

ITEM #: 25
DATE: 11/20/07

COUNCIL ACTION FORM

SUBJECT: AMEND CHAPTER 31 OF THE MUNICIPAL CODE BY ADDING A NEW SECTION 31.13(27) FOR THE PURPOSE OF ESTABLISHING DESIGN CRITERIA FOR THE MARTIN HOUSE, A PROPOSED LOCAL HISTORIC LANDMARK LOCATED AT 218 LINCOLN WAY

BACKGROUND INFORMATION:

Date Prepared: November 15, 2007

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

Applicant: Nancy Greene
(Representative for the Archie A. and Nancy C. Martin Foundation)

Location: 218 Lincoln Way

Acreage: 0.21 acres (9,000 square feet)

Proposal: The Archie A. and Nancy C. Martin Foundation has submitted an application requesting that the City of Ames designate the "Martin" house, located at 218 Lincoln Way, as a local historic landmark.

If the City Council designates the property at 218 Lincoln Way as a Local Historic Landmark, the adoption of "Design Criteria" for that specific property will be required. Design Criteria are standards for architectural elements characteristic of a particular style of architecture. The Martin house, at 218 Lincoln Way, is an example of the Craftsman style of architecture. The intent of Design Criteria proposed for the Martin house would be to maintain the Craftsman features of the architecture.

The following features of the house are addressed by the Design Criteria, proposed by the applicant:

- Building Height;
- Roof Type and Pitch;
- Dormers;
- Entry;
- Exterior Materials;
- Windows;
- Solid/Void Ratio; and,
- Plan/Footprints.

A request to establish the “O-H” (Historic Preservation Overlay) District on the property at 218 Lincoln Way is being processed concurrently with this proposal to adopt “Design Criteria”.

Design Criteria/Certificate of Appropriateness. The Design Criteria would apply to alterations and new construction involving changes to the exterior of the existing house (see attached ordinance). Prior to the issuance of a Certificate of Appropriateness to allow exterior alterations and/or new construction, the Historic Preservation Commission or City staff would determine if the proposed changes were consistent with the Design Criteria and with the Design Guidelines found in Chapter 31 of the Municipal Code.

Staff Analysis. Staff makes the finding that the Design Criteria, as proposed by the applicant, are consistent with the “Craftsman” style of architecture and will provide appropriate guidance to the Historic Preservation Commission and City staff in determining whether exterior alterations and new construction maintain the historic integrity of the historic landmark.

Adoption of “Design Criteria” is subject to rezoning to establish the “O-H”(Historic Preservation Overlay) District for the property at 218 Lincoln Way.

ALTERNATIVES:

1. The City Council can approve the proposed amendment to Chapter 31 of the Municipal Code to add Design Criteria for the property located at 218 Lincoln Way, subject to the following stipulation:
 - That rezoning to establish the “O-H”(Historic Preservation Overlay) District for the property at 218 Lincoln Way be approved by the City Council.
2. The City Council can deny the proposed amendment to Chapter 31 of the Municipal Code to add Design Criteria for the property located at 218 Lincoln Way.
3. The City Council can refer this proposed text amendment back to staff for further information.

RECOMMENDED ACTION:

City staff finds that the Design Criteria, as proposed by the applicant, for the property at 218 Lincoln Way will serve to protect the architectural style and the historic integrity of the structure as alterations and new construction are proposed in the future.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1. This is a recommendation for approval of the proposed amendment to Chapter 31 of the Municipal Code to add Design Criteria for the property located at 218 Lincoln Way, subject to the following stipulation:

- That rezoning to establish the "O-H"(Historic Preservation Overlay) District for the property at 218 Lincoln Way be approved by the City Council.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW SECTION 31.13 (27) THEREOF, FOR THE PURPOSE OF DESIGN CRITERIA FOR THE MARTIN HOUSE AT 218 LINCOLN WAY; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Section 31.13 (27) as follows:

“Section 31.13

(27) Design Criteria for 218 Lincoln Way, known locally as the Martin House.

(a) The Martin House is a strong example of Craftsman Style residential architecture. Details of design and dimensions of distinct architectural elements of the building shall be followed and conformed to for all alterations or new construction or additions to the building.

(b) The Martin House’s relationship to Lincoln Way is an essential aspect of its Landmark status. Alterations of changes in use that alter the visual or spatial appearance or aspect of the House from this public way shall be discouraged.

(c) All alterations and newly constructed additions shall conform to the following characteristics of the building:

- | | | |
|--------|--------------------|---|
| (i) | Building Height | One and a half stories plus roof pitch. |
| (ii) | Roof Type & Pitch | Strong pitch (9:12 and 7:12) with break at level of upper floor. Single gables with two large dormers on north and south sides. |
| (iii) | Dormers | One at front and back side of roof, with four integral windows in each. |
| (iv) | Entry | One story full width porches. Porch either full or partial width. Massive, square pyramidal porch supports with shallow arches over openings. Centered door on front facade with panels and glass. |
| (v) | Exterior Materials | Narrow (3-1/2") horizontal wood siding with 4" corner boards and painted stucco. Asphalt shingle roof (not original). Wood flooring on porch. Alterations, repairs, and renovations shall match patterns of existing siding, trim, and finish material. |
| (vi) | Windows | Double hung, grouped and/or banded. 5-1/2" trim (4-1/2" board with 1" trim piece). Multi-paned upper sashes. Wood only for alterations to match extant trim and muntin patterns. |
| (vii) | Solid/Void Ratio | Maintain position and size of all large scale openings (doors, windows, etc.). Overall 20-35% void for wall area between foundation and roof. |
| (viii) | Plan / Footprints | Simple square plan with porch subordinate to principal two story mass. Minor projections (<3'-0") permissible on sides and back only. Extensions to the rear of the house are preferred to maintain original appearance of front and side elevations, especially from Lincoln |

Way.”

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk
00953

Ann H. Campbell, Mayor

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Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk
00953

Ann H. Campbell, Mayor

GOODWIN LAW OFFICE, P.C.

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

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

November 16, 2007

Mayor Ann Campbell
Ames City Council
City of Ames
515 Clark Avenue
Ames, IA 50010

Dear Mayor Campbell and City Council Members:

I am submitting this letter on behalf of my clients, Laurel and Mildred Ely, who oppose the property at 218 Lincoln Way being rezoned with an "O-H" (Historic Preservation Overlay) District. The Elys own the property at 202 Lincoln Way which is immediately east of 218 Lincoln Way. The Elys rent their property at 202 Lincoln Way to Crowner Tire & Automotive Center.

The house at 218 Lincoln Way is a non-conforming use in the "HOC" (Highway-Oriented Commercial) District in the vicinity. For the past two years the house has been vacant. Prior to that it had been rented apparently primarily to college students. There were cars parked on the grass in the backyard. The property has had minimal maintenance. Some people have described the property as an eyesore.

The City Assessor's records show that at least since 1986 the house has had no value, and that the only value of this property is the land. A copy of that record is attached.

The concern is that the designation of this property as a Historic Landmark and imposing "O-H" Zoning on the property will perpetuate this house which has no value and which has not been well maintained, and even called an eyesore. The staff report submitted to the Historic Preservation Commission states, "Demolition of the building would 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." Copies of the first two pages of that report are attached.

Section 31.10(3) of the Historic Preservation District Section of the Ames Municipal Code states as follows:

"Demolition. Demolition of existing structures that are contributing or compatible structures or of a historic landmark shall be strictly prohibited except in the following instance:

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.”

There is no access to the property from Lincoln Way. The only access to 218 Lincoln Way is from the alley in the rear of the property. The lot size is 9,000 square feet (50' x 180'). The house covers 1,408 square feet. The property has room for 5 on-site parking spaces. The Archie A. and Nancy C. Martin Foundation has suggested that it would like to consider using the property for a bed and breakfast or a café. The parking space requirement under Section 29.406 Off-Street Parking of the Ames Municipal Code are as follows:

Sit Down Restaurant	9 spaces/1,000 sf.
Short Term Lodging Hotel/Motel	1 space/guest room; plus 6 spaces/1,000 sf of ballroom, meeting, bar and Restaurant areas; plus 1 space/2 Employees of the largest shift.

There are not adequate parking spaces on this property for the suggested uses of this property.

Whether funds will be available to maintain this property, or whether this property can or will be developed to be an attraction or show place is unknown and in question.

The Elys oppose the “HOC” Zoning because there is no requirement that the property be maintained or that it be developed into an attraction or showplace to complement the existing commercial properties. It is noted that 36 Code of Federal Regulations § 68.3(a)(2) provides that “The historic character of a property will be retained and preserved.” (Emphasis Added.) The Elys are concerned with the failure of the Ames Municipal Code and the HOC Zoning Regulation to require a property designated as a Historic Landmark to be maintained and to be made an attraction or showplace.

The imposition of “HOC” Zoning on this property is an illegal spot zoning. This spot zoning of 218 Lincoln Way has no rational basis because there is no requirement that this property be maintained and developed into an attraction and showplace.

The Municipal Code of the City of Ames in regard to its Historic Preservation and HOC Zoning is unconstitutional because it fails to protect the rights of the Elys and other property owners in the vicinity as follows:

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.

Mayor Ann Campbell
Ames City Council Members
November 16, 2007
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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.

The Elys respectfully request that the City of Ames City Council deny the HOC zoning request for 218 Lincoln Way for each and every of the reasons stated herein.

Sincerely,

GOODWIN LAW OFFICE, P.C.



Robert W. Goodwin
Attorney at Law

RWG:sld

Enclosures

WNERSHIP: SHIPP, GRANTLAND
 C/O COL. C.V. SHIPP
 20 PARKSIDE RD
 SILVER SPRING MD 20910
 BLACKS E 50'
 LOT 04 BLK 02

CLASSIFICATION
 RESIDENTIAL R050
 ZONING
 Hoc
 SCHOOL DISTRICT
 AMES
 TOWNSHIP OR CITY
 AMES
 3-360

PERMISSION TO INSPECT *[Signature]* DATE *[Date]*
 REMARKS
 500.1 - 100 - 190
 SF x 4

LAND COMPUTATIONS

YEAR	FRONTAGE	DEPTH OR AVG. DEPTH	AREA S.F. OR AC	UNIT VALUE	ADJUST	ADJUST	ADJUST	INDICATED VALUE
87	50	120	9,000.11					
003					ALLEY	1.05		

SITE INFORMATION

STREET

HARDSURFACE ALLEY
 GRAVEL
 DIRT

SHAPE

IRREGULAR
 REGULAR
 INTERIOR LOT
 CORNER LOT
 CUL-DE-SAC

CONTOUR

LEVEL
 HILL
 DEPRESSION
 BANK

DRAINAGE

ALL
 WATER
 SEWER
 GAS
 ELEC.

GRADE

EVEN
 ABOVE
 BELOW

SLOPE

GENTLE
 MODERATE
 SEVERE

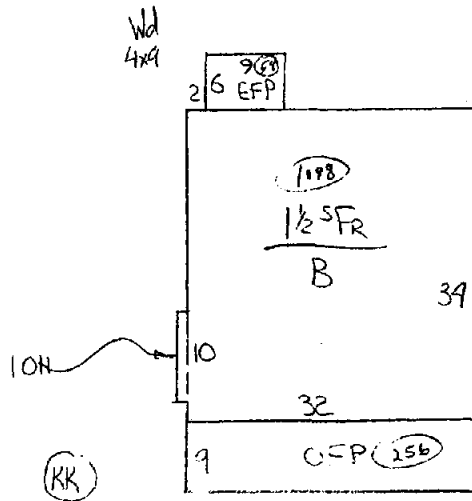
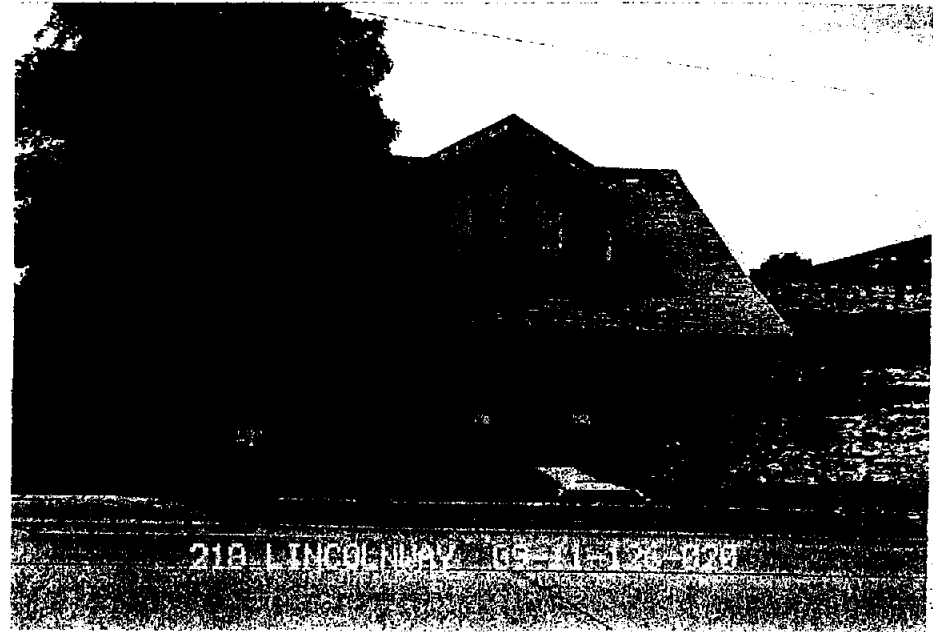
ASSESSMENT SUMMARY

YEAR	ACTUAL VALUE
	LAND 69,300
	BLDGS.
1986	TOTAL 69,300
	LAND 71300
	BLDGS. NV
1991	TOTAL 71300
	LAND 71300
	BLDGS. NV
1993	TOTAL 71300
	LAND 77900
	BLDGS.
1995	TOTAL 77900
	LAND 99,900
	BLDGS. NV
97	TOTAL 99,900
	LAND 107900
	BLDGS. NV
1999	TOTAL 107900
	LAND 122900
	BLDGS. NV
2001	TOTAL 122900
	LAND 137000
	BLDGS. NV
2003	TOTAL 137000
	LAND 137000
	BLDGS. NV
2005	TOTAL 137000
	LAND
	BLDGS.
19	TOTAL
	LAND
	BLDGS.
19	TOTAL

TRANSFER RECORD

DIANTOR	GRANTEE	INSTRUMENT DATE	DATE OF FILING	BOOK	PAGE	CONSIDERATION	INSTR. TYPE	COMMENTS

BUILDING PHOTO AND SKETCH SHOWING EXTERIOR DIMENSIONS



DATE OF INSPECTION 9-28-98 (ed) BY JVG DATE OF PHOTO 6/91

ITEM #: _____

DATE: 06/11/07

COMMISSION ACTION FORM

SUBJECT: PUBLIC HEARING TO CONSIDER THE REQUEST TO DESIGNATE THE HOUSE AT 218 LINCOLN WAY, AS A LOCAL HISTORIC LANDMARK, INCLUDING DESIGN CRITERIA.

BACKGROUND:

Action by the Historic Preservation Commission. On May 14, 2007, the Historic Preservation Commission conducted a public hearing to consider the request to designate the house at 218 Lincoln Way, as a Local Historic Landmark. The motion approved by the Commission at this meeting reads as follows:

MOTION: (DE GEEST/DUNN) The Historic Preservation Commission can conduct and conclude the public hearing and refer this request back to the applicant to revise the Design Criteria in accordance with recommendations by the City staff, prior to proceeding with the recommendation of the Historic Preservation Commission to the City Council.

The Commission also requests that a representative from the Archie A. and Nancy C. Martin Foundation be present at the next meeting.

MOTION PASSED: 6-0-1 (Tom Leslie recused himself from voting on this motion because of a conflict of interest.)

Response by the Applicant to Direction by the Historic Preservation Commission. The applicant has responded with revisions to the Design Criteria, as recommended by the City staff, and directed by the Historic Preservation Commission in their motion. The revised Design Criteria are included as part of this Commission Action Form.

Action Requested. 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.

Applicant/Property Owner. Section 31.8(2) of the Municipal Code states: "*Designation of a historic landmark shall be proposed by any person or organization ...*". In this particular case, the applicant is not the property owner. The applicant is the Archie A. and Nancy C. Martin Foundation. The property owner is Grantland Shipp.

Property Description. The Martin house is located on property at 218 Lincoln Way. It is legally described as the east fifty feet of Lot 4, Block 2, Blacks Addition. The site includes 9,000 gross square feet (0.21 acres) of land area. This is an interior lot occupied by one single-family dwelling.

Application. Section 31.8(2) of the Municipal Code requires certain data to be included in the application for designation as a local historic landmark. Analysis of the data submitted by the applicant to meet the submittal requirements is included in this Action Form.

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 will conduct a second public hearing at the Historic Preservation Commission meeting on June 11, 2007. Oral and written testimony concerning the significance of the nominated historic landmark will be taken by the Commission at the public hearing. 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.

The Commission then files its recommendations with the City Council approving, approving with modifications, or denying the request for designation of a Local Historic Landmark. The Commission has the option of referring the proposal back to the applicant and/or City staff for further information.

The City Council forwards the proposal for the Local Landmark Designation to the State Historical Society of Iowa for review and recommendation. Within a reasonable time after receipt of the recommendation from the State Historical Society of Iowa the City Council makes the final determination on the proposed landmark or district designation. The City Council then conducts a public hearing on the applicant's request. Designation of such an area is made by enactment of an ordinance to amend the official zoning map of the City to show the location of the Local Historic Landmark designation.

Restrictions of Local Landmark Designation. Designation of the house at 218 Lincoln Way as a Local Historic Landmark would require that the property owner comply with all regulations of Chapter 31 (Historic Preservation Districts) of the Municipal Code. The property owner would 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 would 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 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.