

## MINUTES OF THE CITY OF AMES PLANNING AND ZONING COMMISSION

AMES, IOWA

FEBRUARY 1, 2023

The Regular Meeting of the Planning and Zoning Commission was called to order by Chairperson Mike Clayton at 7:00 p.m. on February 1, 2023 in the Council Chambers at 515 Clark Avenue. Commission Members present were Mike Clayton, Julie Winter, Mike Sullivan, Jon Emery, Mike LaPietra, and Jim Blickensdorf.

**APPROVAL OF THE AGENDA:** Moved by Emery, seconded by Winter, to approve the Agenda for the meeting of February 1, 2023.

Vote on Motion: 6-0, Motion passed

**APPROVAL OF THE MINUTES OF THE JANUARY 4, 2023 AND JANUARY 18, 2023 MEETINGS:** Moved by Emery, seconded by LaPietra, to approve the Minutes of the January 4, 2023 and January 18, 2023 meetings.

Vote on Motion: 6-0, Motion passed

**PUBLIC FORUM:** Chairperson Clayton opened the public forum and closed it when no one came forward to speak.

### **PUBLIC HEARING FOR THE MASTER PLAN AMENDMENT FOR 798 N. 500<sup>TH</sup> AVENUE (NORTH SUNSET RIDGE)**

Planner Eloise Sahlstrom presented the staff report and stated the applicant, Hunziker Development Group, was requesting an amendment to the Master Plan for 798 N. 500<sup>th</sup> Avenue. Ms. Sahlstrom said there have been changes to the proposed development so the Master Plan needs to be amended to allow the developer to proceed with the Preliminary Plat. The amendment includes revisions to one of the connection points to the north; it is being eliminated as a staff request because of a future park in the area, and staff would like access to the park to be from Wilder Avenue. Staff is also asking the applicant to provide a pedestrian connection to the park. Another change is on the west side; the developer is hoping to acquire the Hall property and merge it into the development. The land at the west edge of the property has now been identified as "future development" and the proposed unit count has changed from a maximum of 65 to 75.

Jon Emery asked if there will be access off 500<sup>th</sup> Avenue. Ms. Sahlstrom said there would be in the future if all of the land to the west is developed, but not from this site.

Jim Blickensdorf asked what the zoning NCMU (Neighborhood Core Mixed Use) typically means. Planning Director Kelly Diekmann said NCMU was invented last year and has not been developed yet so there is no typical example, however, it allows for standard commercial development with the addition of apartments, if desired.

**PUBLIC COMMENTS:** Chairperson Clayton opened public comments and closed it when no one came forward to speak.

Moved by Sullivan, seconded by Winter, that the Planning and Zoning Commission recommends that the City Council approve the amended Master Plan for 28.58 acres at 798 N. 500<sup>th</sup> Avenue, with the following condition that:

- A. The amendment to the Contract Rezoning Agreement of August 9, 2022, for the revised Master Plan be agreed upon prior to the City Council Public Hearing for the amendment.

Vote on Motion: 6-0. Motion Passed.

**PUBLIC HEARING FOR A MINOR AMENDMENT TO THE AMES PLAN 2040 FUTURE LAND USE MAP FOR A PORTION OF THE PARCEL LOCATED AT 325 BILLY SUNDAY ROAD FROM CIVIC TO COMMUNITY COMMERCIAL “COM-CR”**

Planner Eloise Sahlstrom presented the staff report. She stated the City of Ames is the applicant and the request is to change the zoning for a portion of the property (16.5 acres) from Civic to Community Commercial/Retail “COM-CR”, which would be the same designation as the land north and south of the property. She said staff found that the property is surplus property for the City as there is no particular future use for the property. A new animal shelter is planned in the area that will retain the “Civic” designation and selling the property may generate funds for the new shelter. Ms. Sahlstrom added staff believes the parcel’s visibility and access to Highway 30 make it an ideal site for commercial development and it is in line with Ames Plan 2040.

Michael Clayton asked if the access road through the area to the soccer park would become a City street. Director Diekmann said it would not be a City street as it is not built to City street standards. Mr. Clayton asked if the City has talked to the IDOT about any future plans for the nearby interchange. Mr. Diekmann said there is nothing in the City’s Forward 2045 transportation plan that says the interchange would be affected by the rezoning. Mr. Sullivan asked if there could be a buyer for the land that did not want to grant an easement for the road to the ballpark. Mr. Diekmann said that would not be possible, as the road must be there and the zoning does not change that fact.

Julie Winter asked if the animal shelter was aware of the plans. Mr. Diekmann said they are as City departments are all made aware of City projects.

**PUBLIC COMMENTS:** Chairperson Clayton opened public comments and closed it when no one came forward to speak.

Moved by Emery, seconded by Sullivan, to recommend that the City Council approve an amendment to the Ames Plan 2040 Future Land Use Map, changing the Future Land Use of approximately 16.5 acres located at 325 Billy Sunday Road from “Civic” to “Community Commercial/Retail” (Com CR), as illustrated on *Attachment C*.

Vote on Motion: 6-0. Motion Passed.

**PUBLIC HEARING FOR A REZONE OF A PORTION OF THE PARCEL LOCATED AT 325 BILLY SUNDAY ROAD FROM GOVERNMENT/AIRPORT DISTRICT "S-GA" TO HIGHWAY ORIENTED COMMERCIAL "HOC"**

Ms. Sahlstrom continued presenting and stated the rezone request is for the same location as the previous agenda item. The parcel is currently undeveloped except for the U.S. Army Reserve Center and the Ames animal shelter, which may be relocated across from the dog park. The property is currently zoned Government/Airport "S-GA" and the proposal is to take 16.5 acres and rezone it to Highway Oriented Commercial "HOC".

Mr. Emery asked where the Sunday Cemetery is located. Ms. Sahlstrom said the cemetery is to the east of the subject property and not included in the rezoning request.

**PUBLIC COMMENTS:** Chairperson Clayton opened public comments and closed it when no one came forward to speak.

Moved by Sullivan, seconded by LaPietra, to recommend that the City Council approve the request to rezone approximately 16.5 acres of the parcel located at 325 Billy Sunday Road from "S-GA" to "HOC" as illustrated in *Attachment C* contingent upon approval of the Minor Amendment to the Ames Plan 2040 Future Land Use Map.

Vote on Motion: 6-0. Motion Passed.

**ZONING TEXT AMENDMENT TO ELIMINATE ROOFTOP SOLAR PANEL ZONING REQUIREMENTS**

Planner Benjamin Campbell presented the staff report. Mr. Campbell stated City Council received a request from a resident to consider removing zoning permitting requirements and standards relating to residential solar energy systems. Council reviewed the current requirements and permitting process and directed staff to initiate a text amendment to remove the zoning requirements specifically related to rooftop solar energy systems; freestanding and wall-mounted facilities would not be modified with the proposed amendment. Mr. Campbell summarized the proposed changes that were listed in the Commission Action Form.

Mr. Emery asked if staff was saying it would be okay to have an upright solar panel on a roof, as it could be an eyesore to the neighbors. Mr. Campbell said that staff was saying the angle would no longer be regulated and he added that a vertical solar panel would be very unlikely, as it would not be effective. Mr. Diekmann stated staff was supporting the recommendation of Council and removing the requirement would not be detrimental or undermine the character of a residential area. He added that angled installations are only a potential issue on flat roofs. Mr. Emery stressed he is in favor of solar power, but reiterated that the angle of the panels could be an issue for neighbors. Ms. Winter asked if the issue was even relevant as many towns do not regulate anything related to solar installations.

Mr. Sullivan stated he visited a town that had solar panels on many of the buildings with the panels sticking out at all angles and it changed the character of that town, and although he

is a huge proponent of green energy and sustainability, he is concerned about the way the amendment is written.

Mr. Diekmann said he thinks the author of the letter believes any permitting and regulatory standards are to the detriment of people pursuing solar installation, and the author is especially against the Special Use Permit component for flat roofs, since one might not be able to install solar in that situation. Mr. Diekmann explained that the standard in the Special Use Permit has nothing to do with what is good for an applicant or their house, rather, it is about whether there is an impact to the character of a neighborhood and the ZBA (Zoning Board of Adjustment) can say a design is out of character and deny it. By deleting the permit requirement, there would no longer be a review other than meeting building, electrical, and interconnection requirements. Mr. Diekmann said that over the last few years, there has only been one residential flat roof installation; there have been flat roof commercial installations, but they were able to shield the panels with parapets. Ms. Winter asked about mansard style roofs and manufactured homes and Mr. Diekmann said they could have the same issue. He added that no one with a pitched roof has been denied a solar permit.

Mr. Blickensdorf asked if the amendment would eliminate the review of free-standing systems. Mr. Diekmann said it would not, as the City would retain the review of free-standing and wall mounted installations. Mr. Blickensdorf then asked why the City would allow placement on a non-conforming structure. Mr. Diekmann said the City does not want to limit people who have those types of structures as they are likely to persist for a long time.

Mr. Sullivan asked how many people have actually gone through the Special Use Permit process for solar panels. Mr. Campbell said there has only been one. Ms. Winter wondered if people had possibly been deterred by the process. She said she understood the neighborhood character discussion, but she does not want to do anything to deter people from installing residential solar. Mr. Emery stated the only change needed is to have an exception for flat roofs.

Mr. Blinkensdorf asked about the permits applied for and if staff generally interfaced with contractors who jump through the administrative hurdles to get the owners through the process or was it the owners themselves who had appear and file and pay a fee. Mr. Diekmann said for Special Use Permits, it would likely be the homeowner, but solar contractors are the ones who submit the permit applications, not the homeowners. Mr. Blinkensdorf said it seems that it is not much of an administrative hurdle for the average person, it is a good policy, and it should be maintained.

Discussion was held about the permit process and if solar panels change the character of a neighborhood.

Mr. Sullivan asked if any of the proposed changes were reliant on each other. Mr. Diekmann explained the summary of changes.

Moved by Emery, seconded by Blickensdorf, to recommend that City Council take no action to amend the Solar Energy System regulations and continue to apply zoning standards and permit requirements.

Vote on Motion: 2-4. Motion Failed.

Moved by LaPietra, seconded by Clayton, to recommend that City Council adopt additional or modified changes to the Solar Energy System regulation in addition to those presented in Attachment B, keeping the height limitation of five feet.

Vote on Motion: 2-4. Motion Failed.

The Commission discussed each item in the Summary of Changes and were not in agreement on changes 1, 2, or 3.

Moved by Sullivan, seconded by Blickensdorf, to recommend that City Council adopt additional or modified changes to the Solar Energy System regulations in addition to those presented in Attachment B and approve the changes to the Solar Energy Systems Zoning Requirements listed as Summary of Changes:

4. Allow for rooftop systems regardless of the nonconforming status of a residential use or structure.
5. Reorganize some of the information for clarity by location type as opposed to use.
6. Modify formatting, such as creating subsections for blocks of text with multiple regulations.

Vote on Motion: 6-0. Motion Passed.

## **ZONING TEXT AMENDMENT TO LOT STANDARDS RELATED TO MINIMUM FLOOR AREA RATIOS**

Planner Benjamin Campbell presented the staff report and said City Council referred a letter to staff from Jerry Nelson regarding minimum floor area ratios (FAR) for a property with a non-conforming building at the corner of 5<sup>th</sup> Street and Burnett Avenue. Mr. Campbell said Council considered the issues related to Mr. Nelson's request regarding the merger of three lots into one and directed staff to initiate a zoning text amendment for minimum FAR standards related to changes in lot configurations (FAR is the ratio of the floor area to the lot area). Mr. Nelson's property was approved for a plat and a Site Development Plan to combine two buildings into one and to build a new addition on the east. Mr. Campbell stated the two pieces were contingent upon each other; the plat could not be approved on its own because the DSC zoning (Downtown Service Center Zoning District) requires a minimum floor area ratio of 1.0 and the site plan could not be approved because a building cannot cross property lines.

Mr. Campbell continued by saying after the plat and site plan were approved, Mr. Nelson decided to renovate the existing buildings, but not construct the addition, which would bring the property into compliance with the minimum FAR and DSC height requirements. Because of the change to the plan, a Certificate of Occupancy cannot be issued as the property is not in compliance with the site plan or the zoning.

Mr. Campbell said DSC zoning has the minimum FAR and minimum height standards in order to encourage density in the downtown and to match the existing building types, and due to the importance of the two standards reinforcing the character of the historic downtown, staff does not support removing them. Mr. Campbell stated City Council considered two text amendment options to enable Mr. Nelson to maintain the combined

parcels and to continue to remodel the existing building and directed staff to proceed with changing lot merger requirements. The current code prohibits newly platted or replatted lots from creating nonconformities; the intent is that changes to a lot or parcel should not create a condition that inhibits future development. The proposed change is to make it clear that developing a lot requires a building; a parking lot or other non-building-related improvement is not acceptable.

**PUBLIC COMMENTS:** Chairperson Clayton opened public comments and closed it when no one came forward to speak.

Moved by Winter, seconded by Sullivan, to recommend that City Council amend the General Zoning Regulations related to minimum FAR for lot mergers and minimum intensity, Sec. 29.303(2)(a) and Sec. 29.401(3), as presented.

Vote on Motion: 6-1. Motion Passed.

**COMMISSION COMMENTS:**

Mr. Clayton asked if there was movement to fill the empty Commission seat. Mr. Diekmann said it would probably be filled in April when normal appointment occurs. Mr. Diekmann said at this time, there are no items for the February 15, 2023 meeting.

**STAFF COMMENTS:**

None

**MOTION TO ADJOURN:** Moved by Emery to adjourn the meeting.  
The meeting adjourned at 8:48 p.m.



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Mike Clayton, Chairperson  
Planning & Zoning Commission



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Eileen Carter, Recording Secretary  
Department of Planning & Housing