

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

Date: May 3, 2017	Debra Lee, Chairperson	2018
	*Matt Converse, Vice Chairperson	2020
Call to Order: 7:00 PM	*Carlton Basmajian	2020
	Rob Bowers	2018
Place: Ames City Hall Council Chambers	Anuprit Minhas	2019
	Doug Ragaller	2019
Adjournment: 7:42 PM	Yvonne Wannemuehler	2018
	[*Absent]	

MAJOR TOPICS DISCUSSED:

1. Public Hearing for the Major Site Plan for 600 South Maple Avenue, Floodway Development of a Cell Tower
2. Public Hearing for the Major Site Plan for 5400 Mortensen Road Common Area
3. Public Hearing for a Zoning Text Amendment for Placement of a Portable Batch Plant

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 May 3, 2017.

MOTION PASSED: (5 - 0)

APPROVAL OF THE MINUTES OF THE MEETING OF APRIL 19, 2017:

MOTION: (Ragaller/Bowers) to approve the Minutes of the meeting of April 19, 2017.

MOTION PASSED: (5 - 0)

PUBLIC FORUM: There were no public comments.

ANNUAL REVIEW OF BY-LAWS

Charlie Kuester, Planner, stated they have included the existing By-Laws in the Commission packets and according to the By-laws they are to be reviewed every year. If the Board has any written changes those can be submitted today and they would be voted on at the next meeting. The Board did not have any recommended changes.

PUBLIC HEARING FOR A MAJOR SITE PLAN FOR 600 SOUTH MAPLE AVENUE, FLOODWAY DEVELOPMENT OF A CELL TOWER

Charlie Kuester, Planner, stated that Verizon Wireless is looking to build a cell tower on City land. In 2014 Verizon Wireless did obtain a lease from the City of Ames for the use of this site for a cell tower and in 2015 a special use permit for a cell tower, along with a conditional use

permit in the floodway as a portion of the site is in the FEMA designated floodway. He stated that with this approval they had one year to start constructing the cell tower but they had a delay obtaining federal approval because of the location and they sought a 30 day extension from the Zoning Board of Adjustment and after a couple extensions they still failed to start construction. Subsequent to their approval the City of Ames changed the regulations for development in the floodway, in the past you had to go to the Zoning Board of Adjustments for a conditional use permit in the floodway and under the current rules any development in the floodway requires a Major Site Development Plan which includes a recommendation from the Planning and Zoning Commission and then approval by Ames City Council. Verizon Wireless did go to the Zoning Board of Adjustments in April and was approved for a special use permit for the cell tower but the site plan still needs to be approved by City Council. Mr. Kuester mentioned he would like the Commission to look at the site in regards to the impacts on the floodway, and the mitigation efforts on those impacts. One of the criteria in a floodway development is the submittal of an environmental assessment. Verizon Wireless did submit their NEPA review and also an evaluation of the impact of the water surface level of a 100 year flood. Mr. Kuester presented a site map and explained how the cell tower will be constructed. He explained that the cell tower will have an elevated platform and steps going up to the cell tower which will be fenced in for security reasons. It is a typical cell tower, 121 feet tall accommodating three carriers. He then showed a map showing how the flood plain is being addressed, the platform is elevated about 13 feet above grade with 24 inch posts elevating the tower. There will be a generator on site that will be natural gas powered, the generator will be tested monthly. The site will be connected to the City electrical system. Mr. Kuester stated that a significant thing to look at would be the impacts to the flood plain, the area is within the designated flood plain of Squaw Creek. The base flood elevation is about 894.6, based on the flood insurance study that was adopted by the City in October 2014, the monopole and supporting equipment are oriented west to east for the least amount of resistance to the flow of water and because of the removal of trees this offsets the pillars and posts of the cell tower. Based on the environmental assessment and the no rise certificate that was provided, Staff feels it does meet the standards, Staff did route this request to the development review committee and based on this review Staff is recommending approval of the Major Site Plan.

Ms. Minhas asked if there is tree mitigation ordinance in the City, Mr. Kuester stated there was not. He mentioned that this is City Park land and they met with the consultant and specifically identified which trees had to remain and which ones could be cut. She asked if the City could ask for tree mitigation from Verizon Wireless. Mr. Kuester stated it was not part of the lease and maybe could have during the leasing contract talks but that never occurred. Ms. Minhas stated that if the Board is recommending Alternative #1 to add in the verbiage that it be built in accordance with the Cities flood plain recommendations.

Ms. Lee stated she was curious as to what the level was in this area in 2010. Mr. Kuester stated that they did look at the Stadium view apartments as they did a special flood study to look at what a 500 year flood event would look like and this matched the 2010 flood. He stated that the 2010 flood was about 3 feet above the existing base flood elevation. Ms. Lee stated she assumes the engineers that the pillars can withstand the hydraulic forces of the water if it did flood. Mr. Kuester stated that it is and the trees in the area will also help.

Rob Viera, with Buell Consulting for Verizon Wireless came up to the lectern stating he doesn't have anything to add to Mr. Kuester's report except that they are ready to go and there is a great need for the cell tower to improve coverage. Ms. Wannemuehler asked if this cell tower would replace the temporary one that is put up every year, Mr. Viera stated it is.

MOTION: (Minhas/Wannemuehler) to accept Alternative #1, which states: the Planning and Zoning Commission can recommend that the City Council approve the Major Site Development Plan Amendment for the proposed cell tower at 600 South Maple Avenue so long as it is built in accordance to the Cities Flood Plain Ordinance.

MOTION PASSED: (5- 0)

Mr. Kuester stated that this item is tentatively on the City Council agenda for May 23 and noticing will be provided to abutting neighbors.

PUBLIC HEARING FOR A MAJOR SITE PLAN FOR 5400 MORTENEN ROAD COMMON AREA

Justin Moore, Planner, stated this Major Site plan application is for the outlot in the Crane Farm Subdivision First Addition. This particular Major Site plan is a requirement of the Major Site plan that was approved on the property to the immediate East for the apartment development last year. It serves two purposes, the first is part of the Standard 10% FS-RM open space requirement as well as the usable open space requirements for the apartments to the east. The lot is a little over 1.3 acres in size and the applicant is GW Landholdings, LLC. Mr. Moore presented a plan on the overhead showing the proposed features on the site. They are proposing two areas for a dog park along the north side, to the west they are suggesting a volleyball court, a concrete walkway around the northern part of the site with a sidewalk connecting to the Mortensen Heights apartments, to the south there is a storm water detention feature as a pond that will have a 5 foot wide gravel walking trail around it, and to the far southwest there is a proposed basketball court to be installed at a later time. The Major Site Plan was required to be submitted and approved before any occupancy of the apartment buildings. He stated that the Common area will serve both apartment sites and Staff is recommending approval with Alternative 1.

Ms. Minhas asked about Attachment B indicates that the path is to be installed by "others" and wanted to know who the "others" would be. Mr. Moore stated the shared use path along the north side that will run along Mortensen road and the developer will be grading this for the eventual installation of the path however in the developer agreement for the Crane Farm Subdivision it was agreed that the City would install the actual path.

Ms. Minhas asked if the dog park is going to be available for use for others outside of the apartment complex. Mr. Moore stated he will have the developer answer this question as the primary concern was to fill the requirements for the open space but it is not being taken on by the City, it would not be a public park and would be private. Ms. Minhas wanted to know how many dog parks the City currently has. Mr. Moore stated he is not sure at this time and the Parks and Recreation department would know the answer to this.

Alex Galyon, GW Land Holdings, LLC came up to the lectern stating they are trying to do something a little different. They do allow pets in their apartments and one of the features they try to differentiate their apartments. He mentioned that they build high end apartments but want their tenants to be able to have pets and if they are responsible pet owners they should have a place for their animals. Mr. Galyon stated in regards to having the dog park open to the public they will take it under advisement as making it private leaves them in control over the use in regards to rabies, fleas, and maintenance. They would be open to having a conversation with the City going forward about opening their dog park to the public. Ms. Minhas asked if there would be any sound issues. Mr. Galyon stated that the walking path is a public path and there is no lights so this should cut down on any sound as would only be used to daylight hours. He

stated that he can assure through leases that their tenants have the proper vaccinations and follow the rules however with the general public it makes it a little more difficult but may be able to do some signage. Ms. Lee stated that the dog park is an unusual amenity and motivated to propose this as it has some marketing value. Mr. Galyon stated they do as people love their pets and you can see that by looking around in the community and want to add something of value that would hopefully attract a good clientele.

MOTION: (Ragaller/Bowers) to accept Alternative #1, which states: the Planning and Zoning Commission can recommend that the City Council approve the Major Site Plan for the proposed landscaped common with the requirements to provide for walk paths, trails, outdoor recreation facilities, and open area as shown in the attachments and with the condition that improvements are substantially complete and landscaping installed prior to occupancy of the final apartment building of Mortensen Heights or November 1st, whichever occurs first.

MOTION PASSED: (5 - 0)

PUBLIC HEARING FOR A ZONING TEXT AMENDMENT FOR PLACEMENT OF A PORTABLE BATCH PLANT

Charlie Kuester, Planner, summarized this site's use as a temporary batch plant location in 2011. Staff wrote up a text amendment to allow them to locate there, however Manatt's had completed the project and was off the site in 2011 before a special use permit could be acted upon. Now when reviewing the text amendment staff noted that a strict reading of that amendment would not allow the use of this site as intended as the site was less than 500 feet from a "residential use." saw some errors that were made, the intent was to allow the temporary concrete asphalt batch plants if they were more than 500 feet from a residential use and then 250 feet from a commercial use. Residential use consists of three types, household living, group living, and short term lodging so the hotels that are on Highway 30 are residential uses and not more than 500 feet from this particular site. Staff is seeking to change the language to make it clear that they have to be 500 feet from group living and household living but also short term lodging to the 250 foot minimum separation.

Mr. Bowers asked to make one clarification as he believes City Council did ask Staff to reach out to hotels. Mr. Kuester stated they don't believe they were contacted prior to this meeting but they were notified of the upcoming City Council meetings on May 9, 2017 as well as the proposed Zoning Board of Adjustment meeting on May 10.

Ms. Lee stated that even with approval of this text amendment any future requests would require a special use permit. Mr. Kuester stated that is correct.

MOTION: (Bowers/Wannemuehler) to accept Alternative #1, which states: the Planning and Zoning Commission can recommend that the City Council approve a text amendment for 250-foot minimum separation requirements from Short Term Lodging for Temporary Batch Plants.

MOTION PASSED: (5 - 0)

COMMISSION COMMENTS: None.

STAFF COMMENTS: Mr. Kuester stated that tentative agenda for the next meeting is mostly covers the Trinitas and tomorrow is the National Planning Conference in New York City.

MOTION TO ADJOURN:

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

The meeting adjourned at 7:42 PM.



Debra Lee, Chairperson
Planning & Zoning Commission



Amy L. Colwell, Recording Secretary
Department of Planning & Housing