat Drive who favor the change and support the proposed plan revision.

When City Council approved the Major Site Development Plan for the property, Mr. Benson explained, it determined that the plan meets minimum criteria and standards, and that only one of these is relevant to the revision to the approved Plan: enhanced perimeter landscaping. He reported that staff finds the proposed design change to be consistent with the approved design standard, and that the proposed change does not significantly alter the generally enhanced perimeter landscaping. For this reason, Mr. Benson reported that staff recommends that the Commission recommend to the City Council that it approve the proposed driveway change.

Ms. Lee inquired about the extent of public notification of the proposed plan change. Mr. Benson responded that the City mailed notification letters to property owners within 200 feet of the outside boundary of all of these properties, as well as to the representative of the Timberland Neighborhood Association, and to the contact for the neighborhood association in Ringgenberg.

Applicant, Kurt Friedrich, Friedrich Companies, 100 6th Street, endorsed Mr. Benson's summary of the reasoning behind the field adjustment to the shape of the driveway and emphasized that the change is an improvement. Regarding outreach efforts, Mr. Friedrich indicated he spoke with Meredith Van Sambeek, the new president of the association at Ringgenberg Park, who voiced no objections whatsoever to the new design. Mr. Friedrich reported that he also met with Kenneth Kruempel, who supports the revision. Mr. Friedrich added that he and Mr. Kruemple discussed installation of a pathway along Oakwood Road to eventually connect the trail system along Oakwood to Christofferson Park and over to State Street. The process of constructing that pathway will require removal of volunteer trees in the area ditch. Mr. Friedrich believes working with the City on that project will be a good process because Friedrich will plant hundreds of new plants throughout the new development and it seems sensible to remove unsightly vegetation.

MOTION: (Wannemuehler/Bowers) to accept Alternative #1, which states: that the Planning and Zoning Commission recommends that the City Council **approve** the proposed revision to the Major Site Development Plan for 2710-2810 Bobcat Drive in Ringgenberg Park Subdivision 4th Addition

*MOTION PASSED: (5-0-1, Abstaining: Tillo)*

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#### **PUBLIC HEARING FOR THE LUPP MINOR AMENDMENT FOR 5571 GRANT AVENUE (ROSE PRAIRIE)**

Karen Marren, Case Planner, reviewed the case background by reporting that the subject 170-acre property located west of Grant Avenue and south of 190th Street has no current Land Use Policy Plan (LUPP) land use designation because it was annexed in 2011, prior to current policy that designates Urban Residential Fringe Plan lands as Village/Suburban Residential upon their annexation. Following a request from the developer, William Ludwig (representing Diligent Rose Prairie), City Council in November 2014 directed staff to initiate a Minor Map Amendment for a LUPP Map Amendment. In April 2015 the developer submitted an application for a LUPP Minor Map Amendment for the subject property. The application is for a Village/Suburban Residential land use designation and an 8-acre commercial component for the developer's property.

Ms. Marren provided an overview of the development plan, noting the applicant intends to develop the site with 579 dwelling units including single family attached, single family detached, and multi-family housing units, as well as a commercial/retail office component spanning 8 acres. The residential component of the development is proposed on approximately 132 acres.

Ms. Marren noted that the application indicates a desire for a future zoning designation change to Planned Residential District (PRD) in order to accommodate the desired mix of housing. She added that PRD designation would not include a commercial component, leading the developer to seek a Commercial Node to be designated on the LUPP, potentially rezoning that area to a Convenience Commercial Node (CVCN) that would allow for the commercial/office mix.

The applicant's desired Village/Suburban Residential designation is consistent with the LUPP, Ms. Marren reported, therefore staff review is focused on the project's commercial component. The LUPP articulates criteria for convenience-scale commercial land uses, including: location, size, intensity, population concentration, and proximity to thoroughfares. While the proposed commercial development satisfies most of these criteria, Ms. Marren noted, staff has concerns about its distance from other commercial areas and its location away from the center of a high population concentration. Ms. Marren used a map to illustrate the distance from the proposed CVCN to an existing node located at the intersection of Stange Road and Bloomington Road and reported that the proposed CVCN does not meet the two-mile radius requirement for commercial

nodes specified in the LUPP. Furthermore, the location of the proposed CVCN is at what has been established as the northern limit of the City, the boundary at 190th Street, and does not, therefore, meet the criterion of being at the center of a population concentration. Ms. Marren added that questions exist regarding whether it is appropriate and sustainable to locate a CVCN in that area. She referenced trip generation information contained in the staff report, and noted an expected increase in traffic and its impact on the area from the development of a CVCN. She indicated that staff would need an in-depth traffic study prior to rezoning the property to assess the impact of increased traffic on the area.

Ms. Marren stated that staff recommends approval of the request that the City Council approve an amendment to the LUPP Future Land Use Map to designate the property as Village/Suburban Residential.

Mr. Tillo asked for additional comment on staff's concerns about a CVCN being sustainable or appropriate, and why its distance from other commercial nodes is important. Ms. Marren indicated that the concern is whether placing the CVCN in close proximity to an existing commercial node would take away from the existing node's viability.

Kelly Diekmann, Director of Planning and Housing, clarified that beyond the CVCN not meeting the two-mile radius requirement specified by the LUPP, staff's chief concern with the proposed project is the location of the CVCN on the northern City boundary, given no current expansion plans to the north. He stated that this location does not match the City's goals for serving neighborhoods with a node because the proposed CVCN is essentially one-sided, only having services available to the south. He further explained that the City's general philosophy about commercial nodes is that they are to serve neighborhoods, and that they should not be too large nor should they multiply in a way that creates strip commercial, another reason underlying the two-mile separation criterion for locating these nodes.

Mr. Converse asked if utility services are already deployed in the area. Mr. Diekmann indicated that utility infrastructure is included in the Grant Avenue paving and utility project already underway in the area, and that utility service will be in place by the end of 2015.

Ms. Gould inquired about the location of other commercial nodes in the northern portion of the City. Ms. Marren reviewed the Ames Urban Fringe Plan that includes both Community and Convenience Commercial Nodes, which vary in size and intended reach of service.

Mr. Diekmann explained that the North Growth area was not a planned growth area, as were northwestern and southwestern nodes, when the LUPP was originally created. Instead, this growth to the north has been in response to residential demand. It was presumed at that time that residents in the area would seek existing facility and park services to the south.

Mr. Diekmann reviewed the Ames Urban Fringe Plan map, showing a one-mile land buffer between Gilbert and the northern edge of Ames. He cited an agreement between the two communities and with Story County that prohibits urbanization within that mile. He stated that this agreement identifies this area between Ames and Gilbert as an agriculture/special study area, and the reason why there are no plans presently for development north of 190th Street.

Ms. Lee commented that conceptualizing the real vision for the future is challenging and that it would be difficult to say with certainty that the City would never grow to the north.

Ms. Gould asked whether further growth to the north is being planned. Mr. Diekmann said it is not a priority to study urbanization of that area. Ms. Gould shared her opinion that the majority of City growth seems focused to the north, and that this growth could be forced to stop because of the agreement to maintain a buffer zone between Ames and Gilbert. Mr. Diekmann commented that it would be possible for Ames to grow into the buffer zone with Gilbert, but that is not the current agreement and would require one of the three entities to dissolve the agreement.

Ms. Lee asked if there are alternative commercial sites in the area, if the proposed CVCN was not supported by the Commission, such as at the intersection of 190th Street and Highway 69. Mr. Diekmann indicated that several factors would work against development in that location, such as flood plain constraints and the existing rural residential pattern. He stated that the area would not fit the City's model for commercial development, that the City does not build commercial strips on highways, and that there are no real commercial plans for anything to be developed north of Bloomington Road.

Ms. Lee noted existing Ames-Gilbert travel patterns based on school enrollment choices.

Ms. Wannemuehler predicted a negative impact on the Gilbert Casey's store from additional commercial development in the proposed Rose Prairie property. Ms. Gould expressed her belief that a successful CVCN could be developed that is geared toward neighborhood uses, and that she does not want to base a decision on the presence of a gas station, while also acknowledging possible negative impact on the Gilbert Casey's from the development of the proposed CVCN.

Ms. Lee asked if the Planning and Zoning Commission would have the ability to support this commercial development if it thought the development was appropriate, but on a smaller scale. Mr. Diekmann said the Commission would be able to recommend use and/or size of use.

Mr. Converse inquired about ward boundaries. Mr. Diekmann said he is unfamiliar with specific ward boundaries.

Applicant, William Ludwig, Architect/Urban Planner, William J. Ludwig & Associates, 1444 NW 124th Ct., Clive, noted the existence of five commercial zones in the north- and southwest sides of the City in the LUPP. He said interest in building to the north has grown in recent years, and that he, Friedrich, and Hunziker have land ready to be developed. Furthermore, the City has invested millions of dollars into extending utilities to the north. He discussed his planning model for the area, which he believes must include a CVCN. Mr. Ludwig referenced a map to display the property. He described his planning philosophy as one focused on sustainability and use of natural drainage patterns. In the proposed development, natural drainage corridors would be maintained and enhanced and would serve as the spine of the plan. He cited the Des Moines development Green Meadows' parks, prairies, and green spaces as an example of this development philosophy. Mr. Ludwig described his vision for residents in Rose Prairie being able to enjoy a morning coffee, purchase a newspaper, walk along walkways and parks, and then go to dinner, with the CVCN playing a critical role in providing amenities for the neighborhood.

Mr. Ludwig stated that traditional planning policies favor separating single-family development from multi-family dwellings, commercial entities, etc. without planning for public spaces for social interaction. He noted that the new vision outlined in the LUPP stresses design that encourages social interaction, bikeways, and mixing of uses. He stressed that the proposed development would allow for a greater mix of housing types, rather than a monochrome, high population density, and that the village center would allow for a greater sense of connectivity, provision for daily living requirements, and other amenities. He reviewed diagrams for a number of different housing designs on various development parcels as well as the design concept for the village

center, featuring 30 percent green space. He reviewed plans from other communities for developments with similar qualities and design philosophies that were favorably received by property owners in the areas. Mr. Ludwig discussed anticipated unit counts and development population and indicated that he expects 2,554 people for the development, more than the 2,000-person population he anticipates being required for the CVCN to be self-sustaining. He also noted the area would pick up traffic from surrounding roads, also aiding the sustainability of the development's commercial area.

The proposed development, Mr. Ludwig stated, is fully compatible with the criteria set forth by the LUPP because of its: recognition and enhancement of existing natural drainage patterns, mixed use, higher density, variation in housing types and price points, and integration of daily activities with a village center. He offered to provide additional details about the development's commercial component and assured the Commission greater detail would be provided ahead of any actual development.

Mr. Tillo asked for additional information about the planned green spaces and drainage plans. Mr. Ludwig indicated that the plan calls for natural, filtered movement of water as opposed to mechanized drainage designed to remove water as quickly as possible from the land. He also reviewed the intended lake, describing it as a visual amenity for all development residents.

Mr. Tillo asked for clarification on the reasoning for locating the CVCN in the north portion of the development. Mr. Ludwig indicated the decision was based primarily on the location of major streets and the desire to avoid bringing commercial traffic through the residential development.

Ms. Gould inquired about the current and future classification of 190th Street. Mr. Diekmann indicated no facility planning to the north to study future needs has been done, and that 190th Street would remain a two-lane rural section road, even with Grant Avenue improvements.

Ms. Gould asked about the possibility of conditioned or restricted uses for the development. Mr. Diekmann reported that a Master Plan could be done with commercial zoning, or the applicant could agree to a zoning agreement restricting uses. He indicated that the CVCN is the most logical implementation of a node request and has a limited set of allowed uses.

Mr. Diekmann clarified that the Commission had two amendments before it to consider, one a very broad residential designation, and the other a commercial node saying zoning would be considered in the future for commercial at that location. He added that the term 'village' is used precisely in the LUPP as a walk-able environment of 160 acres centered around a walk-able destination of commercial and other facilities. He said the proposed project illustrates staff's point about the location of nodes, as it is not located centrally to the population mass of the North Growth area. While Mr. Diekmann agreed that the development's population justifies commercial services, he questioned its fit with a long-term plan of how to lay out commercial services. He pointed out that the CVCN could be placed elsewhere within the development and that the issue of including the commercial component could be discussed in future requests.

Ms. Lee asked about Quarry Estates and plans for a pedestrian path along 190th Street, i.e., whether the development would look more inward than outward. Mr. Diekmann responded that sidewalks will exist all along the perimeter of 190th Street and on Grant Avenue, and that there are no driveway cuts. He noted a required 25-foot open space strip around all conservation subdivisions, such as Quarry Estates, and that Rose Prairie is also a conservation subdivision required to have 25 percent open space in the residential areas as well as buffer areas similar to what has been done at Quarry Estates.

Ms. Lee noted she has advocated northern commercial nodes because she feared north Ames would otherwise become an ocean of houses. However, she stated that the proposed CVCN is larger than her vision and perhaps includes different types of commercial uses than she had pictured. She added that it is just proposals at this point. Ms. Lee also noted that she can recall when the current Fareway and Casey's on Bloomington Road once seemed on the City edge. She commented that it is easier to designate commercial areas before housing is built, rather than trying to plug it in afterwards, because people know that it is the potential expectation as opposed to creating a commercial area after people have already built homes and do not want commercial development added. She said she is uncertain if she favors an 8-acre commercial development but does support some sort of commercial area to serve that area.

Ms. Gould agreed with Ms. Lee's comments and added that she is nervous to not have a plan for future use of the buffer space between Ames and Gilbert. Nevertheless, Ms. Gould said the proposed CVCN is in a reasonable location, although she may have questions about its size. She agreed with Ms. Lee's comments about timing and said if houses are already constructed it becomes hard to get commercial added because no one wants commercial in their backyard.

Mr. Bowers stated it is important to evaluate all input in the Commission's considerations, including political (City Council), policy expertise (Planning Staff), and expert investors willing to make significant investments and absorb risks. Mr. Bowers said he would regret missing out on an opportunity because of concerns about it being the right place or time, especially given additional future opportunities to examine the development plan in greater detail.

Mr. Tillo said he agreed with most of the preceding comments and added that it seems like a reasonable location for commercial development, particularly given the transportation corridor that seems to be coming in that area. He noted that circumstances change, and that the City governments of Gilbert and Ames could decide in the future to rescind or amend the buffer agreement. Mr. Tillo asked staff if the CVCN could be relocated. Mr. Diekmann indicated that the development is at the cusp of justifying commercial uses with a population threshold of 2,000. He said the normal way of locating commercial is exactly what is planned—at the corner of two major streets—but in this case it is not centrally located, as the LUPP specifies. In order to relocate the CVCN away from the northern portion of the development, the design would need to consider road realignment that would be difficult because of restrictions of nature (Ada Hayden) and county land. Mr. Diekmann stated that he believes the applicant probably determined the most logical way to incorporate the CVCN into the development plans.

Ms. Lee commented that even if there is no further northern growth beyond 190th Street she is still comfortable with the potential number of people in area, plus traffic to and from Gilbert, to support sustainable commercial activity. Ms. Wannemuehler predicted Gilbert residents would utilize services from the proposed CVCN due to lack of amenities within Gilbert.

MOTION: (Tillo/Gould) to accept Alternative #1, which states: that the Planning and Zoning Commission recommends that the City Council **approve** an amendment to the LUPP Future Land Use Map to designate the property located at 5571 Grant Avenue as Village/Suburban Residential with a Convenience Commercial Node located at the northeast corner of the site at Grant Avenue and 190th Street.

*MOTION PASSED: (6-0)*



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## **PUBLIC HEARING FOR THE ZONING TEXT AMENDMENT TO EXCLUDE PARKING STRUCTURES FROM DEFINITION OF FLOOR AREA RATIO**

Kelly Diekmann, Director of Planning & Housing, stated that this request is from a developer interested in a Highway Oriented Commercial (HOC) site on SE 5th Street who seeks relief from the 0.5 Floor Area Ratio (FAR) limitation for developable floor area that may be built on a piece of land. The developer is aware that the planned design for the property would exceed 0.5 FAR. The City Council reviewed options for considering changes to FAR standards and directed staff to draft a text amendment excluding parking structures from the definition of FAR. Mr. Diekmann emphasized that 0.5 FAR would continue to apply to a HOC-zoned site but that the area of parking levels would not count against that restriction. The proposed text amendment would apply city wide to all parking structures, not just to those within the HOC zoning district.

Ms. Wannemuehler asked if there was a downside to the FAR amendment. Mr. Diekmann said that the outcome would allow for more mass of building on a property, plus more activity and intensity of use on a site, but that these are intended consequences. He added that the development site has flood plain implications and that building under an amended definition of floor area ratio may be a unique benefit a developer may not realize at other locations.

Ms. Wannemuehler asked if the site was a property on Bell Street. Mr. Diekmann stated the proposed project would be located on SE 5th Street, by the Target store. Ms. Wannemuehler stated she never has a problem with anyone who wishes to build more parking.

Applicant, Scott Renaud, FOX Engineering, 414 South 17th Street Suite 107, clarified that in this case the building mass would not increase appreciably because the natural topography of the site would hide or obscure the parking structure, leaving primarily a building with a small amount of visible parking on top and a great amount of obscured parking underneath. He sees no unintended consequences of this exemption and pointed out that this application complies with the LUPP specification of using land more intensely. He regards the proposed FAR amendment as a good advantage for this site, but notes that few locations would have a need for this form of exemption.

Mr. Bowers stated that generally surface parking is more cost effective than structured parking. Mr. Renaud agreed and said because the cost is dramatically different there must be reasons to do it. The increased construction cost is a natural disincentive, plus it changes tax structure somewhat. This is a specialized location and application, he added.

Michael Stern, Contract Purchaser/Developer [per Scott Renaud, Mr. Stern's business address is presently FOX Engineering], stated that it is much more expensive to build a lower deck. He noted that another option would be to bring in several hundred trucks of dirt, which would have implications for the flood zone and erosion. He said he is willing to absorb construction expenses. He believes aesthetically the structured parking would not be noticeable and that, given Iowa climate, it would be very nice to have covered parking. He stated that another advantage of the lower deck parking would be its uniqueness compared with other Duff Avenue development. He believes this design change would be commercially and economically better for investors and for the City.

MOTION: (Gould/Converse) to accept Alternative #1, which states: that the Planning and Zoning Commission recommends that the City Council **adopt** an ordinance that excludes parking structures from the definition of Floor Area Ratio.

*MOTION PASSED: (6-0)*

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## **PUBLIC HEARING FOR THE ZONING TEXT AMENDMENT FOR THE MIXED USE OVERLAY ZONE**

Karen Marren, Case Planner, stated that this agenda item was first reviewed during the April 15, 2015 Commission meeting, where discussion was held about general concepts regarding a new overlay district on Lincoln Way. Since that meeting, staff formalized the discussion in more of an ordinance format for the Commission. Ms. Marren reported that some items of the proposed text amendment are spelled out as actual standards within the overlay, while others are design principles and layout details intended more for use at the time of a Major Site Development Plan for a property. Design standards include building height, a maximum of 1.0 overall Floor Area Ratio (FAR), 15 percent overall Commercial FAR, and minimum commercial area being 75 percent of the first floor frontage as visible from Lincoln Way as a means to maintain the Highway Oriented Commercial (HOC) base zone visual as seen from Lincoln Way.

Ms. Marren explained that in the future, should the overlay text amendment be adopted, overlay matters coming before the Commission and City Council for approval would be examined on a case-by-case basis for any specific projects looking to rezone using this overlay. Ms. Marren also clarified limits of where the overlay zone could be applied without further study, i.e., that mixed use overlay *can* be applied but *only* if requested on Lincoln Way property located between Duff Avenue and South Dakota Avenue. Staff is not suggesting use of the overlay for HOC land further east on Lincoln Way, as that is not a residential area, and staff has not evaluated whether the City would encourage residential development east of Duff Avenue. She noted this detail was not discussed during the April 15, 2015 Commission discussion regarding the Mixed Use Overlay.

Mr. Bowers asked whether the overlay would include the Campustown corridor. Mr. Diekmann indicated that Campustown is not zoned HOC and the overlay would not apply, therefore Campustown zoning would remain unchanged.

Mr. Diekmann explained the purpose behind the overlay text amendment is to provide a level of predictability and expectations while still allowing for many decisions and choices at a project-level site plan review as applicants come in. The overlay is not meant to be a static formula. Ms. Wannemuehler recalled that staff made it clear during the April 15, 2015 meeting that site plan review for mixed use overlay projects would occur on a case-by-case basis. Mr. Diekmann also emphasized that future review would occur for each case.

Applicant, Chuck Winkleblack, Hunziker Companies, 105 South 16th Street, stated that he supports 90 percent of the staff positions on the proposed ordinance text amendment, but there are a few 'friendly disagreements' about the following aspects of the amendment:

*Commercial Floor Ratio.* Mr. Winkleblack believes the Commercial FAR needs to change from 15- to 10 percent. He understands staff's desire to not use HOC zoning for projects with a small commercial component included only to enable apartment construction. He presented a map of commercial properties surrounding the location for his proposed project as well as a table of those properties' commercial FAR, excluding properties such as Hy-Vee and McFarland Clinic that are atypical of what is likely to develop along the Lincoln Corridor. Of 10 closest neighbors, only 5 meet staff recommendation for the minimum commercial .15 FAR. Mr. Winkleblack was concerned that if the text amendment passes as written, the first overlay project brought to it (his) will not meet the Commercial FAR standard.

*Item 7: Minimum Commercial Area of the Building(s).* Mr. Winkleblack asked staff to consider changing the language of this Item to '75 percent of the front façade,' or even '100 percent of what is visible from Lincoln Way' because he agrees with staff that these projects should look commercial and have a commercial purpose. He said a relevant consideration not in the staff report is that not all first floor tenants may be commercial, that due to ADA requirements if residential exists in a building it must have a first floor residential component. Mr. Winkleblack believes this is the only option because these projects are too small for installation of elevators, the other option for accommodating ADA requirements.

*Item 11(b): Floor to Ceiling Height.* Mr. Winkleblack asked for clarification about whether the 12-foot design principle in the staff report meant a finished floor, dropped ceiling, open ceiling, etc. He noted properties in Somerset that finished out at 9-10 feet ceiling heights. He said he does not want 10-foot ceilings brought down to 7-8 feet in commercial uses, that he is planning for 12 feet but may drop down to 9-10 feet if tenants desire certain ceiling types.

*Item 11(g): Minimum 50 Feet of Depth.* Mr. Winkleblack said he disagrees with this design principle, as written, in its entirety. He noted that many commercial buildings in Somerset are not 50 feet in depth and that such a requirement in the overlay zone could leave unusable remnants in the back of buildings. He said he suspects some of the overlay design principles may have come from a poorly-construed and constructed project in West Ames that was ill-conceived from its beginning. He cited a number of 500-700 square foot users in Somerset and asked how a structure 10 feet wide by 50 feet deep would be attractive to small tenants. He said he believes overlay projects should be flexible enough to accommodate businesses of appropriate size and to ensure that commercial space is usable, viable, and without remnants.

*Item 11(h): Separate Residential and Commercial Access.* Mr. Winkleblack noted that having residential access separate from commercial does not apply to his project, but he can also see projects that may want shared access to the building for fire access or for projects with shared corridors. He stated that a blanket statement in the ordinance disallowing shared residential and commercial access is not justified.

Mr. Winkleblack showed a design plan representing his idea for a Mixed Use Overlay project, noting its outdoor space, sidewalks, and adequate parking for commercial tenants to be successful. He added that it includes a parking stall for every bedroom so that parking needs would not spill out into the surrounding neighborhood. He reported discussions with other property owners who are excited for his mixed use project to be approved and who see it as a 'shot in arm' for west Ames.

Ms. Lee asked if Mr. Winkleblack had already discussed the points he raised about the proposed text amendment with staff. He indicated that such discussions had occurred.

Ms. Gould asked if it was time for a staff rebuttal.

Mr. Diekmann stated that the issues Mr. Winkleblack raised were small issues compared with where the mixed use overlay discussion began. He agreed that the discussions had been friendly and noted that staff is not writing an ordinance for just one project. He responded to the specific issues Mr. Winkleblack raised regarding the proposed text amendment.

*Commercial Floor Ratio.* Mr. Diekmann stated that staff and Mr. Winkleblack are asking for Commercial FAR in the same range, depending on the expectation of what to use commercial land for, and how auto-oriented a prospective use may be. Mr. Diekmann indicated 10 percent

FAR would be the lowest staff would go, driven by how much commitment exists for establishing a base of commercial use along Lincoln Way. He indicated FAR would vary, that 15 percent is not a magic number but rather a comfortable, middle-of-the-road number. He stated that the text amendment design principles are meant to prevent cheaply-built, small commercial developments whose real purpose is to build apartments above. Mr. Diekmann characterized good commercial space as flexible, logically-oriented space with ample tenant parking and allowing for multiple uses so it can have a lifespan that cycles through different types of tenants and uses.

*Item 7: Minimum Commercial Area of the Building(s).* Mr. Winkleblack asked staff to clarify 'visible from Lincoln Way' versus 'façade.' Mr. Tillo asked how Mr. Winkleblack would draft the language. Mr. Winkleblack did not care to propose language, and said it should be left to staff or attorneys. Mr. Diekmann indicated that the text clarification could return to staff for development of compatible language, that there would be no need to come before Commission again over the language of that aspect of the text amendment.

*Item 11(b): Floor to Ceiling Height.* Mr. Diekmann stated that a 12-foot floor-to-ceiling height design principle is not included as an attempt to control development, that 12 feet is not a magic number. He said the number can be adjusted while noting that a more modern approach to design will have higher retail ceilings. Mr. Diekmann believes the design principle is consistent with what Mr. Winkleblack wishes to accomplish, although it is not yet written with common language.

*Item 11(g): Minimum 50 Feet of Depth.* Mr. Diekmann clarified that this design principle refers to the core commercial footprint, or the rectangular base of the building, i.e., a 50-foot dimension either perpendicular or parallel to Lincoln Way as measured from the sidewalk back, not that each tenant space must have a depth of 50 feet. Mr. Winkleblack asked if his proposed project would meet that standard, and Mr. Diekmann said it would. Mr. Winkleblack then retracted his objection to Item 11(g) of the proposed text amendment.

*Item 11(h): Separate Residential and Commercial Access.* Mr. Diekmann indicated that separation of residential unit access and commercial tenant access is a carryover from the Campustown tax abatement matrix. Campustown development mandates different access points in order to create secure, safe, and distinct entrances for residential access. Mr. Winkleblack said he was thinking of commercial projects requiring second exits for fire code, and that access points could also be dual-purposed to accommodate code and aesthetics. Ms. Wannemuehler stated her interpretation of the staff wording of 'should' as softer than 'must.' Mr. Diekmann agreed and reiterated that staff believes residential and commercial access points should be separate unless a good reason exists not to do so. Ms. Gould asked for clarification given staff's use of the word 'should.' Mr. Diekmann indicated there could be flexibility and that it is mostly an issue of floor plans and layout for a given project. He said that staff generally views principles as softer than mandatory standards, and that staff believes design principles are the best way to address mixed use overlay development.

Mr. Diekmann stated that he believes the biggest issue for the Commission to consider is the question of FAR. Mr. Winkleblack commented that each parcel on Lincoln Way will be different and then illustrated several completed projects that would not meet the standard as written in the proposed text amendment. He said that the HOC design criteria does not include any of these minimums for any commercial property, and that it becomes onerous going to 15 percent FAR when talking about smart use of land, i.e., that he would develop a commercial component but not get credit for also using the property for residential, while other properties in the same area are not using land as efficiently.

Ms. Gould inquired whether the mixed use overlay designation is optional and must be requested for a project. She wished to confirm her understanding that Mr. Winkleblack would be unable to do his project without the overlay. Mr. Diekmann indicated that is correct. Ms. Gould asked if staff remains comfortable with 15 percent FAR spanning Duff Avenue to South Dakota Avenue and if the average would be 15 percent. Mr. Diekmann asked if she meant under current build conditions and cited the downtown area as perhaps artificially raising the ratio due to limited parking. Mr. Winkleblack noted that some Lincoln Way lots are nonconforming and do not meet parking requirements and could not get site plan approval with current approval standards.

Ms. Lee asked about the basic objective of the overlay district, and what would lowering FAR to 10 percent potentially invite that may be regretted later. Mr. Diekmann said it would depend on staff's willingness to review a plan and perhaps tell a developer it is not good enough. He asked if it is better to articulate a standard for FAR. He said it can move from a design standard to a design principle to allow for more flexibility. Mr. Diekmann said it is important to convey that FAR does not need to be eliminated from the text amendment. Rather it can move into design principles to allow for more development flexibility with variable size lots. He reiterated that with the overlay zone, in general, staff's expectation for a developer would be for commercial development to be the priority. Mr. Winkleblack said he agrees completely. Ms. Lee said she would be comfortable moving FAR into the design principles of the proposed text amendment.

Mr. Diekmann indicated he believed all of the discussion about the language of design principles written in the text amendment was meant to add specificity and that staff is in basic agreement with the applicant. He stated the Commission would only need a direct motion about FAR and what to recommend to Council.

MOTION: (Tillo/Wannemuehler): that the Planning and Zoning Commission recommend that the City Council **adopt** the proposed zoning text amendment Chapter 29, Article 11 to allow for the creation of a Lincoln Way Mixed Use Overlay district, as written in staff report **with the following exceptions:**

- (i) change the minimum ratio of commercial space from 15- to 10 percent
- (ii) request that staff clarify Items 7 and 11(b), and
- (iii) strike Item 11(h), as it is burdensome and limits flexibility

Ms. Gould stated she would be more comfortable moving FAR requirements to the design principles section of the proposed text amendment rather than changing the specified minimum for commercial space from 15 percent to 10 percent. She stated this change would give staff greater flexibility to work with each applicant on a per-project basis.

Ms. Lee questioned the wording of Item 11(h) and suggested the amendment could read 'primary residential access should be separate from commercial tenant access.'

Mr. Bowers said he favors use of the word 'should' in Item 11(h).

Mr. Tillo suggested perhaps Item 11(h) should read 'shall' instead of 'should.'

Following discussion, it was agreed to leave Item 11(h) in the text amendment, as originally written by staff, requiring a vote on the original motion followed by a new motion and vote.

*MOTION FAILED: (1-5, Nay: Lee, Bowers, Wannemuehler, Gould, Converse)*

MOTION: (Gould/Bowers): that the Planning and Zoning Commission recommend that City Council **adopt** the proposed zoning text amendment to Chapter 29, Article 11 to allow for the creation of a Lincoln Way Mixed Use Overlay district, **with the exception of:** moving Item 6 so that it becomes a design principle, and staff clarification of Items 7 and 11(b).

*MOTION PASSED: (5-1, Nay: Tillo)*

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COMMISSION COMMENTS: Ms. Gould observed that several text amendments to the zoning code have come before the Commission recently because of specific projects and asked if staff is concerned. Mr. Diekmann explained that when a customer has an issue staff always explains the process of bringing it before Council, and staff advises Council whether the issue is narrow with merit to an individual, or if the issue has broader application that warrants use of Council's time. Mr. Diekmann believes Council is choosing to use its resources for several recent narrow requests. He stated that is why it is certain larger projects do not get started because Council is taking on smaller matters and it takes time to go through the process. Mr. Diekmann agreed that the Commission has seen several text amendment cases in a short time period, and that it was an aberration due to work plan approval on March 10, 2015.

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STAFF COMMENTS: Mr. Diekmann noted an agenda item for the May 20, 2015 Planning and Zoning Commission meeting and encouraged the Commission members to attend.

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MOTION TO ADJOURN:

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

*MOTION PASSED: (6-0)*

The meeting adjourned at 9:34 PM.

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Debra Lee, Chairperson  
Planning & Zoning Commission

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Joseph C. Newman, Recording Secretary  
Department of Planning & Housing

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