

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

Date: September 21, 2016	Debra Lee, Chairperson	2018
	*Matt Converse, Vice Chairperson	2018
Call to Order: 7:00 PM	Carlton Basmajian	2017
	Rob Bowers	2018
Place: Ames City Hall Council Chambers	Anuprit Minhas	2019
	Doug Ragaller	2019
Adjournment: 9:28 PM	Yvonne Wannemuehler	2018
	[*Absent]	

**MAJOR TOPICS DISCUSSED:**

1. Public Hearing for the Rezone with Master Plan for 5571 Grant Avenue (Rose Prairie)
  2. Public Hearing for the Preliminary Plat for 5871 Ontario Street
  3. Public Hearing for the Amendment to the Master Plan for 2617 Bobcat Drive
  4. Public Hearing for the Preliminary Plat for 2617 Bobcat Drive
  5. Public Hearing for the Major Site Development Plan for 2617 Bobcat Drive
  6. Zoning Text Amendment for the Major Site Development Plan Amendment Process
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CALL TO ORDER: Debra Lee, Chairperson, called the meeting to order at 7:00 PM.

**APPROVAL OF AGENDA:**

MOTION: (Wannemuehler/Bowers) to approve the Agenda for the meeting of September 21, 2016.

MOTION PASSED: (6 -0)

**APPROVAL OF THE MINUTES OF THE MEETING OF SEPTEMBER 7, 2016:**

MOTION: (Ragaller/Bowers) to approve the Minutes of the meeting of September 7, 2016.

MOTION PASSED: (6 - 0)

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

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**PUBLIC HEARING FOR THE REZONE WITH MASTER PLAN FOR 5571 GRANT AVENUE (ROSE PRAIRIE)**

Charlie Kuester, Case Planner, stated that the Commission reviewed this proposal and made a recommendation to the City Council in June. He stated that the City Council voted in July to deny the request. Mr. Kuester stated that their concerns were the total number of units and the overall density of Rose Prairie. He stated that Rose Prairie is located in the North Growth Area. Mr. Kuester reviewed the boundaries of the Rose Prairie development. He outlined various developments located near this property. Mr. Kuester stated that the property lies in the Ada

Hayden Watershed Protection Area and would be governed by the Conservation Subdivision Ordinance. He reviewed the current zoning and Land Use Policy Plan designations for this property; as well as, the designation of several adjoining properties. Mr. Kuester stated that the applicant is proposing to change the current zoning designation of Agricultural (A) to three different designations: Convenience General Service (CGS), Suburban Residential Medium Density (FS-RM) and FS-RL (Suburban Residential Low Density (FS-RL)). He identified where each of these areas are located on a map. Mr. Kuester reviewed the location of the streets that will serve this area. He stated that there will not be a street extension to the west due to the location of the railroad tracks. Mr. Kuester stated that the number of units has decreased by 126 units from the applicant's earlier request. He reviewed the proposed density. Mr. Kuester stated that the requested number of units is less than what staff recommended in June. He stated that the site does not have a high apartment matrix score; however, he feels that this project would provide housing type diversity. Mr. Kuester stated that staff feels that the minimum density for this project will be met when the preliminary plat is proposed. He outlined some of the questions and concerns that were raised during the earlier presentation to the City Council. Mr. Kuester outlined the differences between the applicant's earlier request and the current request. He stated that as long as the Development Agreement is amended by the City Council, staff is comfortable with recommending this request.

Yvonne Wannemuehler asked if there were apartments being built across the street from this property. Mr. Kuester stated that single-family homes are being built in this area. Mr. Diekmann stated that FS-RM zoning has been approved for this area; however, a site plan has not been approved. He stated that the only housing that has been approved is single-family homes. Mr. Diekmann stated that this is approximately eight acres that has been approved for FS-RM uses.

Debra Lee asked whether a third street would be constructed to align with the Quarry Estates development. Mr. Kuester outlined the various streets and their connections to Hyde Avenue (formerly known as Grant Avenue). Ms. Lee asked for clarification as to how the streets are identified on the map. Mr. Kuester stated that some of the streets might become private streets.

Ms. Lee asked whether staff feels that Parcel 3 and Parcel 4 will meet the density requirements due to their size and shape. Mr. Diekmann explained why staff feels that this will be achieved.

Ms. Lee asked where the park will be located. Mr. Kuester outlined the proposed location of the park on a map. He stated that the Development Agreement includes details that pertain to park construction, amenities and date of dedication to the city. Ms. Lee asked about parking availability for the park. Mr. Kuester stated that the policy for neighborhood parks does not provide for off-street parking. Mr. Diekmann reviewed the location of the closest allowed on-street parking for those that use the park.

Discussion was held on the CGS Zoning District design standards.

Ms. Lee asked about the sewer capacity and the possibility of excavation under Hyde Avenue. Mr. Kuester reviewed the location and the size of the current sewer system. He stated that it is anticipated that the size of the sewer line will either need to be increased or an additional line under Hyde Avenue will need to be constructed. Mr. Kuester stated that the location and size will be addressed during the preliminary plat process.

Ms. Wannemuehler asked if this project meets the green space requirements for the Ada Hayden Watershed area. Mr. Kuester stated that these details will be discussed during the preliminary plat stage. He stated that they will need to provide 25 percent open space. Mr. Kuester stated that they have proposed 28 percent open space.

Anuprit Minhas asked the distance to the closest CyRide bus stop. Mr. Diekmann stated that it is at least a mile away. He stated that even though this property is a mile away from the bus stop it does not limit the construction of apartments.

Casey Schafbuch, representing Rose Prairie, stated that the only change from this request and their previous request is the decrease in the number of units.

The Public Hearing was closed at 7:24 p.m.

Carlton Basmajian stated that he voted against this project when it was presented earlier. He stated that although the number of units has decreased, he stated that he feels that this is still a lot for this area. Mr. Basmajian stated that even though mass transit is not required for multi-family housing, it is bad planning not to have it available.

Ms. Minhas asked how some of the drainage issues, that would affect Ada Hayden Park and wetlands, would be addressed. Mr. Diekmann stated that at this stage of the process those items are not a required element of information. He stated that a Preliminary Plat will not be approved without a storm water quality plan and a quantity control plan that meets all of the quantitative performance requirements of the municipal code.

Doug Ragaller stated that he approved the earlier proposal; and, he approves of the new proposal.

Ms. Lee stated that she likes the variety of housing options that the applicant has proposed. She stated that even though mass transit is not available currently, it could be an option in the future.

Ms. Minhas asked what the long range transportation plan proposed for this area. Mr. Diekmann stated that development of the general area was part of the plan, but not for a specific site. Mr. Kuester stated that a 2010 development agreement requires the owners of Rose Prairie to make contributions toward traffic improvements at the intersections of Hyde Avenue and Bloomington Road and at Bloomington Road and Grand Avenue. Mr. Basmajian asked if this was proposed for the previous scale of 290 units. Mr. Diekmann reviewed the details of how this figure was determined.

MOTION: (Bowers/Ragaller) to accept Alternative #1, which states: that the Planning and Zoning Commission recommends that the City Council approve the request for rezoning from Agricultural (A) to Suburban Residential Low Density (FS-RL), Suburban Residential Medium Density (FS-RM), and Convenience General Services (CGS) as proposed by the rezoning request, supported by the findings of fact, and to adopt the included Master Plan.

MOTION PASSED: (4 - 2) (Nay: Basmajian, Minhas)

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## **PUBLIC HEARING FOR THE PRELIMINARY PLAT FOR 5871 ONTARIO STREET**

Justin Moore, Case Planner, stated that D&R Furman, LLC has submitted a proposal for a preliminary plat for 5871 Ontario Street (Birch Meadows Subdivision). He stated that this property was recently rezoned to Suburban Residential Low-Density (FS-RL) by the City Council with an approved master plan. Mr. Moore stated that the proposal is for the

development of 74 single-family homes. He stated that the developer is proposing the extension of four existing streets to the east, two new north-south streets through the development, and improvements on and along Ontario Street on the south side of the development. Mr. Moore stated that the improvements to Ontario Street would require the extension of the existing three lane section which currently comes to the east property line of the proposed subdivision. He reviewed several design elements that have been proposed. Mr. Moore stated that the total net developable area is just over 19 acres making the density of the site 3.78, which meets the required minimum density for FS-RL. He located the detention areas and outlots on a map. Mr. Moore stated that there is a floodway area along the west side of the property. He outlined the location of the water and sewer infrastructure. Mr. Moore stated that CyRide service is located at the intersection of California Avenue and Ontario Street. He stated that CyRide does not have any plans to extend their service area further west. Mr. Moore stated that there is a pedestrian access via sidewalk and shared use path to the current CyRide stop to the east.

Mr. Basmajian asked if the plan for Outlot C was for it to remain an open space or park. Mr. Moore stated that it has been proposed that Outlot C will remain an open space. He stated that the applicant has submitted a plan for street trees which does meet the City's standards. Mr. Moore stated that the developer has agreed to maintain some of the existing trees, particularly those located in the southern portion of the property. Mr. Basmajian asked if the private space would be privately held or turned over to the City. Mr. Diekmann stated that the City will not accept Outlot C for public purposes. He stated that it will be maintained by the homeowners' association.

Ms. Lee asked if the location of the creek precludes the extension of the streets to the west. Mr. Diekmann stated that because of the floodplain issues due to the creek and the location of the railroad tracks the decision was made, during the rezoning process, that there is no developable land to the west of this site that required a street extension.

Rich Fitch, 2734 Clayton Drive, stated that he is part owner of D&R Furman, LLC. He stated that they want to construct the same type of housing that they built east of this property.

Alicia Carlsborg, 1264 N. 500<sup>th</sup> Avenue, stated that she owns the property to the west of this property. She outlined her concerns about possible erosion, caused by heavy rainfall onto her property, during the grading process. Mr. Diekmann stated the City requires a storm water pollution prevention plan during grading activities. He stated that he would be happy to have a planner or the city engineer visit with her regarding the contents of the plan to control the erosion.

The Public Hearing was closed at 7:44 p.m.

MOTION: (Wannemuehler/Ragaller) to accept Alternative #1, which states: that the Planning and Zoning Commission recommends that the City Council approve the preliminary plat for Birch Meadows Subdivision.

MOTION PASSED: (6 - 0)

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**PUBLIC HEARING FOR THE AMENDMENT TO THE MASTER PLAN FOR 2617 BOBCAT DRIVE**

Kelly Diekmann, Director of Planning, stated that in order to proceed with the development of an interior outlot at 2617 Bobcat Drive, the master plan needs to be amended. Mr. Diekmann stated that at the time that this subdivision was approved the zoning on the north 16 acres was Suburban Residential Medium-Density (FS-RM) and the south portion was zoned Planned Residence Development (PRD). He stated that development of this site has been stretched out from the origination in the early 2000's to the present time. Mr. Diekmann stated that the types of uses are included in current Master Plans. He stated that in 2013 there was a higher level of information included in the Master Plan than what is currently required. Mr. Diekmann outlined several details of the approved Master Plan, one of which is that the Master Plan includes two outlots, Outlot A and Outlot B (for a total of 1.6 acres), that were included to meet the 10 percent mandatory open space requirement. He stated that the City will need to determine whether the open space requirement can be provided off-site. Mr. Diekmann stated that because the original Ringgenberg Subdivision included Outlot A the developer would like the City to consider that the open space, that is approximately one-quarter of a mile away along Cedar Lane, be used to satisfy the open space requirement for the Bobcat Drive project and for the single-family homes to the south. He stated in this development all of the developable lots have frontage on a public street. Mr. Diekmann stated that Bobcat Drive was named because of E911 addressing requirements. He stated that all of the access off of Bobcat Drive is internal. He stated that Bobcat Drive acts as an alley. Mr. Diekmann stated that the developer will need to show that they have interests for the maintenance of this facility as a private street, that it can be taken care of amongst all of the apartment owners in the Bobcat apartment area, how it would work for future property owners in the proposed project, how Bobcat Drive fits in with the layout and design of the subdivision and meets the City's interests, how development fronts upon a street, and how you provide for vehicle and pedestrian circulation. He stated that once those items are determined then the types of allowed uses can be determined.

Ms. Wannemuehler asked for clarification of the location and the purpose of the open space. Mr. Diekmann reviewed the location of the open space areas. He stated that open space is to provide usable areas for the enjoyment of residents in and around this area. Ms. Wannemuehler stated that she does not feel that the open space is currently being maintained properly. Mr. Diekmann stated that the current condition of the open space property does not meet the approved landscape plan. He stated that there is no specific required improvement. He stated that it is supposed to be graded with a grass cover. Ms. Wannemuehler asked about the storm water drainage in the area. Mr. Diekmann stated it is supposed to go to the detention area in the northeast corner of the property along Oakwood Drive.

Ms. Lee asked for clarification on requirements about what can be placed on outlots and the maintenance of the outlots. Mr. Diekmann stated that if a specific improvement has been required it would need to be in place. He stated that the developer does not have the outlots finished to the extent that is required. Ms. Lee asked about Outlot B. Mr. Diekmann stated that Outlot B is not compliant with the landscape plan. He stated that staff will speak to the property owner about becoming compliant with their landscape plan.

Ms. Minhas asked for clarification of the agreement regarding the open space. Mr. Diekmann stated they will need to show that they are a member of the homeowners' association with a legal right of usage with an obligation to contribute to its upkeep and maintenance.

Ms. Minhas asked for clarification, of various issues regarding road access, if it were allowed to become a private street. Mr. Diekmann stated that it already provides for fire access. He stated that the City does not maintain private streets. Mr. Diekmann stated that typically the City does not permit private streets outside of a planned development. He reviewed the approval process with the Commission. Ms. Minhas asked for clarification of the fire access. Mr. Diekmann stated

that a fire truck can currently navigate the private drive. Discussion was held regarding details of the private drive.

Ms. Wannemuehler asked for clarification of the building details. Mr. Moore outlined the proposed building configuration in this area. Mr. Diekmann clarified the design and the arrangement of the units in relationship to the private drive. He reviewed various details of the original master plan with the Commission.

Kurt Friedrich, Friedrich Companies, 100 6<sup>th</sup> Street, stated that they started construction of the improvements and apartments two years ago. He stated that this construction was completed last fall. Mr. Friedrich stated that the condominium apartments have a 100 percent occupancy rate. He stated that the three single family lots have houses that have either been built or in the process of being built. Mr. Friedrich stated that due to the fact that construction on the Village Cooperative was delayed, the contractor used the outlot as a storage area until this summer. He stated that the City has an obligation to construct the path along Cedar Lane, that has not yet been fulfilled, which would connect the areas that they have constructed. He stated that basically Bobcat Drive is being used as a private street. Mr. Friedrich stated that the access for all of the apartments is from Bobcat Drive. He reviewed additional highlights of this development. Mr. Friedrich stated that by amendment to the declarations Lots 9, 10, and 11 were added to the Ringgenberg Park Home Owners' Association, with all the rights and privileges, as will the units within this proposed project.

Ms. Wannemuehler asked if there were grass areas proposed in this development. Mr. Friedrich stated that they have a lot of grass areas throughout the proposed development. Mr. Diekmann stated that there is not a common amenity space in this area. Discussion was held on the common area within the development.

Ms. Lee asked if Lots 1-8 are included in the homeowner's association. Mr. Friedrich stated that they are not.

Ms. Lee asked about sidewalk connectivity and the barn and tall trees in the southwest corner of the property. Mr. Friedrich outlined the walkways in the area. He stated that the barn will be removed. Mr. Friedrich stated that they will try to preserve as many tall trees as possible.

Ray Ringgenberg, 2530 Oakwood Road, stated that he feels that the proposed lots are less than one acre lots. He stated that the plan that he has seen removes all of the trees that abut his property. Mr. Ringgenberg stated that there will not be a buffer between his property and the proposed development. He stated that there are cars parked along Bobcat Drive all of the time. Mr. Ringgenberg stated that it would make it difficult for emergency vehicles to travel along Bobcat Drive. He reviewed details of the land transaction between his family and the Friedrichs. Mr. Ringgenberg stated that Lots 1-7 have two-story buildings. He stated that the latest proposal will be very close to his property; and, it places three-story buildings behind his home. Mr. Ringgenberg outlined his concerns with the placement of three-story buildings near his property. He stated that those buildings should only be two-story buildings.

JoAnn Barton, 2531 Oakwood Road, stated that she owns the property across the street from this development. She outlined various concerns that she has with this proposal: she did not receive notice of this hearing, private drives allowed in this development, removal of green space next to the apartment buildings, a safety concern that part of the green space is a water area with children living in the area, and concern with the setbacks.

Troy Bigelow, 2531 Oakwood Road, stated that he recently purchased his home and took possession on October 4<sup>th</sup>. He stated that Friedrich Realty did not let them know that apartments would be constructed across the street. Mr. Bigelow stated that he did see the Public Hearing sign posted on the property across the street. He stated that he understands why he didn't receive the notice sent to the property owners since they recently took possession of their home. Mr. Bigelow outlined various concerns that he has: allowing a developer to modify a plan many times, being allowed to use off-site green space, use of a private street, and the rights of the surrounding property owners.

Kurt Friedrich stated that there is a separate homeowners' association for the Fourth Addition (Bobcat Drive). He said that all of the property owners of lots in the Fourth Addition pay dues to the homeowners' association to be used for the maintenance of the private drive and common areas. Mr. Friedrich reviewed the types of proposed housing planned for this development. He spoke about the amenities that could be included on Outlot B.

Public Hearing closed at 8:39 p.m.

Mr. Basmajian asked if Bobcat Drive could be made into a public street. Mr. Diekmann outlined the reasons why it cannot be made into a public street. Discussion was held on the number of private streets in the city and where they are located.

Ms. Minhas asked if the developer will need to bring a landscape plan to the Commission. Mr. Diekmann stated that they will submit a site layout and a landscape plan with their Major Site Development Plan. He stated that the Master Plan is for the entire 16 acre development. Ms. Minhas asked about the buffering requirements. Mr. Diekmann reviewed details of the minimum standard, the L3 screen. Ms. Wannemuehler stated that this would not help screen a three-story building. Mr. Diekmann stated that shrubs and trees at maturity, spaced 50 feet apart, would help.

Discussion was held regarding the note on the approved Master Plan that indicated that future development may be proposed on this outlot.

Ms. Lee stated this proposal does provide needed housing. She stated that it maximizes an area that is already surrounded by other housing. Ms. Lee stated that it feels like this is an attempt to squeeze buildings into an available space now rather than waiting to see if property becomes available to the north. She stated that the existing buildings are attractive; however, she has a concern with the proposed three-story buildings. Ms. Lee stated that she is concerned with the number of buildings in the area.

Mr. Basmajian asked if a motion could include a height restriction. Mr. Diekmann explained that the 2013 approved Master Plan limits the apartment building height to two-story and allows the Village Cooperative to be four-story. He stated that the proposed amendment to the Master Plan would allow the development of Outlot A with up to 18 units and allow up to three-story buildings.

Ms. Wannemuehler asked if the Commission could require additional buffering. Mr. Diekmann explained additional details about the requirement of additional buffering.

Mr. Ragaller asked about the noticing requirements. Mr. Diekmann stated that a 200' mailing notice was sent to the property owners of record and a sign was placed at Cedar Lane and Oakwood Road. Discussion was held as to why the neighbors across the street from this property did not receive a mailed notice regarding tonight's meeting.

Discussion was held about height, buffering, and setback requirements.

Mr. Basmajian stated that effectively this is an infill project. He stated that he feels that the addition of 18 units does seem reasonable.

Ms. Minhas stated that she would be comfortable limiting the buildings to two stories. She stated that she would like to see the buffering addressed during the site plan approval process.

MOTION: (Basmajian/Wannemuehler) to accept Alternative #2, which states: that the Planning and Zoning Commission recommends approval of the Master Plan Amendment for Ringgenberg Park Subdivision Bobcat Drive Apartments Outlot A, with the following conditions or modifications: that the buildings be limited to two stories in height subject to the resolution of open space and private street issues.

MOTION PASSED: (6 - 0)

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**PUBLIC HEARING FOR THE PRELIMINARY PLAT AND MAJOR SITE DEVELOPMENT PLAN FOR 2617 BOBCAT DRIVE**

Mr. Diekmann stated that because details have not been finalized prior to this meeting and the noticing had already been mailed, staff is asking the Commission to continue these two agenda items to a later meeting date. He stated that the earliest meeting date would be October 5, 2016. Mr. Diekmann stated that the City Council will not hear the Amendment to the Master Plan for 2617 Bobcat Drive until October 11, 2016. He stated that if the Commission continues the Public Hearings to a specific meeting date then additional noticing is not required.

Mr. Friedrich asked the Commission to consider hearing this proposal at its October 5, 2016 meeting. He stated that they are trying to be ready to break ground this fall and offer this product for sale next spring.

Discussion was held regarding the meeting date for these agenda items. The Commission asked if the October 5, 2016 meeting date would give the developer enough time to amend their proposal.

Ms. Minhas stated that she feels that it would make sense to continue the Public Hearings until after the City Council hears the Amendment to the Master Plan on October 11, 2016. She asked Mr. Friedrich if he would have time to update their plans by October 5, 2016.

Kurt Friedrich stated that he believes that the answer is yes.

MOTION: (Ragaller/Bowers) to continue the Public Hearings for the Item #9, the Preliminary Plat, and Item #10, the Major Site Development Plan, for 2617 Bobcat Drive to the October 5, 2016 Planning and Zoning Commission meeting.

MOTION PASSED: (6 - 0)



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**ZONING TEXT AMENDMENT FOR THE MAJOR SITE DEVELOPMENT PLAN AMENDMENT PROCESS**

Julie Gould, Case Planner, stated that the proposed text amendment would create a minor amendment process for Major Site Development Plans and Special Use Permits. She stated that at the July 12<sup>th</sup> City Council meeting the Council initiated this zoning text amendment to create a minor amendment process for Major Site Development Plans that would be the same as allowed for Planned Residence Developments (PRD). Ms. Gould stated that part of the PRD process is a Public Hearing for Rezoning that includes approval of a site plan. She stated that in this situation the Zoning Code (the Code) does allow for minor amendments to the site plan by staff. Ms. Gould stated there are instances when Major Site Development Plans come before the Commission and the Council separate from the PRD process. She stated that the Code does not currently allow for minor amendments to be made to those plans. Ms. Gould stated that minor amendments are small changes that staff can approve at their discretion that do not conflict with the zoning code and do not change the overall intent of the plan. She reviewed the current approval process for Special Use Permits and stated that this process also does not allow for minor changes. Ms. Gould stated that the second part of the amendment would also apply to the approval process for Special Use Permits. She stated that amended language that cites this text amendment would need to be added to the section for Special Use Permit approvals. Ms. Gould explained how this amendment would streamline the approval process.

Mr. Basmajian asked who initiated this request. Mr. Diekmann stated that it was at the request of the developer of the 3505 and 3515 Lincoln Way project at the beginning of this summer. He explained details of previous instances where this proposed amendment would have applied.

MOTION: (Basmajian/Bowers) to accept Alternative #1, which states: that the Planning and Zoning Commission recommends that the City Council adopt the proposed amendment to allow a minor amendment process for Major Site Development Plans (M-SDP) and site plans approved with Special Use Permits that is the same process as allowed in Section 29.1203(9).

MOTION PASSED: (6 - 0)

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COMMISSION COMMENTS: None

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STAFF COMMENTS: Staff reviewed the tentative agenda for the meeting of October 5, 2016. Mr. Diekmann stated that the Lincoln Way Corridor Plan and the 2700 Block of Lincoln Way project will be going to the City Council. He reviewed various details of the 321 State Avenue project. Mr. Diekmann stated that the rezone of several Ames Community School District properties may come before the Commission in the future.

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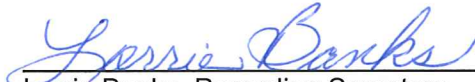
MOTION TO ADJOURN:

Yvonne Wannemuehler moved to adjourn. The meeting was adjourned at 9:28 P.M.



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Debra Lee, Chairperson  
Planning & Zoning Commission



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Lorrie Banks, Recording Secretary  
Department of Planning & Housing