

ITEM #: 24
DATE: 11/20/07

COUNCIL ACTION FORM

SUBJECT: REZONING OF PROPERTY LOCATED AT 218 LINCOLN WAY TO ESTABLISH THE "O-H" (HISTORIC PRESERVATION OVERLAY) DISTRICT AND DESIGNATE THE PROPERTY AS A LOCAL HISTORIC LANDMARK

BACKGROUND:

Date Prepared: November 2, 2007

Property Owner: Grantland Shipp
20 Parkside Road
Silver Springs, Maryland 20910-5454

Applicant: Nancy Greene as representative for the Archie A. and Nancy C. Martin Foundation

Location: 218 Lincoln Way

Acreage: 0.21 acres (9,000 square feet)

Project Description: The Archie A. and Nancy C. Martin Foundation has submitted an application requesting that the City of Ames designate the house, located at 218 Lincoln Way, as a local historic landmark, including "Design Criteria" to be used as guidance in evaluating future changes to the exterior of the existing house. The property owner, Grantland Shipp, is aware of the request for designation of the property as a Local Historic Landmark and is supportive of the designation (see attached letter from Mr. Shipp). To establish this Local Landmark designation, it is necessary to place the "O-H" (Historic Preservation Overlay) District designation on the property. The "HOC" (Highway-Oriented Commercial) base zoning of the property will remain unchanged.

The property at 218 Lincoln Way is legally described as the east fifty feet of Lot 4, Block 2, Blacks Addition. This is an interior lot occupied by one single-family dwelling constructed in 1920. The property is zoned as "HOC" (Highway-Oriented Commercial) and is served by City sewer, water, and electric.

Description of Surrounding Area.

| Area | LUPP Designation | Zoning | Land Uses |
|-------|---|---|--------------------------|
| North | Highway-Oriented Commercial | HOC (Highway-Oriented Commercial) | Commercial |
| South | South Lincoln Sub-Area Mixed Use District | S-SMD(South Lincoln Mixed Use District) | Residential & Commercial |
| East | Highway-Oriented Commercial | HOC (Highway-Oriented Commercial) | Commercial |
| West | Highway-Oriented Commercial | HOC (Highway-Oriented Commercial) | Commercial |

Land Use Policy Plan (LUPP) Map/Goals and Policies. The adopted LUPP includes policy direction for the preservation of historic, cultural, and educational resources.

Goal No.10 states: "It is the goal of Ames to maintain and enhance its cultural heritage".

Objectives for Goal No. 10 are to maintain and enhance Ames' cultural heritage. Objectives that apply to the Local Historic Landmark proposal include the following:

- *Objective 10A. Ames seeks to provide a record of its earlier development through conservation, preservation, and restoration of historically/architecturally significant structures and areas where economically feasible.*
- *Objective 10B. Ames seeks to integrate historically/architecturally significant structures and areas with new development in a compatible and unifying manner.*

Vision Statements in the LUPP for Neighborhoods includes the following statement:

- *In attracting and maintaining this network of neighborhoods the following priorities are identified: "...Conservation and enhancement of the integrity and character of existing neighborhoods ...".*

Process for Designation as a Local Historic Landmark. The Historic Preservation Commission conducted a public hearing at the Historic Preservation Commission meeting on May 14, 2007. The Commission conducted a second public hearing at the Historic Preservation Commission meeting on June 11, 2007, with revised Design Criteria provided by the applicant. The Commission at the public hearing took oral and written testimony concerning the significance of the nominated historic landmark. It is the responsibility of the Historic Preservation Commission to determine whether the structure proposed for designation as a Local Historic Landmark meets the criteria for designation.

On June 26, 2007, the City Council forwarded the proposal for the Local Landmark Designation to the State Historical Society of Iowa for review and recommendation.

On August 15, 2007, the State Historical Society of Iowa completed their review of the request for designation as a local historic landmark. The State Historical Society concurred with the finding of the Ames Historic Preservation Commission that this property is eligible as a local historic landmark because of its association with Archie and Nancy Martin, who provided housing for African-American students during the period 1920-1945 at 218 Lincoln Way.

Restrictions of Local Landmark Designation. Designation of the house at 218 Lincoln Way as a Local Historic Landmark will require that the property owner comply with all regulations of Chapter 31 (Historic Preservation Districts) of the Municipal Code. The property owner will be required to comply with the adopted Design Guidelines and Design Criteria for any alterations or additions to the exterior of the building, and receive approval of a Certificate of Appropriateness, prior to proceeding with proposed changes to the building exterior. **Demolition of the building will be prohibited, unless the structure cannot be used for the original intended purpose and/or no alternative reasonable use can be identified and the property owner can show evidence that an "economic hardship" will be created if the structure cannot be removed.**

Zoning/Non-Conforming Use. The subject property is zoned as "HOC" (Highway-Oriented Commercial). The "HOC" zoning district is intended to allow auto-accommodating commercial development in areas already predominantly developed for this use. The zone allows a full range of retail and service businesses with a large local or city-wide market. Development is expected to be generally auto-accommodating, with access from major traffic ways. The zone's development standards are intended to promote an open and pleasant street appearance; development that is aesthetically pleasing for motorists, pedestrians, and the businesses themselves; and compatibility with adjacent residential areas.

Section 29.804(2) of the Municipal Code includes a table of uses permitted in the "HOC" (Highway-Oriented Commercial) zoning district. The property at 218 Lincoln Way is occupied as a single-family dwelling, which is not a permitted use in the HOC district. The current use of property at 218 Lincoln Way is therefore classified as a non-conforming use by Section 29.307(2) of the Municipal Code.

It is important to note that designation of the house at 218 Lincoln Way, as a Local Historic Landmark, will likely continue this non-conforming use for many years. Demolition of a Local Historic Landmark for the purposes of redevelopment as a commercial land use is not supported by the Land Use Policy Plan, or by the regulations for historic structures found in Chapter 31 of the Municipal Code.

Narrative Documenting Historical Significance of the House. Section 31.8(1)(d) of the Municipal Code requires that a proposal for designation of a historic landmark include a narrative providing information concerning at least one of the following:

- *Its association with events that have a significant contribution to the broad patterns of community history; or*
- *Its association with the lives of persons significant in the community history; or*
- *Its embodying of the distinctive characteristics of a type, period, method of new construction, etc.*

A narrative, written by Thomas Leslie, AIA, is included with the application. The narrative includes statements, which address **“the distinctive characteristics of a type, period, method or new construction, etc.”**, as follows:

- The Martin House is a “well-preserved example of craftsman style bungalow houses in Ames.”
- It is the last remaining structure of its type along Lincoln Way, and it represents the skill of local builders of the 1910's and 1920's.
- ... the house is in reasonably good condition and could fairly easily be renovated to its original appearance.
- The house was built in 1920, according to the County Assessor.
- The materials are largely intact and nearly all of the house is in its original condition.
- The house's overall massing clearly show the principles of the Craftsman style, with symmetrical forms, simple roof slopes, and carefully proportioned windows and doors creating a quite formal composition.
- The Lincoln Way elevation in particular uses a broad porch with large pillars to emphasize the entrance facing the street.
- While the massing and materials are typical of the type, the size of the Martin House, probably because of its intended function as a boarding house, is unusual for a Craftsman ...
- The Martin House is thus an important example of the Craftsman style, and also an unusual example of this style applied to a modified architectural program.

Mr. Leslie concludes that the Martin House at 218 Lincoln Way would be a reasonably strong candidate for Local Landmark designation, based on its architectural merits.

Written materials, as described in the next section of this Action Form, have been submitted by the applicant to demonstrate **“association of the property with the lives of persons significant in the community history.”**

Narrative Providing Information about Events or Persons. Section 31.8(1)(e) of the Municipal Code requires that a proposal for designation of a historic landmark include a narrative providing information about events or persons that may have a significant relationship to the area and its past.

The applicant has submitted copies of newspaper articles that focus on the contributions of Archie and Nancy Martin in providing housing for African-American students at their house on the property at 218 Lincoln Way. The newspaper articles speak to the fact that a dormitory on the Iowa State University Campus was named in honor of the Martins.

Other newspaper articles included with the application document that a brick and stone pier was constructed on the northeast corner of the intersection of Fifth Street and Burnett Avenue and dedicated on February 10, 2002, in honor of Archie and Nancy Martin. Stone plaques mounted on the pier show a portrait of Archie and Nancy Martin and a picture of their house at 218 Lincoln Way.

Photos that are part of the Farwell T. Brown photographic archive have been included with the application. The photos show the house at 218 Lincoln Way, Archie Martin, Nancy Martin, and their family. More recent photos are included that show interior features of the Martin house.

Design Criteria. The applicant is required to submit proposed "Design Criteria" for use as an aid to future decisions on the approval of Certificates of Appropriateness for the particular Local Historic Landmark.

The proposed Design Criteria for 218 Lincoln Way, as revised by the applicant since the May 14, 2007 meeting of the Historic Preservation Commission, and recommended for approval by the Historic Preservation Commission on June 11, 2007, are acceptable to staff as written.

An ordinance to adopt Design Criteria for the property at 218 Lincoln Way is being processed concurrently with the request to establish the "O-H" (Historic Preservation Overlay) District.

Staff Analysis. The staff provided to the Planning and Zoning Commission written findings of facts and conclusions. In summary, the staff concluded that the proposed establishment of the "O-H" (Historical Preservation Overlay) zone on this property is consistent with the Land Use Policy Plan. The overlay zone serves a particular purpose and applies as a supplement to the base zone regulations.

The staff further concluded that the proposed designation of the property at 218 Lincoln Way as a Local Historic Landmark is consistent with the purpose of Chapter 31 of the Municipal Code, since such designation will contribute to the preservation and protection of an historic structure which serves as a visible reminder of the history and cultural heritage of the city.

Rezoning to establish the "O-H"(Historic Preservation Overlay) District is contingent upon adoption of "Design Criteria" for 218 Lincoln Way in Chapter 31 of the Municipal Code.

Public Comments. Robert Goodwin, Attorney at Law, spoke in opposition to the proposed rezoning on behalf of Laurel J. and Mildred E. Ely, the owners of property immediately to the east of 218 Lincoln Way. Attached is a letter to the Planning and Zoning Commission from Mr. Goodwin.

Recommendation of the Planning & Zoning Commission. At its meeting of November 7, 2007, with a vote of 5-1, the Planning and Zoning Commission recommended approval of the rezoning of land located at 218 Lincoln Way to establish the "O-H" (Historic Preservation Overlay) District and designate the property as a Local Historic Landmark, based upon staff's findings and conclusions. Several members of the Commission expressed concern about not knowing what the property owner has in mind for the use of this property, the maintenance and upkeep of the property since the property owner lives out of state, and because this house is surrounded by commercial uses.

ALTERNATIVES:

1. The City Council can approve the proposed rezoning of land located at 218 Lincoln Way to establish the "O-H" (Historic Preservation Overlay) District and designate the property as a Local Historic Landmark, based upon the attached analysis and subject to the following stipulation:
 - Rezoning to establish the "O-H"(Historic Preservation Overlay) District is contingent upon adoption of "Design Criteria" for 218 Lincoln Way.
2. The City Council can deny the proposed rezoning of land located at 218 Lincoln Way to establish the "O-H" (Historic Preservation Overlay) District and designate the property as a Local Historic Landmark.
3. The City Council can approve the proposed rezoning of land located at 218 Lincoln Way to establish the "O-H" (Historic Preservation Overlay) District and designate the property as a Local Historic Landmark, with modifications
4. Action on this request can be postponed and referred back to City staff and/or the applicant for additional information.

MANAGER'S RECOMMENDED ACTION:

It is the City Manager's recommendation that the City Council act in accordance with Alternative 1. This action will approve the proposed rezoning of land located at 218 Lincoln Way to establish the "O-H" (Historic Preservation Overlay) District and designate the property as a Local Historic Landmark, based upon the attached analysis and subject to the following stipulation:

- Rezoning to establish the "O-H"(Historic Preservation Overlay) District is contingent upon adoption of "Design Criteria" for 218 Lincoln Way.

ATTACHMENT A

Applicable Law

The laws applicable to this case file include, but are not limited to, the following: (verbatim language is shown in *italics*, other references are paraphrased):

Ames Municipal Code.

Chapter 29 of the Municipal Code addresses the adopted zoning regulations for the City of Ames.

Section 29.1102. "O-H" Historic Preservation Overlay.

(1) Purpose. The Historic Preservation Overlay (O-H) Zone is intended to recognize the establishment of the City's local Historic Districts (see Section 3.1 et seq. of the Municipal Code) and to promote the public interest in having the full and informed participation of the City's Historic Preservation Commission in the hearing of zoning applications potentially affecting the City's historic resources. To fully meet this objective, the Historic Preservation Overlay Zone may include properties that are proximate to, but not within, one of the Historic Districts established by the Municipal Code. The procedures established by this Section are intended to ensure that the City's Historic Preservation Commission is specifically notified of all applications before the Planning and Zoning Commission or the Zoning Board of Adjustment respecting property within or proximate to the City's local Historic Districts.

(2) Notice. With regard to zoning applications and proposed zoning ordinance amendments that affect proposed or designated landmarks and historic districts, the Historic Preservation Commission shall consider such applications and/or amendments prior to consideration by the Zoning Board of Adjustment, or by the Planning and Zoning Commission.

(3) Certificate of Appropriateness. As provided by Section 31.10 of the Municipal Code, and notwithstanding any uses otherwise permitted under an applicable Base Zone classification, no building or structure within an Historic District established pursuant to Chapter 31 of the Municipal Code may be erected, altered, demolished or removed, and no area within such Chapter 31 Historic District may be used for industrial, commercial, business, home, industry or occupational parking until a certificate of appropriateness has been issued for such activity by the Historic Preservation Commission. This requirement applies only to properties within the City's Historic Districts.

Section 29.30(2). Nonconforming Uses. This section describes that any structure or lot that is nonconforming may be continued so long as it remains otherwise lawful, subject to certain standards and limitations.

Section 29.804. Highway-Oriented Commercial.

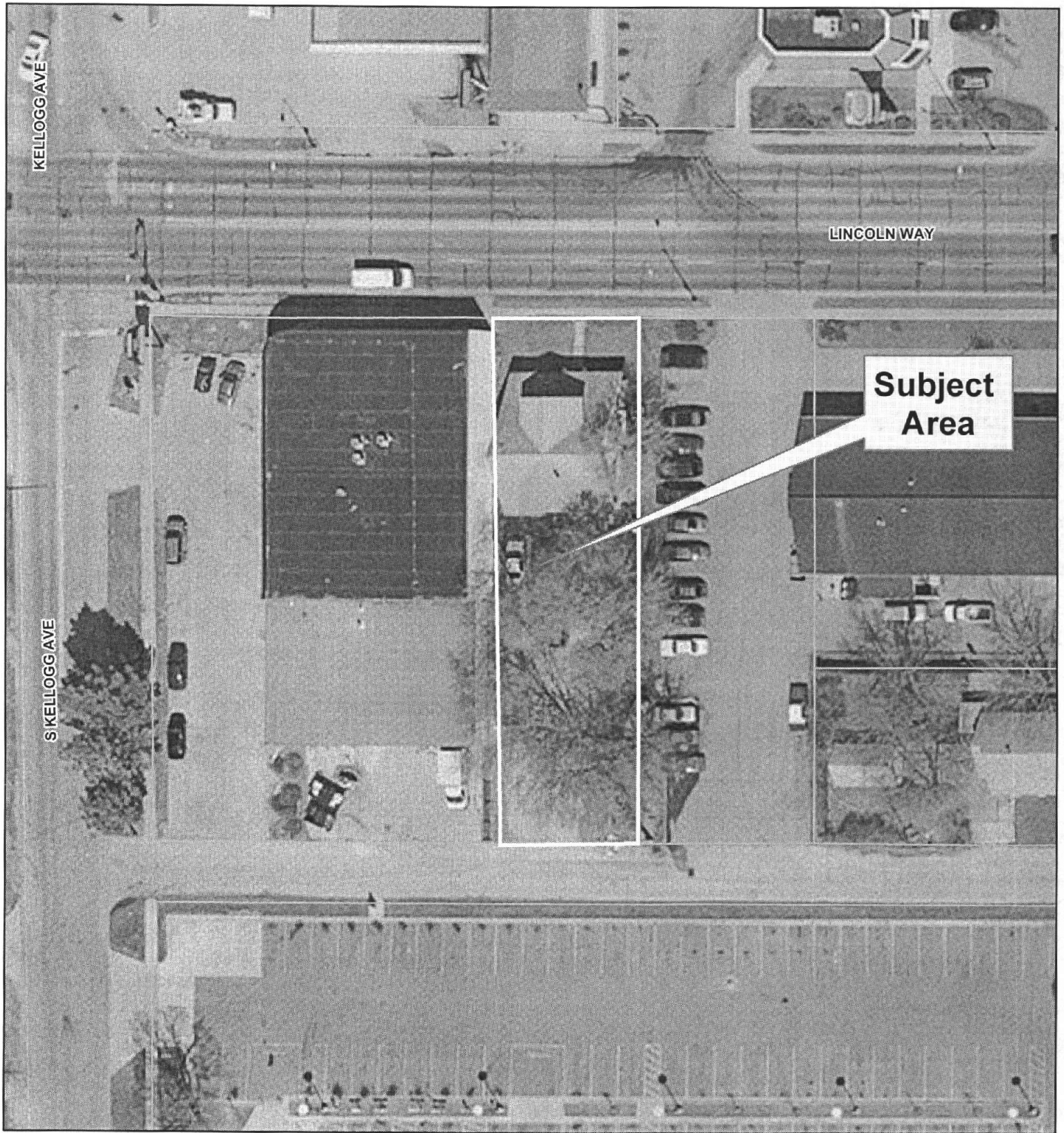
(1) Purpose. The Highway-Oriented Commercial (HOC) Zone is intended to allow auto-accommodating commercial development in areas already predominantly developed for this use. The zone allows a full range of retail and service businesses with a large local or citywide market. Development is expected to be generally auto-accommodating, with access from major traffic ways. The zone's development standards are intended to promote an open and pleasant street appearance; development that is aesthetically pleasing for motorists, pedestrians and the businesses themselves; and compatibility with adjacent residential areas.

Table 29.804(2). Highway-Oriented Commercial (HOC) Zone Uses. This table defines the uses allowed in the "HOC" zone.

Table 29.804(3). Highway-Oriented Commercial (HOC) Zone Development Standards. This table defines the development standards in the "HOC" Zone.

Chapter 31 of the Municipal Code addresses the adopted Historic Preservation District regulations for the City of Ames.

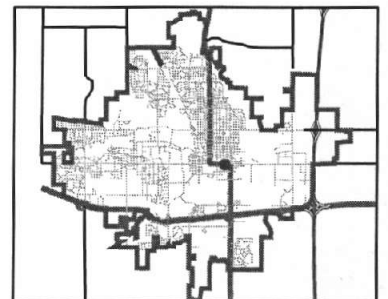
Section 31.8. Procedures for Designation of a Historic District or Landmark. This section describes the data that must be submitted in the application requesting designation of a local historic district or landmark.



Location Map 218 Lincoln Way



0 30 60 120
Feet



Oct 21, 2006

To: Planning and Housing Department
City of Ames, Iowa

Please designate the Martin home at 218 Lincoln Way as a Historic Landmark in Ames, Iowa. This is the home of Archie and Nancy Martin after whom the Archie and Nancy Martin dormitory is named at Iowa State University for their contribution to the community and nation. There is documentation in Ames, Iowa and at Iowa State University on the history of the home and I respectfully request that you use that documentation as the basis for approval. The stairs to the home are scheduled to be repaired. Use of the home has not been decided.

Yours Truly,

A handwritten signature in cursive script, appearing to read "Grantland V Shipp".

Grantland V Shipp
Grandson

GOODWIN LAW OFFICE, P.C.

ATTORNEY AT LAW
311 W. LINCOLN WAY, SUITE 1
AMES, IOWA 50010-3317

ROBERT W. GOODWIN

TELEPHONE
515-232-7390
FAX
515-232-7396

November 5, 2007

City of Ames Planning and Zoning Commission
City of Ames
515 Clark Avenue
P.O. Box 811
Ames, IA 50010

Re: O-H (Historic Preservation Overlay)
District at 218 Lincoln Way, Ames, Iowa

Dear Planning and Zoning Commission:

On behalf of Laurel J. Ely and Mildred E. Ely, who own the property immediately east of 218 Lincoln Way, Crouner Tire & Automotive Center at 202 Lincoln Way, opposition is hereby made to the proposed O-H (Historic Preservation Overlay) District. The area along Lincoln Way is commercial use. A residential house is inconsistent with this commercial area.

The property at 218 Lincoln Way has been vacant. It is questionable whether there is a demand for continued rental of this property to ISU students, or other individuals. The Elys would characterize the maintenance of the property as minimal. The Assessor's records show that the house has had no value since at least 1986. The land provides all the value to the property.

Thomas Leslie's Architectural Opinion states, "The house does have several very apparent issues that might discourage continued use or renovation . . ." If the property is designated as a local historic landmark, it will be virtually impossible to remove the house or to change the use from a single family residence.

If this property would be designated as a historic landmark, there is no provision or requirement to insure that the property will be properly maintained, and that it will not become an eyesore that would negatively impact the commercial desirability and the value of other properties in this vicinity.

The Ames City Code Chapter 31 Historic Preservation Districts does not contain any provision or requirement concerning the maintenance of a building that is designated as a local historic landmark. Section 31.10(5) permits ordinary maintenance or repair, but it does not require any maintenance or repair.

The Ames City Code Chapter 31 Historic Preservation Districts also does not contain any provision to consider and to protect surrounding properties from negative impacts caused by designating a property as a historic landmark.

The Municipal Code of the City of Ames is unconstitutional and fails to protect the rights of the Elys and other property owners in the vicinity because:


1. In violation of the Due Process and Equal Rights Clauses of the United States Constitution and the Iowa Constitution it fails to provide any consideration of, or protection to properties in the vicinity concerning adverse impacts from a property being designated as a historic landmark.
2. In violation of the Due Process and Equal Rights Clauses of the United States Constitution and the Iowa Constitution it fails to require that property designated as a historic landmark must be maintained and used so as to not have a detrimental affect on surrounding properties.

Also, if this property were to be zoned O-H District, that would be spot zoning which is improper.

The Elys respectfully request that the City of Ames Planning and Zoning Commission vote against designating the house at 218 Lincoln Way, Ames, Iowa, as a historic landmark for each and every of the reasons stated herein.

Sincerely,

GOODWIN LAW OFFICE, P.C.


Robert W. Goodwin
Attorney at Law

RWG:sld

Doug Marek, City Attorney, 515 Clark Avenue, Ames, Iowa 50010 (515)239-5146

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF AMES, IOWA, AS PROVIDED FOR IN SECTION 29.301
OF THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY
CHANGING THE BOUNDARIES OF THE DISTRICTS ESTABLISHED
AND SHOWN ON SAID MAP AS PROVIDED IN SECTION 29.1506
OF THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA;
REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES
IN CONFLICT HERewith AND ESTABLISHING AN EFFECTIVE DATE**

BE IT HEREBY ORDAINED by the City Council of the City of Ames, Iowa;

Section 1: The Official Zoning Map of the City of Ames, Iowa, as provided for in Section 29.301 of the Municipal Code of the City of Ames, Iowa, is amended by changing the boundaries of the districts established and shown on said Map in the manner authorized by Section 29.1506 of the Municipal Code of the City of Ames, Iowa, as follows: That the real estate generally located at 218 Lincoln Way is rezoned to establish the "O-H" (Historic Preservation Overlay) District and designate the property as a local historic landmark.

Real Estate Description: The east 50 feet of Lot 4, Block 2, Blacks Addition.

Section 2: All other ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: This ordinance is in full force and effect from and after its adoption and publication as provided by law.

ADOPTED THIS _____ day of _____, 2007.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor