

ITEM #: \_\_\_\_\_  
DATE: 12/18/07

## STAFF REPORT

### **Land Use Policy Plan Amendment to Provide Exception Criteria to the Locational Criteria for the Convenience Commercial Node (“CVCN”)**

In May of this year, Mr. Chuck Winkleblack submitted an application to rezone land at the intersection of Stange Road and Bloomington Road from Suburban Residential Medium Density (FS-RL) to Convenience Commercial Node (CVCN). A hearing on the requested rezone before the Planning & Zoning Commission was held on July 18, 2007. A large number of citizens spoke at the hearing, with many expressing support of the proposed rezone, stating that the types of uses the applicant wished to develop in this location were needed in this part of town. There were also individuals who spoke against the proposal because it would allow a use in their neighborhood that was not anticipated or planned when they purchased their homes. Ultimately, both the staff and the Planning & Zoning Commission recommended denial of the rezone because the designation was inconsistent with the locational criteria for Convenience Commercial Nodes as stated in the Land Use Policy Plan (LUPP). Specifically, one criterion stated that convenience commercial nodes should not be located within two (2) miles of an existing neighborhood commercial area, convenience commercial node, and/or village commercial center development, whereas Mr. Winkleblack’s proposed node was within 4/10 mile of the existing Somerset Village commercial area.

In response to the staff’s and Planning & Zoning Commission’s recommendations for denial, which were based upon inconsistency with the LUPP, Mr. Winkleblack submitted an application to amend the LUPP to bring it in line with his proposed rezone request. (He asked that his rezone request be placed on hold pending the processing of his LUPP amendment request). Mr. Winkleblack’s proposed amendments included exception criteria that would allow consideration of a Convenience Commercial Node closer than two miles to existing villages, nodes, and commercial areas. His proposed exception criteria were as follows:

- a. It is demonstrated that the uses and services anticipated in the convenience commercial node are not being fully met in the nearby convenience commercial node or village; and
- b. There is no additional vacant land remaining in the nearby convenience commercial node or village suitable for uses and services needed to serve the surrounding neighborhoods; and
- c. The proposed convenience commercial node will not economically undermine or otherwise result in adverse impacts to the nearby convenience commercial node or village; and
- d. The proposed convenience commercial node will not create adverse impacts to existing infrastructure or to surrounding residential neighborhoods or development; and
- e. The proposed convenience commercial node is consistent with all other goals and

objectives of the LUPP.

The proposed LUPP amendments were considered by the Planning & Zoning Commission on August 15, 2007, at which time the Commission forwarded a recommendation to approve the amendments. The amendments were nonetheless denied by the City Council on September 11, 2007, due in part to concerns that the proposed language was too broad and expressed concerns over impact this will have on existing villages. However, further discussion ensued at the Council's September 25, 2007 meeting, at which time a more limited approach to exception criteria was discussed, including limitations on both the location and the types of uses that would be allowed under the exception criteria. The Council then directed staff to draft language that would entail the following qualities:

1. Convenience Commercial Nodes would only be allowed in certain areas.
2. Only one Convenience Commercial Node would be allowed per Village.
3. The LUPP amendment would include qualifying language (must still be consistent with the other goals of the LUPP), e.g., if there is already a grocery store in the village, another one would not be allowed.
4. The only uses allowed in the Node would be a grocery store and a convenience store.
5. A Convenience Commercial Node would be allowed if it is within one-half mile from an existing area zoned for residential.

Staff has therefore drafted the following language that reflects staff's understanding of the Council's directive:

### **DRAFT LUPP AMENDMENTS PERTAINING TO CONVENIENCE COMMERCIAL NODES**

Page 56 of LUPP

**Convenience Commercial Nodes.** Convenience scale commercial land uses in areas designated as Village/Suburban Residential in the New Lands Area shall be located in strategic locations. The following criteria shall be used to locate convenience scale commercial land uses:

1. Convenience Commercial Nodes should be located with distribution frequency of approximately one (1) mile in radius unless a more frequent distribution is determined appropriate under the locational criteria described for convenience commercial nodes.

Page 57 of LUPP

**Locations.** Three locations within the New Lands Area are recommended identified for Convenience Commercial Nodes. Within the new lands Area, each location represents a generalized area that meets minimum locational criteria within the Suburban/Village Residential land use designation. The locations are as follows:

1. Northwest Growth Corridor at the intersection of North Dakota Avenue and Union Pacific Railroad.
2. Southwest Growth Priority Area near the intersection of Lincoln Way and Boone County/Story County line.
3. Southwest Growth Priority area in the vicinity of the intersection of State Avenue and Oakwood Road.

Additionally, there are locational criteria to assure the compatibility and overall sustainability of each Convenience Commercial Node location. The timing of development will determine what type of commercial land uses shall be located within the Village/Suburban Residential land use designation. The following are the standards that should be used to locate Convenience Commercial Node land uses in Village/Suburban Residential areas within the New Lands Area:

1. To assure clustering, minimize vehicular trips and traffic impact on adjacent neighborhoods, and assure residential compatibility, Convenience Commercial Nodes should **not** be located closer than two (2) miles to an existing neighborhood commercial area, convenience commercial node, and/or village commercial center development except:
  - a. A Convenience Commercial Node may be allowed if it is within ½ mile from an existing area zoned for Village Residential; and
  - b. There can be no more than one Convenience Commercial node allowed under this exception for each village; and
  - c. **The uses allowed in the proposed Convenience Commercial node under this exception are restricted to a convenience store (which may include gasoline and food sales – no sit-down restaurants) and/or a grocery store, as long as the uses are not already present in the neighboring Village; and**
  - d. ***There is no additional vacant land remaining in the nearby village suitable for a convenience store and/or grocery store; and***
  - e. ***The proposed convenience commercial node will not create adverse impacts to existing infrastructure; and***
  - f. The proposed convenience commercial node is consistent with all other goals and objectives of the LUPP; and.
  - g. ***Implementation of the use restrictions allowing a convenience commercial node under this exception is assured through a “developer’s agreement” which must be finalized prior to the City Council’s final zoning approval.***

Page 62 of LUPP

No industrial land use is to be permitted and commercial land uses are limited to convenience/neighborhood scale commercial as part of a Village residential alternative or suburban residential subdivision. No commercial land use in a suburban residential alternative is permitted in the Near Term land area except as allowed under the provisions for Convenience Commercial Nodes.

**The bold italicized language in the above draft is recommended language by staff to ensure that the intent of the Council's directive (as understood by staff) is met.**

Specifically, Item (d) has been added by staff to ensure that an argument is not put forth that there is a need for a grocery store or convenience store outside the village before it has been explored whether the use could not yet be located in the village. Item (e) has been added as a means of assessing potential impacts to infrastructure that were likely not previously assessed or anticipated because a commercial node was not previously identified for a given area. Finally, item (g) has been added as a means of implementing the more restrictive and negotiated CVCN that would be approved under the exception criteria. Without a developer's agreement being attached to the rezone, all uses allowed in the CVCN would be allowed; not just grocery or convenience stores.

The only issue that may need further clarification pertains to uses allowed as part of a convenience store. Convenience stores are classified under the *Retail Sales* category of Table 29.501(4)-3. However, they are not specifically defined in the Municipal Code, so it is not completely clear what types of products are sold in convenience stores. They are nonetheless distinguished from the *food sales* category, so it is clear that *food sales* is not an inherent component of a convenience store. Moreover, *automobile supplies (no services)* are also separately called out under the *Retail Sales* category, so it is evident that the sale of gasoline is also not an inherent component of a convenience store.

Under this draft language, staff assumed that the Council intended gasoline sales and food sales (not sit-down restaurants) to be a part of the convenience store allowance under its proposed exception criteria for a Convenience Commercial Node. Staff has therefore included the list of allowed uses under the exception criteria include grocery stores and convenience stores, which could include gasoline, and food sales.

**It should be emphasized that the definition of a convenience store in the Municipal Code is very limited and does not accommodate many of the uses that now, or in the future, might be found in such a business. The Council should therefore anticipate some controversy over this definition in the future as the convenience store industry expands its uses over time while the definition remains very limiting.**

**Recommendation of the Planning & Zoning Commission.** At its meeting of November 28, 2007, with a vote of 6-1, the Planning and Zoning Commission recommended that the City Council approve the text amendments based upon the staff's findings and conclusions, amending items 1 or 4 of the proposed text to read:

- c. The convenience commercial node incorporate services and/or uses deemed to be a commercial service or use necessary to village life that is not currently and cannot in the future be included within the village because of a lack of available land and/or square footage that can be deemed suitable to said commercial service or use.***

The Planning & Zoning Commission's recommendation was based upon their belief that

there may be other items normally associated with village use that may not be found within the village for reasons similar to grocery or convenience stores and, therefore, might be desirable to promote. The potential advantage of the Commission's proposed language is that it would provide more flexibility in determining needed uses in the CVCN.

The potential disadvantage is that it would be less predictable to residents living in the area just outside of a village as to what uses might be proposed in their neighborhood. It would also open up debate on whether a related, but technically different, use is needed outside of the village because it was not being provided within the village. For example, a bank might be proposed because only a credit union is provided in the village; or a clinic might be proposed because only individual doctor's offices are provided in the village. It might also open debate as to whether there were enough of any one type of use in the village and if more were therefore needed outside of the village.

### **ALTERNATIVES:**

1. The City Council can approve the Land Use Policy Plan text amendments to provide exception criteria to the locational criteria for the Convenience Commercial Node, as directed by Council on September 11, 2007.
2. The City Council can approve the Land Use Policy Plan text amendments to provide the broader exception criteria to the locational criteria for the Convenience Commercial Node, as recommended by the Planning & Zoning Commission.
3. The City Council can choose to make no changes and leave the Convenience Commercial Node criteria as they are currently constituted.
4. The City Council can choose to postpone any action on this issue and refer the matter back to City staff to develop other uses that can be incorporated into the exemption language.
5. The Council can choose to approve the LUPP Amendments originally proposed by Chuck Winkleblack.

### **NEXT STEPS**

If exemption language is approved by the City Council in Alternatives #1, #2, or #5, the developer of the land at Bloomington and Stange will then have the opportunity to approach the Council to modify the LUPP to create a new Convenience Commercial Node and request the associated rezoning of their land.

## **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):

### Land Use Policy Plan (LUPP)

LUPP Page 62-63 – Land Uses [within the Suburban Residential Land use Designation].

*Suburban Residential development is intended to permit primarily residential uses similar to much of the existing residential areas of the City. These uses include:*

*Single-family detached;  
Single-family attached;  
Two-family;  
Multi-family; and,  
Manufactured housing.*

LUPP Page 56 – Convenience Commercial Nodes – Criteria used to locate

*The following criteria shall be used to locate convenience scale commercial land uses:*

- 1. Convenience Commercial Nodes should be located with distribution frequency of approximately one (1) mile in radius.**
- 2. The size of any one node should be between two (2) and five (5) acres, but not greater than ten (10) acres.*
- 3. The building intensity within the node should be limited to 35,000 square feet in any given building and no more than 100,000 square feet total.*
- 4. The node should be located adjacent to or within the center of the highest possible concentrations of population.*
- 5. The node should be located on a major or minor thoroughfare.*

[Emphasis added]

LUPP Page 57 – Locations of Convenience Commercial Nodes.

*Three locations within the New lands Area are recommended for Convenience Commercial Nodes. Within the New lands Area, each location represents a generalized area that meets minimum locational criteria within the Suburban/Village Residential land use designation. The locations [shown with large asterisks on the LUPP map] are as follows:*

- 1. Northwest Growth Corridor at the intersection of North Dakota Avenue and*

*Union Pacific Railroad.*

2. *Southwest Growth Priority Area near the intersection of Lincoln Way and Boone County/Story County Line.*
3. *Southwest Growth Priority area in the vicinity of the intersection of State Avenue and Oakwood Road.*

*Additionally, there are locational criteria to assure the compatibility, and overall sustainability of each convenience Commercial Node location. The timing of development will determine what type of commercial land uses shall be located within the Village/Suburban Residential land use designation. The following standards should be used to locate Convenience Commercial Node land uses in Village/Suburban Residential areas within the New land Area:*

1. *To assure clustering, minimize vehicular trips and traffic impact on adjacent neighborhoods, and assure residential compatibility, **Convenience Commercial nodes should not be located within two (2) miles of an existing neighborhood commercial area, convenience commercial node, and/or village commercial center development** that mostly adheres to the established criteria as stated above. [emphasis added]*
2. *Convenience Commercial Nodes should not be located where there are more intense commercial activities (Community Commercial Node, Highway-Oriented Commercial, Regional Commercial, Downtown Service Center) that serve a higher commercial function and as a convenience commercial land use within the location criteria as stated above.*

## Ames Municipal Code

### Section 29.807(1)

*Purpose. The convenience Commercial Node (CVCN) Zone is intended for strategically located nodes on major or minor thoroughfares within or near conventionally designed suburban residential neighborhoods. This zone encourages the provision of small-scale retail and service uses for nearby residents. Uses are restricted in size, scale, materials, and use to promote a local and compatible orientation with and to limit adverse impacts on nearby residential areas. Development is intended to be pedestrian-oriented and also accommodate vehicular travel associated with conventional suburban residential subdivision design. Vehicle access and parking areas are strictly regulated to promote compatibility with the character of surrounding residential development and the intended pedestrian orientation of uses. The Convenience Commercial Node (CVCN) Zone is intended for areas of special sensitivity in order to avoid detrimental public and environmental impacts by new land uses and to:*

- (a) *Promote clustered and convenient commercial land uses adjacent to residential areas.*
- (b) *Provide for convenience to meet localized neighborhood needs.*
- (c) *Integrate commercial land uses aesthetically and physically with adjacent residential subdivisions.*

- (d) *Accommodate the vehicular mobility associated with conventional residential development while maintaining pedestrian connectivity.*
- (e) *Promote higher design, building materials, landscaping standards, signage, lighting, and screening.*
- (f) *Maximize Floor Area Ratios.*
- (g) *Promote shared parking.*

Table 29.807(2). Uses. This table defines the uses allowed in the CVNC zone.

Table 29.807(3). Development Standards. This table defines the development standards in the CVCN Zone, which includes a limit of 35,000 square feet for a grocery store, and limits fuel pumps to serving no more than 8 vehicles at one time.

Section 29.807(4). Architectural Standards. This section defines the architectural standards in the CVCN Zone, which specifies the use of brick or brick-like materials on at least 50% of the exterior, requires façade modulation and/or variation in wall treatments and materials; roof forms that reflect residential-style structures including pitched roofs of 6:12 or greater.

Section 29.807(9). Lighting. This section specifies limitations on outdoor lighting, including the prohibition on neon lighting, illuminated translucent panels, striping or banding, and pole mounted lights exceeding 25 feet in height.

Section 29.807(11). Signage. This section limits signage to no more than 32 square feet for a wall sign, and limits free-standing signs to monument-type signs of no higher than 12 feet on an arterial street. It also prohibits exposed neon signage, outdoor advertisement displays, banners, and temporary and/or movable signs.



## Consistency with LUPP Goals

In reviewing this proposal, staff reviewed applicable goals and policies as stated in the City's Land Use Policy Plan. These included Goals for a New Vision as stated on Pages 14 - 23 of the LUPP. Staff comments and conclusions regarding these goals as they pertain to this proposal are as follows:

### **Goal No. 1 – Planning and Management of Growth**

*Recognizing that additional population and economic growth is likely, it is the goal of Ames to plan for and manage growth within the context of the community's capacity and preferences. It is the further goal of the community to manage its growth so that it is more sustainable, predictable and assures quality of life.*

Through the Land Use Policy Plan Map, the City of Ames has identified a need for an additional 800-900 acres of commercial growth. The projection assumes an increase in regional attraction and also assumes that most of the growth need will be met in the unincorporated portion of the Planning Area. It does not, however, state that none of the localized need will be met within existing City limits. Although the need for retail at the regional level will largely be met with the rezoning of the lifestyle center site on East 13<sup>th</sup> Street, the more local needs of neighborhoods has not yet been realized. The proposal is therefore not at odds with this larger regional needs goal.

### **Goal No. 2 – Developable Area Provisions**

*In preparing for the target population and employment growth, it is the goal of Ames to assure the adequate provision and availability of developable land. It is the further goal of the community to guide the character, location, and compatibility of growth with the area's natural resources and rural areas.*

The proposal provides opportunity for considering unmet needs in specific locations based upon predetermined criteria. The proposed text changes include criteria that ensure consistency with all Land Use Policy Plan goals. Any environmental constraints could therefore be considered under these criteria. The proposal is therefore consistent with and furthers this goal.

### **Goal No. 3 – Environmental - Friendliness**

*It is the goal of Ames to assure that it is an "environmentally-friendly" community and that all goals and objectives are integrated with this common goal. In continuing to serve as a concentrated area for human habitat and economic activity, Ames seeks to be compatible with its ecological systems in creating an environmentally sustainable community.*

The proposed text change will allow consideration of designating a Convenience

Commercial Node in areas where basic retail needs are currently lacking, which forces residents to drive greater distances, thereby creating greater traffic demands, to acquire goods and services that could more logically be located near their homes. The proposal would therefore be consistent with and further this goal.

***Goal No. 4 – Sense of Place and Connectivity***

*It is the goal of Ames to create a greater sense of place and connectivity, physically and psychologically, in building a neighborhood and overall community identity and spirit. It is the further goal of the community to assure a more healthy, safe, and attractive environment.*

Development within Convenience Commercial Nodes is subject to more stringent development standards than development within a typical commercial zone. These standards were adopted to allow retail development to be incorporated into the fabric of residential neighborhoods without diminishing their visual quality. Assuming strict application of the existing development standards, the proposal would be consistent with this goal.

***Goal No. 5 – Cost-effectiveness and Efficient Growth Pattern***

*It is the goal of Ames to establish a cost-effective and efficient growth pattern for development in new areas and in a limited number of existing areas for intensification. It is a further goal of the community to link the timing of development with the installation of public infrastructure including utilities, multi-modal transportation system, parks and open space.*

The appropriate location of a Convenience Commercial Node would provide a convenient means of serving the needs of local residents without further burdening the City's street system. The proposed criteria for locating the Convenience Commercial Nodes provides enough guidance to decision makers to both address local needs while avoiding excessive commercial development in residential areas. A site could be developed in conjunction with existing and planned infrastructure within an area, thereby being consistent with this goal.

***Goal No. 7 – Mobility and Alternative Transportation***

*It is the goal of Ames to provide greater mobility through more efficient use of personal automobiles and enhanced availability of an integrated system including alternative modes of transportation.*

The proposed criteria would allow commercial development close enough to residential areas for walking, biking, or automobile traffic, and would therefore allow access through multiple modes of transportation.

**Goal No. 9 – Economic Expansion and Diversification**

*It is the goal of Ames to promote expansion and diversification of the economy in creating a base that is more self-sufficient and that is more sustainable with regard to the environment.*

This Goal relates to regional employment opportunities, small and medium sized business centers, and expansion of research and technology development. While this proposal would broaden the economic base, it would not diversify it further from existing approved commercial developments, which are already designated and zoned appropriately for commercial development. It would, however, allow consideration of additional zones intended to serve specific locations and neighborhoods.

**Goal No. 10 – Cultural Heritage Preservation**

*It is the goal of Ames to maintain and enhance its cultural heritage.*

There is nothing in the proposed amendments that would be at odds with this goal.

Based upon the above findings, the staff concludes that the proposed amendments would be consistent with the goals and policies of the City's Land Use Policy Plan.