

# MINUTES OF THE CITY OF AMES PLANNING AND ZONING COMMISSION

AMES, IOWA

MAY 15, 2024

The Regular Meeting of the Planning and Zoning Commission was called to order by Chairperson Mike LaPietra at 7:00 p.m. on May 15, 2024 in the Council Chambers at 515 Clark Avenue. Commission Members present were Cheryl Moss, Mike Sullivan, Mike Clayton, and Matthew Voss.

## APPROVAL OF THE AGENDA

Moved by Clayton, seconded by Sullivan, to approve the Agenda for the meeting of May 15, 2024. Vote on Motion: 5-0. Motion passed.

## APPROVAL OF THE MINUTES OF THE MAY 1, 2024 MEETING

Moved by Sullivan, seconded by Voss, to approve the Minutes of the May 1, 2024 meeting. Vote on Motion: 5-0. Motion passed.

## PUBLIC FORUM

Chairperson LaPietra opened the public forum and closed it when no one came forward to speak.

## HEARING ON A REZONE AT 2212 OAKWOOD ROAD FROM AGRICULTURAL (A) TO SUBURBAN RESIDENTIAL LOW DENSITY FLOATING ZONE (FS-RL)

Planner Amelia Schoeneman presented the staff report. She stated the property is 2.3 acres and was recently annexed into the City; property is zoned Agricultural when it is first annexed. There is a single-family dwelling on the property and the owner has no development plans such as subdividing the lot for additional homes. The rezone request is for a planned addition on the front of the house at a reduced setback as the setback requirement is higher in the Agriculture Zone than with FS-RL. Staff supports the request as it aligns with Plan 2040 and it is compatible with surrounding developments.

Moved by Clayton, seconded by Voss, to recommend that the City Council approve the request to rezone 2212 Oakwood Road and adjacent right-of-way as illustrated on Attachment C. Vote on Motion: 5-0. Motion Passed.

## ZONING TEXT AMENDMENT ON CHAPTER 9 FLOODPLAIN ORDINANCE UPDATES.

Mike Sullivan stated he would recuse himself from the item due to a conflict of interest.

Planner Justin Moore presented the staff report and gave an overview of how the City administers the floodplain. The Iowa DNR, by way of FEMA, delegates local authority to the City to issue permits and create regulations that fit within the DNR regulations for the floodplain. The City governs where structures can be built, how they can be built, how they are protected, etc. Approximately every five years, the DNR comes to Ames for a Community

Assistance Visit where they drive around the community, look at altered sites and their permits, and provide communication about how Ames is doing. The recent visit in March went well, and they provided staff with updates to Chapter 9 that are required by the National Flood Insurance Program. There is one staff-initiated change to the code that staff felt provides more clarity as to where the delegated authority comes from for floodplain administration, as on occasion, the DNR has to approve local variances or conditional use permits.

The FEMA and DNR initiated changes are mostly grammar related, as well as an addition and clarifying language to HVAC and electrical systems which breaks out and describes in more detail between residential and non-residential requirements for plumbing, mechanical and electrical systems. The standards will give specifics on how high the systems need to be elevated in a building, for example, BFE (Base Flood Elevation) plus three feet or higher.

Another change is to Section 9.7 which gives direction to language regarding the floodway. When a development or activity is going to potentially cause a rise or an alteration to the channel, the City has to update the FIS Study, the flood map.

Cheryl Moss asked if people had any way of getting exceptions with development in the floodway. Mr. Moore said one cannot cause a rise in a floodway, and if a project looked like it would do so, then it would have to be mitigated to find a way to prevent a rise; there are no exceptions to obstruct or create a rise related to the BFE.

Matthew Voss asked if the changes initiated by the DNR are required for compliance. Mr. Moore replied they are part of the DNR model ordinance and are required to be in the City's ordinance to be compliant with the National Flood Insurance program.

Chairperson LaPietra opened public comment and closed it when no one came forward to speak.

Moved by Voss, seconded by Clayton, to recommend that the City Council amend Chapter 9 of the Ames Municipal Code as shown in the attachment. Vote on Motion: 4-0. Motion Passed.

## **ZONING TEXT AMENDMENT ON OUTDOOR STORAGE EXCEPTION IN GENERAL INDUSTRIAL (GI) ZONING DISTRICT**

Planner Benjamin Campbell presented the staff report and stated Ames Golden K Kiwanis operates a semi-trailer at 803 East Lincoln Way for recycling. When the trailer is full, it is removed and replaced with an empty one. The recycling program generates funds that the Kiwanis donates to local charities. The current setup is not complaint with several zoning regulations: the trailer crosses two property lines and it is parked on gravel that was laid down without staff review. Kiwanis would like to continue operating at the same location and petitioned Council to amend the code on their behalf. Council directed staff to create an exception process related to outdoor storage that could potentially allow Kiwanis to continue using their operation.

Exceptions in the Zoning Ordinance allow for narrowly tailored deviations from the zoning requirements and are different than Variances in that Variances require the applicant to prove a hardship; both are reviewed by the Zoning Board of Adjustment. There are specific criteria for Exceptions and the criteria relevant to the Kiwanis request are: the property would need to abut another industrial zoning district, there would need to be adequate buffering, screening or setbacks, and it would need to not impair upon the use of neighboring property.

Mr. Clayton asked if the Overflow store is okay with the trailer being set where it is on a continual basis. Mr. Campbell said the trailer set up was in place prior to Overflow purchasing their property and it was during the Special Use Permit review for Overflow that the trailer was discovered.

Mr. Sullivan asked if the current trailer setup meets the adequate buffering, screening, or setback condition. Mr. Campbell said it does not. Mr. Diekmann clarified that the Zoning Board of Adjustment would make that decision based on site conditions on a case-by-case basis and that the Commission is establishing a process, not approving a project.

Mr. Voss asked if an adjacent property changes ownership or use, could the exception be revoked. Mr. Campbell said it would not, as is the case for changes of use across the City.

Chairperson LaPietra opened public comment.

John Slaughter of 2815 Torrey Pines Road addressed the Commission. He stated he was representing Ames Golden K as well as the landowners at 803 and 919 East Lincoln Way. They have had the paper trailer at the current location for the past 12 years. He said he supports the amendment with the exception of applying for a variance, as it is crucial to their business to keep the trailer at the current location, and they have the support of both of the landowners. He asked what the problem is with having the trailer sitting on both properties if both of the property owners are in support of it. Mr. Slaughter explained the paper trailer is part of the fundraising program for Golden K, who supports sixteen different charities, and they do not have enough money to relocate the trailer to 803 East Lincoln Way with all the costs that would be involved to move it.

Mr. Cambell added the trailer was moved a few years ago as it was previously situated only on 803 East Lincoln Way. Mr. Slaughter explained that the previous property owner moved the trailer and brought in the rock for the site.

Moved by Clayton, seconded by LaPietra, to recommend that City Council amend the General Industrial (GI) Zoning District in Sec 29.901 and the Exceptions standards in Sec 29.1506 as shown in Attachment C. Vote on Motion: 5-0. Motion Passed.

### **COMMISSION COMMENTS**

Mr. Clayton asked if there are any items for the next meeting. Mr. Diekmann said it was too early to tell.

**STAFF COMMENTS**

Director Diekmann said City Council reviewed the Work Plan for the Planning Division and among other projects, asked staff to plan for a whole rewrite of the Zoning Ordinance, which will be an 18-24 month project. There will be a workshop in the fall with Council to talk through types of zoning ordinances, style of codes, language and priorities related to Plan 2040. From there, they will determine the true work plan with how outreach will work and if consultants will be needed.

Another item of note will be doing a neighborhood plan for an area in Plan 2040 designated for possible redevelopment (Redirection Areas); there are many areas across the City and Council will identify a single redirection area for a neighborhood long range planning study to be done.

**ADJOURNMENT**

Moved by Voss to adjourn. Meeting adjourned at 7:35 p.m.

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Michael LaPietra, Chairperson

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Eileen Carter, Recording Secretary