

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

Date: May 16, 2018	Matt Converse, Chairperson	2020
	Carlton Basmajian, Vice Chairperson	2020
Call to Order: 7:00 PM	*Anuprit Minhas	2019
	Doug Ragaller	2019
Place: Ames City Hall Council Chambers	Mindy Bryngelson	2021
	Jon Emery	2021
Adjournment: 8.59 PM	Carol Spencer	2021
	[*Absent]	

MAJOR TOPICS DISCUSSED:

1. Rezone of Properties within the Downtown Gateway Focus Area of the Lincoln Way Corridor Plan to Downtown Gateway Commercial Zoning
2. Ames Urban Fringe Plan Map Amendment for Whatoff/Nordyke Property to Rural Residential

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

APPROVAL OF AGENDA:

MOTION: (Ragaller/Spencer) to approve the Agenda for the meeting of May 16, 2018.

MOTION PASSED: (6 - 0)

APPROVAL OF THE MINUTES OF THE MEETING OF MAY 02, 2018:

MOTION: (Bryngelson/Emery) to approve the Minutes of the meeting of May 02, 2018.

MOTION PASSED: (6 - 0)

PUBLIC FORUM: There were no public comments.

REZONE OF PROPERTIES WITHIN THE DOWNTOWN GATEWAY FOCUS AREA OF THE LINCOLN WAY CORRIDOR PLAN TO DOWNTOWN GATEWAY COMMERCIAL ZONING

Kelly Diekmann, Planning Director stated this item is a city initiated rezoning for the Downtown Gateway Commercial area. He then gave some background regarding the details on the Lincoln Way Corridor Plan. The original approach was to look at the entire stretch of Lincoln Way across the city but because of the size and diversity, it was broken down into different focus areas. Once the Corridor Plan was done in the fall of 2017, the Planning Department started working on implementation, City Council then chose to amend the Land Use Policy Plan and designate within the Downtown expansion area to acknowledge that the Downtown Gateway focus area embodies the vision for the area. The next step was to work on the rezoning to meet the objectives of the Corridor Plan. Mr. Diekmann stated that the Downtown

Gateway Commercial zoning being proposed is a new zoning district, which is being proposed to replace, Highway Oriented Commercial (HOC) and also Downtown Service Center zoning. The intent is to match the Lincoln Way Corridor Plan by encouraging certain types of uses. The Plan does look at parking differently and acknowledging that it is not Downtown and parking will be needed.

The Commission reviewed the draft in February 2018 and it was moved forward to City Council with several meetings and a first reading on the proposed standards has been done. One of the main discussion points that was brought up from City Council was the concern about what the impact would be with the change of zoning in regards to types of uses, structures and other site improvements. Mr. Diekmann stated that when they did an inventory and found that when they lumped together uses, structures, and site improvements that between the two zones of Downtown and Highway Oriented Commercial, there were a number of non-conformities and most were due to site improvements. There would be an increase in non-conforming uses with Downtown Gateway Commercial as they are pairing down the allowed used compared with Highway Oriented Commercial to be more consistent with the Downtown Zoning District. A few notable items that are being proposed to change are categorized as vehicle services uses, gasoline station, car wash, vehicle repair, along with warehouses and storage areas. There would be a separation requirement for Drive-through facilities, which would mean that only one drive-through would be permitted per one Lincoln Way block face

Mr. Diekmann stated that some of the other changes would be to reduce the parking and how the parking can be situated on a property. Some building design requirements are being carried over from the Downtown Service Center zoning but adding more to make sure that they are seeing more of the design and urban style that is anticipated within the Corridor Plan. The 100 block of Kellogg is being treated differently as this is known as the "gateway" to downtown.

Mr. Diekmann stated that the recommended zoning is to rezone the entire focus area. He then displayed what three options were being described to the Commission. He stated that staff's recommendation is alternative one which will change 55 Highway Oriented Commercial and 15 Downtown Service Center properties to Downtown Gateway Commercial, which establishes the most complete vision for the transition and redevelopment of the area.

Mr. Emery asked in alternative three how many non-conformities would there be. Mr. Diekmann stated they did not do the math to figure out the numbers for each section.

Mr. Basmajian asked with the number of non-conforming going from 78% to 88%, he is wondering if the kind of non-conforming would shift from design standard based to land use. Mr. Diekmann stated that they did bring this to City Council as they did break it down by use, structure and site improvements. Because of the reduced setbacks then structure setbacks went down and site improvements and uses went up.

Mr. Diekmann showed a parking map and structure map showing nonconforming structures before and after the proposed Downtown Gateway Commercial zone.

Tim Grandon, 414 Lincoln Way, stated he has been in front of the Commission before as he is concerned about the non-conformity and the ability to operate their business. He still challenges everyone to look at the area and look at an overlay like they did in Campustown and how it was built with no changes. He noted that right now there are 33 businesses that are allowed in Highway Oriented Commercial but when it goes to Downtown Gateway Commercial it would narrow it down to 16 businesses. He would recommend just adding the housing to the HOC zoning.

Roy Young, 104 Lincoln Way, stated that Highway Oriented Commercial is the type of zoning they need on the south side of Lincoln Way. He bought his property back in 1980 and the City of Ames has already taken 10 feet of frontage off his property on Duff Avenue. He recommends keeping the zoning as Highway Oriented Commercial.

Bob Goodwin, 311 Lincoln Way, had law office there since 1981, has had conversations with City Council several times on this issue and he has emailed the Commission copies of his letters. He stated that one of his concerns is the zoning regulation is too burdensome and cited a few court cases in his letters. He stated that when there is a property that has been made non-conforming, it is more difficult to sell. Mr. Goodwin stated in his situation he has parking in the front of this building but with the new zoning he would not be able to have that parking. He noted that he had provided the Commission with a copy of an online article from an attorney with the St. Paul Chamber of commerce that points out that anytime a property is made non-conforming it makes the property harder to sell. He stated that currently there are 31 permissible uses and with the new proposed zoning it would be brought down to 13 uses. Mr. Goodwin noted that they don't know what the demand is going to be so why would they want to restrict the uses. He feels that the best win-win situation would be to add onto the Highway Oriented Commercial zoning to allow residential housing.

Ryan Davis, 204 Clark Avenue and 303 Gilchrist Drive, he is asking that the Commission vote to not rezone the area. He notes that the area has had three different zoning districts over the past 50 years. He stated that if the area was rezoned it would not be beneficial to any property owner that did not own less than an acre of land. Mr. Davis stated that if he combined his two lots with his neighbor even they would not have enough property to meet the one acre threshold. He mentioned that with the reduction in uses is creating discrimination by zoning especially if it is decided to do a partial zoning by area. Mr. Davis mentioned that if the city goes through with the rezoning it will put undue and unnecessary hardships on the current property owners by reducing property values and reducing the pool of potential buyers. He mentioned a few businesses that have been in their current locations for several years and have had generations of owners. He is recommending to leave the Highway Oriented Commercial zone as is and add the residential use to the existing zoning.

Laura Cram, 203 Kellogg Avenue, stated that her property is next to Mr. Davis' and there is not a lot of movement there and not a lot of opportunities for improvements or redevelopment. She noted that most rezoning is done by the property owners not the City. Ms. Cram mentioned that it has been stated by city staff that the zoning standards for the Downtown Gateway are to allow for mixed use residential and desired commercial. She stated that the standards in this zone appear to be encouraging redevelopment in place of successful small businesses. Ms. Cram noted that the area does need some dressing up but when that was needed in the Downtown area, façade grants were available to help. She feels that this zoning is intended to eliminate the current businesses with mixed use apartments that are already all over town with half empty apartments and empty retail spaces. She is recommending to leave the area as Highway Oriented Commercial and add the mixed residential.

Delmer Trickle, 3205 Tupelo Circle, he is part owner of Trickle tire and is a 3rd generation business. Mr. Trickle stated they were told they could stay as long as they want however how are they going to get paid as the land is going to be worth only so much. He recommends that the best to do is to just leave the zoning alone. He noted that there are already businesses that have available spaces and having trouble getting tenants.

Darwin Trickle, 120 Lincoln Way, agrees with what everyone else has said. His main concerns is where do they go as the business has been there for 60 years and is scared about what is going to happen. They have all been in Ames for years and not sure what is going to happen and wants to be proud of what they have and that the next generation could take care of what was passed down to them.

Harold Pike, 2715 Valley View, finds it ironic that the entity from the east wants to come in and talk to staff and let them know they would like to start a 100 million dollar project and yet they are not here tonight to listen to businesses that this rezoning would affect. He stated that if the entity from Chicago wants to come in and buy up all the properties and then rezone the property. He suggests that the Commission not rezone and let free enterprise run its course.

Ed Sorenson, 316 Lincoln Way, owner of Dairy Queen, asked the Commission to go the west of Lincoln Way and look at the high rises out there and what is happening on the first floor as they are all empty. He stated that if the company from Chicago goes through with their plan then they would ask for a tax abatement for the next 10 years while the rest with nonconforming properties will have to be paying full taxes.

Mr. Emery stated that he has been in Ames all his life and feels that the small businesses are important and what Ames was built on. He feels that the company from Chicago needs to pay market value for the properties. Mr. Emery stated that they should protect the Ames community and all they need to do is add in the ability to put in apartments and he can't support what is being recommended by staff.

Mr. Diekmann stated that there is nothing about the zoning that is requiring the businesses to sell their property, there is obviously a developer that wants to acquire some property, but that is not part of this process. The buying of the property is a private transaction between the buyer and the seller, the City is not in the middle of it. The City is not using eminent domain or any redevelopment authority. Mr. Emery stated he is not accusing the City of this however if they go through with the rezone the business properties will be devalued.

Ms. Bryngelson asked for a clarification regarding the Land Use Policy Plan and does it reflect the Lincoln Way Corridor study. Mr. Diekmann stated the policy of the City is the Lincoln Way Corridor plan. He stated that on page 12 of the Commission report the page that was added to the Land Use Policy Plan to reflect how the Corridor plan ties into the Land Use Plan. Ms. Bryngelson wanted to know if the wording in the Land Use Policy plan already conveys the message of the desired area of change and rezoning doesn't need to necessarily need to happen in order to change. Mr. Diekmann stated that this was discussed during the Corridor Plan, the direction for the Corridor plan is advisory for many parts of the city but for the number one priority, the Downtown Gateway area, they wanted to go to the next step to implement the standards so the expectations are set.

Mr. Emery stated that that Land Use Policy states what the city wants. Mr. Diekmann stated that is correct and the zoning is to implement city policy.

Mr. Ragaller asked if they did a residential overlay, would the developer mentioned earlier be able to proceed with their project. Mr. Diekmann stated that by just adding one use isn't enough as it requires all elements of the zoning standards to allow for the type of structures to be built with the uses that are desired.

Ms. Bryngelson asked what would happen to the historic residential property in this area. Mr. Diekmann stated that the Martin house is a local landmark, this designation does not go away

no matter what zoning it is. Ms. Bryngelson stated that if the owners wanted to make changes to the property what would they need to do. Mr. Diekmann stated that if they are doing alterations they it would go through the Historic Preservation Commission.

Mr. Converse stated that he agrees with a lot of what has been said tonight.

Mr. Basmajian stated this is a complicated issue and agrees with the deliberation that is happening. He noted that the City has put money into the Lincoln Corridor Plan, which is a big picture look, into a longer term future look for the City of Ames. The City of Ames is a rapidly changing town and sees this plan as staking a claim to a different future which is what planning is supposed to be doing. He mentioned that the downside in all of this, as with every planning project, is that someone is going to pay the price. Mr. Basmajian stated they don't want to displace people or businesses but at the same time don't want to lock yourself into a future that looks exactly like the present, especially when demographics are changing, movement patterns, and transportation are all changing. He stated that if the Commission says no to the rezone what does it say for the rest of the Lincoln Way Corridor Plan and regardless of the outcome, it is not an easy decision to make but is ultimately up to City Council.

Ms. Bryngelson stated that change is tough and wants to point out that someone wanted to come in to purchase a property without it being rezoned. She feels they should let the market dictate where it goes as they already have a guide. Mr. Diekmann stated that this is a product of a two year planning process, this is not an unusual technique. He mentioned Campustown as an example that was developed due to a University Area study and it is extremely rare that there is a Corridor Plan and a potential developer that wants to implement the plan so quick after adoption.

Ms. Spencer stated that agrees with the long term plan but is not sure about the implementation of the plan and wonders if there are smaller steps that could be taken to not put the local businesses at risk. Mr. Diekmann stated that if they did a smaller implementation they would not be sure how it would evolve in the longer term to match the vision without setting expectations now.

MOTION: (Emery/Converse) to accept Alternative #3, which states: that the Planning and Zoning Commission can recommend that the City Council not rezone any of the properties within the Focus Area.

MOTION PASSED: (4 - 2) (nay: Ragaller & Basmajian)

Mr. Diekmann stated next Tuesday, May 22, 2018 this item will be going to City Council.

AMES URBAN FRINGE PLAN MAP AMENDMENT FOR WHATOFF/NORDYKE PROPERTY TO RURAL RESIDENTIAL

Justin Moore, Planner, stated this item is a request from Hunziker Companies on behalf of property owners, Clara Whatoff and Martha Nordyke for a map change from Agriculture and Farm Service and Urban Residential to Rural Residential. Mr. Moore stated that the two parcels in question are located on the east side of North 500th Avenue (County Line Road) at the intersection with Onion Creek, approximately ¾ miles north of Ontario Street. The request is to change to a Rural Residential designation to accommodate the construction of three new homes between the two properties. He stated that the property is located within two miles of Ames and within the Ames Urban Fringe Plan. Mr. Moore presented a current land use map

and explained each designated areas. He stated that the north parcel will change the most as the vast majority of the area is natural area and farmed.

Mr. Moore stated that as staff they reviewed several issues and one of them was that rural development can be done but has to be done at a large distance from municipal services. Staff determined the property distance is currently far enough from municipal services. He did point out that on the south parcel there is an island of current Urban Residential designation that would likely never be developable in the city. The next item staff reviewed was transportation access and capacity. Development is to be limited in areas that would create a need for the upgrade of roads and given that no road upgrades or existing service issues have been identified by Story County at this location, the proposed addition of three homes is not seen to create a negative impact on the circulation system.

The last issue that staff reviewed was the Land Evaluation Site Assessment (LESA), Story County uses the Land Evaluation Site Assessment rating for determining suitability of land for division. Mr. Moore stated this is not a standard used in the Fringe Plan. The process gives a rating to properties by the county based on specified criteria for land quality and suitability for farming. The scale ranges from 0-266 as the acceptable range and the completed LESA assessment for both parcels was a 237 on the south parcel and 262 on the north parcel, per Story County review which indicated, the parcels fall within the range and find appropriate for subdivision.

Mr. Moore stated that staff is recommending alternative one.

Mr. Basmajian wanted to know how far in linear distance are the parcels from existing city infrastructure. Mr. Moore stated it was approximately $\frac{3}{4}$ of a mile. Mr. Diekmann stated that there is no sanitary sewer that could serve the northwest growth area west of Veenker there is water on Ontario and water can go north, but there is no trunk line that can serve the northwest growth area.

Mr. Basmajian questioned that only one more house would be allowed on the parcel. Mr. Diekmann stated that currently there is one existing home on the north parcel and if the Rural Residential is approved on the north as proposed then the County would let that property be divided and then that area could get one more home, on the south side the property would be allowed to be split two times. More discussion was had over clarification as to how many homes would be allowed and the applicants proposed property layout was displayed.

Justin Dodge, 105 S. 16th Street, Hunziker, stated he is here to represent the property owners and what they want to do is have four lots out in the County and what is being recommended will help protect the natural areas as well as help with less erosion into the banks.

MOTION: (Bryngelson/Ragaller) to accept Alternative #1, which states: that the Planning and Zoning Commission can approve a Minor Amendment to the Ames Urban Fringe Plan Land Use Class Map from Urban Service to Rural Service and Agricultural Conservation and the Land Use Framework map to Rural Residential for both properties as requested by the applicant.

MOTION PASSED: (6 - 0)

Mr. Diekmann stated this item will go to City council, Gilbert County and Story County before it will be finalized.

COMMISSION COMMENTS: Commission commented on a good discussion from tonight's items.

STAFF COMMENTS: Mr. Diekmann stated these items will be on the City Council agenda next week and rental concentration is still going on and looks like it might be close to completion. He stated that in June they will probably be bringing to the Commission a first draft of categories of short-term rentals to help regulate the use.

MOTION TO ADJOURN:

MOTION: (Ragaller/Bryngelson) to adjourn the meeting.

The meeting adjourned at 8:59 PM.


Matt Converse, Chairperson
Planning & Zoning Commission


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