

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

Date: March 21, 2018	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: 8:15 PM	Yvonne Wannemuehler	2018
	[*Absent]	

**MAJOR TOPICS DISCUSSED:**

1. Zoning Text Amendment for Temporary Deferral Demolition & Development Overlay
  2. Rezone of Properties to Temporary Deferral Demolition & Development Overlay in proposed Downtown Gateway Commercial Area
  3. Discussion of Rental Occupancy Standards from City Council
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**CALL TO ORDER:** Debra Lee, Chairperson, called the meeting to order at 7:00 PM.

**APPROVAL OF AGENDA:**

**MOTION:** (Wannemuehler/Converse) to approve the Agenda for the meeting of March 21, 2018.

**MOTION PASSED:** (6 - 0)

**APPROVAL OF THE MINUTES OF THE MEETING OF MARCH 7, 2018:**

**MOTION:** (Bowers/Wannemuehler) to approve the Minutes of the meeting of March 7, 2018.

**MOTION PASSED:** (6 - 0)

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

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**ZONING TEXT AMENDMENT FOR TEMPORARY DEFERRAL DEMOLITION & DEVELOPMENT OVERLAY**

Kelly Diekmann, Director of Planning and Housing, stated that the current zoning overlay language that is in the Municipal Code was written in 2004 and specific to that time period and ended in January 2005. In order to use the moratorium tool they need to edit the content and the date specific nature be removed. He noted that the intent has not changed since it was structured in 2004 but they want to be clear that since it is a Zoning Ordinance overlay that the approval process requires site development plans for commercial plans along with building and zoning permits.

The Commission wanted to verify that there were only three language changes and last time this was used was over ten years ago.

MOTION: (Bowers/Wannemuehler) to accept Alternative #1, which states: that the Planning and Zoning Commission can recommend that the City Council adopt the proposed amendments to the Temporary Deferral on Demolition and Development Overlay.

MOTION PASSED: (6 - 0)

Mr. Diekmann stated this item will be going to City Council on March 27, 2018

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### **REZONE OF PROPERTIES TO TEMPORARY DEFERRAL DEMOLITION & DEVELOPMENT OVERLAY IN PROPOSED DOWNTOWN GATEWAY COMMERCIAL AREA**

Kelly Diekmann, Director of Planning and Housing, stated that the Planning and Zoning Commission has had two previous discussions regarding the general area that is being discussed. He noted that during one of the previous meetings they recommended to City Council the approval of the new zoning district that would change the development standards and allowed uses and that a number of nonconforming uses would occur. City Council reviewed the request and did not approve the zoning district and directed staff come back with three things.

One would be to inventory the property and building conditions in the area to identify what the obvious nonconformities would be. Second would be to provide a better explanation as to what would happen if someone is nonconforming as a use or structure and what that would mean to the property for future use. The third item would be to prepare a moratorium for the area, the concern was because there are some differences from what the planned vision is for the area and the types of uses that are permitted in the HOC zone versus what might be prohibited or limited in the proposed zoning. The ramifications of the overlay would be that a property owner would not be able to seek a building permit to demolish an existing structure or have a Site Development Plan approved to construct or expand the existing structure, it will not prevent property owners from remodeling internally.

Staff is recommending that the moratorium begin in April when staff presents this to City Council and then on July 2, 2018 the moratorium would expire and if no further action is needed then the overlay would expire on July 2, 2018.

Mr. Diekmann presented a map as to what area the moratorium would be applied.

Ms. Wannemuehler asked if there is anyone that is in the process of wanting to expand. Mr. Diekmann stated they have not received any Site Plans at this time but building permits could have been pulled for interior remodels.

Ms. Minhas asked what the timeline would be for a site plan to be reviewed and approved after the moratorium ends. Mr. Diekmann stated it would depend on the project size however, if it was a smaller to medium project it could get approval in the summer and could start building in the fall. Mr. Converse stated that if someone wanted to do something soon most clients wouldn't want to start as they would want to wait until the moratorium ends to hire a design service and by that time they do hire someone they are already behind about four months in order to start construction in the fall.

Mr. Bowers asked if one of the owners in this area had a fire and it ruined at least 80% of the building would they be able to rebuild during the moratorium. Mr. Diekmann stated that the moratorium would restrict any building permits, however if you have a nonconforming use, you would have at least a year to re-establish before they consider it abandoned. A discussion was had regarding timeline if something happened to a property within this area during the moratorium.

Tim Grandon, 2851 Monroe Drive, stated that they have a couple concerns as there is basically independent business owners in this area who all have a vested interest in their business. He understands there will be some change and questioned what would happen if the moratorium does not go through. He recommended enacting the moratorium to give staff and business owner's time to come up with solutions regarding new zoning.

Bob Goodwin, 311 Lincoln Way, has had his law office in this location since 1981. He voiced concerns over the March 6, 2018 City Council Meeting as the new zoning request took him and a lot of the business owners by surprise to make 70% of the area nonconforming. This would affect their ability to sell their property because the city wants to have the property go to a developer. He is in favor of the moratorium and would like to see the HOC zoning remain. He felt the moratorium would give the business owners more time to get into a better position to fully understand what is going on and to present their case to City Council.

Laura Cram, 203 Kellogg Avenue, stated that there is a lot of misinformation about the proposal to rezone the Downtown Gateway plan. She stated in the Lincoln Way Corridor plan it looked like there was going to be opportunities for new development however less than one month later they received a letter about the rezoning going to City Council. She stated that the businesses are on Highway 69 and should remain as Highway Oriented and wondered if the Department of Transportation was involved in the process. Ms. Cram then voiced several concerns about needing State approval along the highway, visibility, set-backs, encroachments, and reduced right of ways. She questioned why there needed to be a rezone as the current zoning is similar to what is being proposed, the only difference is the new rezone doesn't allow apartments. Ms. Cram noted that if the rezoning goes through many of the owners would have properties with depreciated values due to nonconformities, limited markets to sell to, and nowhere to move their businesses to in Ames. She asked for more time for the property owners, business owners, taxpayers, and city officials to get more information to make an educated decision.

Susan Harris, 335, 327, 401 Lincoln Way and 328 Gilchrist for Harris TV & Appliance. She stated they have been working with developers to sell their properties and they thought they were conforming to what the city was looking for in the Lincoln Way Corridor. Ms. Harris noted that the city has been talking about this change for the past two years and wanted to know where all these people were during the past two years and they have been watching and keeping up to date and all of a sudden everyone is coming from. She would love to see the City of Ames have a renewed look and would like the Commission to consider the business owners that already have something in the works.

Brad Perkins, live outside of Ames, but works at Iowa State University and has spent his life since around 1992 in Ames. He frequently visits these businesses in the area and he is considering opening his own small business in Ames and can see how hard it is to do that. He would like to see that any new rules respect the businesses that are already there. He feels that as a community that we should be supporting small businesses. Mr. Perkins is in favor of the moratorium to give more time to the business owners to get more information.

Mr. Bowers stated that a lot of what they heard tonight is to support the moratorium so that council can take some time and do what is best.

MOTION: (Converse/Bowers) to accept Alternative #1, which states: that the Planning and Zoning Commission can recommend approval of the proposed rezoning for Temporary Deferral on Demolition and Development Overlay as a temporary moratorium on the subject properties within the proposed Downtown Gateway Commercial Area as shown within Attachment 1.

MOTION PASSED: (6 - 0)

Mr. Diekmann noted this will be going to City Council on March 27, 2018. Ms. Minhas asked if there is going to be more meetings with the local businesses. Mr. Diekmann stated that he is unsure at this time as he still has to get more information together for City Council, which will be sometime in April.

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#### **DISCUSSION OF RENTAL OCCUPANCY STANDARDS FROM CITY COUNCIL**

Kelly Diekmann, Director of Planning and Housing, gave the Commission an overview of what has already been done with rental occupancy standards since February and discussed the upcoming changes to rental occupancy as directed by City Council.

There was a discussion the definition of adult and adult dependent. Additionally there was a discussion on building changes and limits on increasing occupancy.

Mr. Diekmann stated that they were directed to develop concentration standard of limiting registered rental dwelling units to 25% of the dwelling units of single family zones in the boundary that is going to be defined. For example the SCAN area is already over the limit at about 37%. He noted that Council has asked that staff notifies all properties owners in the 8 potential neighborhoods that are currently in the Rental Housing moratorium.

Mr. Diekmann stated that one item that will come back to the Commission will be the short term rentals or Airbnb's. City Council provided direction for the types of short term rentals, including owner occupied and non-owner occupied.

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COMMISSION COMMENTS: Mr. Basmajian and the rest of the Commission members thanked, Ms. Lee, Ms. Wannemuehler, and Mr. Bowers for their time on the Commission. Mr. Converse stated they saw 24-30 engaged property owners tonight and would encourage everyone to tread lightly.

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STAFF COMMENTS: Kelly Diekmann stated next meeting will be April 4, 2018 and will have election of officers. Mr. Basmajian asked about the status of Comprehensive Plan. Mr. Diekmann stated they are trying to get the draft RFP done and to council and hoping to get it out sometime in April.

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MOTION TO ADJOURN:

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

The meeting adjourned at 8.15 P.M.

  
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Debra Lee, Chairperson  
Planning & Zoning Commission

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