

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

Date: June 21, 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: 8:04 PM	Yvonne Wannemuehler	2018
	[*Absent]	

**MAJOR TOPICS DISCUSSED:**

1. Public Hearing for Rezone from Planned Residence District (F-PRD) to Community Commercial/Residential Node (CCR) with a Master Plan for 1114 South Dakota Avenue
2. Public Hearing for the Proposed Barilla Urban Renewal Area and Tax Increment Financing District
3. Public Hearing for Zoning Text Amendments Revising Appeals and Creating New Parking Lot Landscaping Exceptions

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CALL TO ORDER: Matt Converse, Vice Chairperson, called the meeting to order at 7:00 PM.

**APPROVAL OF AGENDA:**

MOTION: (Wannemuehler/Bowers) to approve the Agenda for the meeting of June 21, 2017.

MOTION PASSED: (6 - 0)

**APPROVAL OF THE MINUTES OF THE MEETING OF MAY 17, 2017:**

MOTION: (Ragaller/Minhas) to approve the Minutes of the meeting of May 17, 2017.

MOTION PASSED: (6 - 0)

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PUBLIC FORUM: There were no public comments.

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**PUBLIC HEARING FOR REZONE WITH MASTER PLAN FOR 1114 SOUTH DAKOTA AVENUE**

Julie Gould, Planner, stated that this is a Rezoning request from a Planned Residential District (F-PRD) to a Community Commercial/Residential Node (CCR) with a Master Plan at 1114 South Dakota Avenue. The property is located at the northeast corner of Mortensen and South Dakota. She presented a map highlighting the properties in the area and what the current zoning is for each one. The parcel in question is currently developed as a church. She mentioned the original Planned Residential District was approved back in 1974 and it was five buildings with six units each and the church was built in 1987.

Ms. Gould stated that the applicant is proposing to change the zoning to CCR allowing the most western portion of the site to be an office and amenity space for their existing properties. The applicant is also requesting the approval of future phases to change the area to more commercial, possibly residential or even a hotel development. Ms. Gould mentioned that City Council can require a Master Plan submittal with a Rezoning and when Staff previously met with the applicant they asked them if they would consider submitting a Master Plan but nothing was definite. She stated because nothing has been decided that is why there are multiple options in the packet that was provided.

In 1997 when the Land Use Plan was created there was an addition of a Convenience Commercial Node (CCN) to spur development of the area. The CCN and the Land Use Policy Plan is defined to include between 40 and 75 acres of commercial development and approximately 100,000 to 800,000 gross square feet of commercial development. Ms. Gould stated that they did a quick calculation of the acreages that are zoned and it is currently at 57 acres. The CCR zoning is to serve the purpose of providing a mixed-use development and the code defines the mixed-use development in the CCR district as there is not to be standalone residential if residential exists then it must be above the ground lot floor and only up to two stories. Ms. Gould showed three different options that the applicant came up with, option one was to have the land just be commercial only, which is allowed and could include a hotel as this is allowed in the CCR zoning district, the second option is two floors of apartments above a commercial site and the third option is two commercial pad sites. She stated that a Site Plan was not done and if the rezoning was approved then one would be needed and any required screening or setbacks would not be looked at until later.

Ms. Gould stated that the Master Plan would be approved with the Rezoning by the City Council. The Master Plan would limit redevelopment of the site to include a maximum of 38,000 square feet of commercial use, maximum of 24 household living apartments with commercial uses below, not to exceed two bedrooms per unit, and in lieu of household living, development of a hotel with up to 104 guest rooms. She stated that Staff is recommending approval of the Rezoning with those criteria for the Master Plan that would limit the redevelopment of the site, even though it is not zoned RH one of options does include apartments. Staff did use the RH matrix that defines how compatible apartments are for an area. This area rated well on the matrix.

Mr. Diekmann, Planning Director, stated he wanted to clarify the recommendation as normally you don't see Commercial Rezoning's with a Master Plan. He stated that it was at the request of the Planning Staff to deal with it now instead of later, the applicant proposed the different scenarios for Staff, ultimately if approved by City Council it needs to be one cohesive set of expectations and that is why they took the maximum development as described in the packet to make Alternative #1. Staff is looking for a recommendation from the Commission as to what type of uses would be permitted on the site.

Mr. Basmajian wanted to clarify that the 38,000 commercial use would not include the apartments. Mr. Diekmann stated that is correct as apartments don't count as commercial. Mr. Basmajian asked if all the site plan scenarios are just imagined and not a sequence in chronology. Ms. Gould stated that these are just options that they are considering. Mr. Diekmann stated they are just defining the envelope of use and not defining any specific arrangement on the site.

Dickson Jensen, 4611 Mortensen Avenue, stating he wanted to give a little history into what is being requested. He explained that the Church came up for sale over a year ago, he purchased

it and has since looked at various uses for the property. Mr. Jensen stated they own and operate other properties in Ames on the West side of town as that is where their office is. He explained that he spoke with Planning Staff to see what they recommended for use of this property and was told it was a Community Commercial Node so either zone it as CCN or CCR. Mr. Jensen stated he then put in the request to rezone the property as CCR to give them a little more freedom to have residential housing above the commercial property and he was then asked by Planning Staff to provide some concepts as to what they may do. He told Staff that he was not sure what they were going to do but was thinking of putting an office on the corner and would like to market the property to see what type of commercial use there is however; he is unable to market it as a Church. Mr. Jensen stated that he didn't read the report until about an hour ago and he was unaware of the maximums for Alternative 1 as this is the first time he has seen it. He mentioned that he is not sure where the 24 units came from as that is not even the number they had in their drawing as their drawing had 46. Mr. Jensen stated he would like it rezoned to CCR. He asked the Commission to consider Alternative 2 that recommends that the City Council approve the request for rezoning from F-PRD-Planned Residence District to CCR-Community Commercial/Residential with no Master Plan. He stated that the Master Plan that is in front of the board is just some rough ideas as the only communication he had with Planning Staff was a few emails and they sent their ideas not knowing they were going to be stuck with a Master Plan and some limits.

Ms. Minhas stated that one of the items Mr. Jensen was considering on the site was an amenities space or park for community use, would it be for public use or private? Mr. Jensen stated he didn't want to commit to anything, he is thinking of designing an office space with some amenities in there such as a fitness center, community center, or a pool for their tenants to go to, but nothing is set in stone yet. He stated he is only asking for whatever is allowable by law in a CCR zone.

Brad Dell, 906 South Dakota Avenue, President of Willow Creek Estates Home Owners Association stated he is here tonight representing the Willow Creek Estates Board of Directors as well as the homeowners. He stated they have reviewed the Commission Action Form and the Willow Creek Estates located at 700 and 900 South Dakota Avenue is located directly north of the property in question. This area has been owner occupied condominium complex since 1979 and in the past 15 year's apartment and commercial businesses have grown in the area and in recent years condominiums have been a highly sought after property. Mr. Dell stated that they have done numerous improvements to the property over the past ten years including a new roof, landscaping, and recently new siding. The property in question was sold from Willow Creek Estates to the Willow Creek Church with the understanding the property would stay zoned as low density. Mr. Dell mentioned that they are concerned that the rezoning and planned development of the property will have a negative impact on their property values as well as the privacy of the homeowner's and therefore are opposed to the rezoning. He noted that one significant issue that has come up is that the majority of their residences did not receive the City's mailed notification. Mr. Dell stated that as a condominium complex each homeowner owns a percentage of the overall land and notification letters were sent to the 18 units on the 900 block but not the 24 units on the 700 block and they should have been notified as well. Mr. Dell asked that the Commission postpone their decision until the homeowners on the 700 block have been notified and have the opportunity to weigh in on the rezoning request. A petition in opposition to the rezoning was sent out to the 18 units on the 900 block and 26 people have already signed the petition opposing the rezoning and planned development. Mr. Dell stated that the Willow Creek Estates first and foremost request is that the Commission deny the rezoning request however; if the ruling of the Commission is to move forward then they request the following accommodations be considered:

1. Would the Commission have a time table for how long the property will remain in Phase one of the development that was indicated in the action plan. Is there a time period as to how long it would remain a park?
2. Would the Commission stipulate that a public hearing for community input be required if the developer decides to begin any of the Phase two options that are listed in the action plan.
3. Willow Creek Estates sees the proposed hotel to be the least desirable of the Phase two outcomes and request that this option be removed.
4. Would the Commission be willing to add additional stipulations to the plan to provide the privacy of homeowners of Willow Creek Estates by requiring the developer to install a privacy and/or additional landscaping along the border of their property?
5. Will the developer do anything to deter uses from the Private Park or pool from traversing onto their property.

Mr. Dell stated they are not trying to be difficult neighbors but as the only owner occupied units in the surrounding area they wish to protect their privacy and property values. He stated he has a copy of the petition if anyone would like to see it.

Ms. Wannemuehler asked Planning Staff how they came up with the numbers. Ms. Gould stated that she read the site map incorrectly as she thought it was two floors with 12 units and the site plan does show 46 units total. She stated that the maximum commercial area came from looking at the proposed square footage of each proposed site plan and it was rounded up. Mr. Diekmann stated that staff is recommending that a Master Plan be included and brought that up to the applicant at the outset and staffs expectations is the CCR zone has quite a variety of choices in it and it is appropriate to narrow down what the choices may be. Staff would only recommend rezoning the property if it is CCR with a Master Plan that defines the envelope of use, if you were to rezone it to CCN where you do not allow for apartments then staff would not necessarily recommend a Master Plan. He stated they do not use CCR frequently in the city as there have only been two other sites that have been developed with this type of zoning. Mr. Basmajian asked for further clarification on the number of units. Mr. Diekmann stated that was an error and Mr. Jensen was correct in stating it should read 46 units total. Mr. Basmajian asked if there was a maximum residential density for a CCR. Mr. Diekmann stated there is not as it relies on the three story height limit and a 75% floor area ratio (FAR) allowance.

Mr. Basmajian asked if there was a clarification about the notice mailings that needs to be made. Ms. Gould stated that the noticing is based on distance and probably didn't reach the 700 block but she will re-check it. Mr. Diekmann stated that if this rezoning moves forward it would be re-noticed before going to Council and they will make sure that all Willow Creek Condominiums get notifications. Ms. Wannemuehler questioned that if this was approved and went to Council would there be more notification as Mr. Dell had asked for a public hearing. Mr. Diekmann stated that the way CCR is constructed is that any development on the site is reviewed only by Staff there is not another public review hearing.

Ms. Minhas asked if the Master Plan was mandatory. Mr. Diekmann stated that it is optional for commercial development and City Council may require a Master Plan to be submitted and that is why Staff asked for one up front as the extra plan was appropriate for this site. Ms. Minhas asked how much detail is required. Mr. Diekmann stated that residential is more defined while commercial is more open and not mandatory.

Dickson Jensen came back up to the lectern stating that if it makes it easier by going to a CCN with no master plan then he would be fine with that as well. Mr. Diekmann did note that in a CCN no residential would be allowed, Mr. Jensen stated that he understands. Ms. Minhas asked if the applicant is changing it to CCN instead of CCR would that require public notice

again. Mr. Diekmann stated it is going to get noticed before going to Council but it depends on what the recommendation of the Commission is. Ms. Minhas stated that the last notices went out as rezoning to CCR. Mr. Diekmann stated that with the node you can pick CCN or CCR as they are both eligible, in this case the CCN is more restrictive. Mr. Basmajian asked how different the CCN requirements for square footage limits are. Mr. Dell came back up to the lectern wanting to know the same question since they did not research what a CCN all entails. Mr. Diekmann stated that the CCN allows for hotels, offices, and trade uses. The development standards have the same FAR allowance, same maximum building square footage allowance, less setback up against the streets, and allows for the same height. CCN is very similar but allows for buildings to be closer to the street than CCR. Mr. Diekmann stated that the default landscaping is a requirement to set up a high screen landscape buffer or the developer can substitute a six foot fence along with some landscaping. Mr. Dell stated that even though the petition was sent around about CCR he is certain that the residents that signed the petition would also be against the CCN rezoning and would request the same considerations as he stated earlier. Mr. Diekmann stated that they could re-notice this for the July 5, 2017 meeting if there is concern about the noticing or from changing the zoning from a CCR to a CCN. Mr. Basmajian stated that he has a concern about the noticing and the change from CCR to CCN and from a procedural standpoint this should be tabled so everyone who owns property could have a chance to come to the public hearing and with the mid-meeting change of request that would warrant tabling this request as well. Dickson Jensen stated he is fine with waiting until the July 5, 2017 meeting for further discussion as he is fine with the CCR or CCN zoning.

MOTION: (Bowers/Ragaller) to accept Alternative #4, which states: that the Planning and Zoning Commission can defer action on this request and refer it back to City Staff and/or the applicant for additional information.

MOTION PASSED: (6 - 0)

Mr. Diekmann

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## **PUBLIC HEARING FOR THE PROPOSED BARILLA URBAN RENEWAL AREA AND TAX INCREMENT FINANCING DISTRICT**

Charlie Kuester, Planner, stated that Barilla America at 3303 and 3311 East Lincoln Way is seeking designation as an Urban Renewal Area. Barilla is proposing a 64 million dollar expansion, which would include the addition of two production lines, additional silos, and other improvements including a rail line spur addition. City Council directed Planning Staff to prepare an Urban Renewal Plan for consideration for a tax incentive for the development, the Iowa code lays out a process for the approval of an Urban Renewal Plan and one of which is bringing it to the local Planning and Zoning Commission for determination as to its consistency with the cities Land Use Policy Plan. Mr. Kuester included a copy of the Land Use Policy Plan in the Commission packet and in his report shows that this site is consistent with the Land Use Policy Plan. The project supports the continued job creation and employment opportunities to support a population base of up to 73,000 people, the project supports increased employment and industrial development and intensifies an existing industrial area, it supports the expansion of the local economy and also located in an area designated Planned Industrial on the Land Use Policy Plan Future Land Use Map. The recommendation of the Staff is to make a determination of the proposed Urban Renewal Plan is consistent with the Land use Policy Plan.

Ms. Wannemuehler wanted to know if the City was to come up with the 64 million dollars. Mr. Kuester stated that the 64 million is the investment from Barilla as part of a state tax incentive, they are proposing creating 41 new jobs and creating an incremental increase in tax evaluation

of about 16 million dollars. Ms. Wannemuehler wanted to clarify that with the tax incentive would that mean Barilla wouldn't have to pay a certain amount of taxes for a few years. Mr. Kuester stated that the way it is structured is that the City will offer a tax rebate of up to 3 million dollars or 10 years whichever comes first, the rebate is only on the increased value of the property and will still have to pay their full taxes on the existing property.

Ms. Minhas wanted to know if Barilla was given any incentives before and if it was still in effect. Mr. Diekmann stated that if they ever had an incentive they are no longer getting one from the City. Mr. Basmajian asked when Barilla was constructed. Mr. Kuester stated he believes the site plan was approved in 1997 and production began in 1998 or 1999. Mr. Diekmann stated what the Commission is asked to do is determine that the Urban Renewal Plan which is facilitating economic development is consistent with the City's Land Use Policy Plan for development on this site.

MOTION: (Basmajian/Bowers) to accept Alternative #1, which states: that the Planning & Zoning Commission can make a determination that the proposed Urban Renewal Plan is consistent with the Land Use Policy Plan.

MOTION PASSED: (6 - 0)

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## **PUBLIC HEARING FOR THE ZONING TEXT AMENDMENTS REVISING APPEALS AND CREATING NEW PARKING LOT LANDSCAPING EXCEPTIONS**

Kelly Diekmann, Planning Director, stated the Commission spent a lot of time in the spring adopting landscape standards and he is happy to report that they should be in effect after the next Council meeting. He stated that what he told the City Council when they did the first reading on the ordinance in May that there were some administrative regulations that needed to be addressed in more detail. Mr. Diekmann stated the Commission was told in general that this was going to happen but wanted to bring it back to the Commission with the specifics so they could make a recommendation.

The first one is a change to the appeal process to the Zoning Board of Adjustment. State statute authorizes that anytime an administrative decision is made there has to be a right of appeal to the Zoning Board of Adjustment, this is currently in the code but it is a little unclear what decision means as the word decision is used in one place and then aggrieved in another. Mr. Diekmann would like to clarify what the appeal route is for Site Development Plan approvals or denials, currently there is nothing in place if the Planning Director denied a Site Plan as to what should be done, it is presumed that you would take it to the Zoning Board of Adjustment, but it doesn't state that anywhere.

In the Landscape Ordinance there are over a dozen parts of the Landscape Standards that give discretion to the Planning Director to provide alternative compliance. He stated what they would like to ensure is that on every project they are not bogged down by discussions of how much latitude was or was not exercised. He would like to define that if a project was approved you can't appeal the intermediate decision by the Planning Director however; if he denies the project they have a right to appeal. Mr. Diekmann would like the minor discretionary choices by the Planning Director to be non-appealable and only the final plan decision.

He stated that during this process they were looking for a little more flexibility for developers and are proposing that two minor exceptions be created. If they are not created then the only way to comply would be through a variance and currently with the way we look at variances with the state statute you would never be able to justify a variance with the type of circumstances they

are trying to capture in the exceptions. Staff believes landscaping merit these exceptions processes that don't raise to the level of a variance. The two exceptions are:

1. Reduce the three-foot setback for a parking lot from a property line, but would need to show that there is a reason why and they are not impairing the use of the adjacent property.
2. Limited to the CSC and DSC zoning districts, exception to parking lot landscape percentage.

Mr. Diekmann stated Staff is looking for recommendations to adopt on all three text amendments.

MOTION: (Bowers/Ragaller) to accept Alternative #1, which states: that the Planning & Zoning Commission can recommend to City Council that the proposed new language governing appeals and exceptions for minor site development plans relating to new landscape standards be approved.

MOTION PASSED: (6 - 0)

Mr. Diekmann stated a couple more things may be coming back to the Commission as they want to update the inspection process as well. He stated they are hosting an Engineer, Architect, and Designer breakfast next week to roll out the new landscape standards and see how many questions they are going to get.

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COMMISSION COMMENTS: Mr. Basmajian asked if Mr. Diekmann could discuss the Affordable Housing.

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STAFF COMMENTS: Mr. Diekmann stated that at the City Council meeting last week they provided an update to the 321 State Avenue project, which is 10 acres of land that was purchased with CDBG funds for the purpose of constructing affordable housing. They did get one proposal back for all single-family detached homes and the major issue was there was a gap in the request by the developer for assistance versus what the City would offer. City Council's direction was to go back to the developer and work on revising their proposals which would mean reducing the scale of the development and eliminate some of the infrastructure costs to help close the gap. The original proposal had about 48 housing units and they are expecting it to come down to about 40 houses but will eliminate about \$200,000 cost in the project. He stated staff hopes to report back in July that they are going to get to a development agreement to proceed further. Commission should eventually see a Preliminary Plat for this development. Mr. Diekmann stated that 60% of the homes will be set aside for qualified low to moderate income households. Mr. Basmajian asked if the affordability threshold been established and is it going to be 80/60. Mr. Diekmann stated that anything below 80 would be a qualified household and the sale prices are determined by who the household is, larger households can pay more and these details will still have to be worked out.


Mr. Diekmann is going to kick off a Comprehensive Plan Update process with the City of Ames later this year and will be setting up a workshop maybe sometime in August and the Commission will be invited to attend with the City Council. They would be reviewing background information as to the types of plans, give references, try to get to the approach, and style of the RFP and then hire a consultant.

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MOTION TO ADJOURN:

MOTION: (Wannemuehler/none) to adjourn the meeting.

The meeting adjourned at 8:04 PM.

  
Matt Converse, Vice Chairperson  
Planning & Zoning Commission

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