

ITEM #: 27  
DATE: 07/15/08

### COUNCIL ACTION FORM

**SUBJECT:** REZONING OF PROPERTY LOCATED AT 4401 WESTBROOK DRIVE  
FROM PLANNED RESIDENCE DEVELOPMENT (F-PRD) TO  
RESIDENTIAL LOW DENSITY (RL)  
(Case # ZMA-08-03)

**BACKGROUND:**

Chuck Winkleblack has submitted an application to rezone land located at 4401 Westbrook Drive. The precise area of the rezone is shown on the attachment. The site is at the dead end portion of Westbrook drive, and runs north across Clear Creek approximately 600 feet. It is a 1.37 acre flag shaped lot that was platted in 1980 as part of the Clear Creek Planned Development (PUD). The PUD designation has since been replaced with the Floating Planned Residence District (F-PRD) designation. This occurred in the year 2000 when the City replaced City-wide all PUD zoning designations with a newly adopted F-PRD zoning designation.

The 1980 Clear Creek PUD was platted and developed with townhomes, which reflected the type of development anticipated under the City Council approved PUD. This lot, a portion of the original Clear Creek PUD, which is being considered for rezone, was segregated from the portion with townhomes because it was across the creek from the rest of the development. When the Clear Creek PUD was approved in 1980, it was intended that this lot be developed for one single-family home. The intent is specifically noted on the PUD plat.

This rezone is associated with a concurrently submitted preliminary plat application for Estates West 2<sup>nd</sup> Addition. The rezone is necessary because the proposed subdivision would break this portion off the existing F-PRD site, making it no longer part of the PUD development plan.

Floodplain covers nearly the entire southern flagpole portion of this lot, which limits construction activities because of the City of Ames Municipal Code, Chapter 9, Flood Plain Regulations. A drainage easement to the City within the flood plain area is therefore identified in the separately submitted preliminary plat, which will allow for long term maintenance of Clear Creek.

The current Land Use Policy Plan designation for this site is "Low Density Residential". The proposed RL zoning designation is consistent with the LUPP designation. The Environmentally Sensitive Lands map designates the area as "Greenway" in the southern portion of this property. Although the "Greenway" designation can refer to spaces providing connectivity between parks, the City has determined that connectivity is already provided by a shared use path in the public right of way between the dead end of Westbrook Drive and connecting with the path along North Dakota Ave. Therefore, a conservation easement to maintain open space and as well as allow the city to construct a path on private property is not necessary.

The associated preliminary plat divides the current lot for two single-family homes, resulting in an overall buildable area net density of 0.89 dwelling units per acre. This is consistent with the allowable densities under the proposed RL zone.

#### Applicant's Statement In Support Of Rezone:

The applicant has submitted the following statement (shown in *italics*) in support of this rezone:

*"The reason for the rezoning request is that city staff requested that we change the zoning to RL. This property was part of an old PUD. The balance of the properties in that PUD is townhouses. Since this will now be part of our single-family development it is appropriate for the zoning to be changed to RL.*

*This is an infill project within the corporate limits of the city. The development takes property that otherwise was not able to be developed and makes 3 buildable lots out of it in an efficient manner. A portion of this property is in the floodplain and we are leaving that part of the property undeveloped and in its natural state."*

#### Public Input:

There have been several phone calls generated by the two signs placed in the area of the proposed rezoning. All callers seemed satisfied as additional information on the proposal was supplied. None expressed opposition. Some did convey the message that they were simply calling to ensure that Munn Woods was not being developed. Because of the unusual shaped of the lot and topography, the property boundaries in relation to Munn Woods are difficult to understand without viewing drawings depicting the layout of the site.

#### Staff Conclusions.

Based upon the above stated facts and analysis, the staff concludes that the proposed rezoning is consistent with the LUPP, which includes the Land Use Policy Plan Map and the Environmentally Sensitive Lands Map, both revised February 26, 2008 by City Council.

#### Recommendation of the Planning & Zoning Commission.

The Planning and Zoning Commission held its meeting on July 2, 2008, to consider this action. Staff gave the report simultaneously with the Estates West 2<sup>nd</sup> Addition Preliminary Plat because the same property is involved. A public input session was conducted in which no one spoke in opposition. The applicant spoke in favor of the request. With a vote of 4-0, the Planning & Zoning Commission recommended approval of the rezoning of 1.37 acres from "F-PRD" (Floating-Planned Residence District) to "RL" (Residential Low Density), based on staff's findings and conclusions, with the following stipulation:

- a. **In order to be consistent with the Environmentally Sensitive Lands Map for "Greenway," designation, the rezoning is contingent upon the proposed easement over the floodplain portion of the property, which is**

**proposed within the Estates West 2<sup>nd</sup> Addition Preliminary Plat application submitted and revised June 24, 2008.**

Staff determined after the commission meeting that this stipulation has already been satisfied and therefore not necessary because a conservation easement for park connectivity is not needed by the City and the proposed drainage easement is supported by Municipal Code, 23.407(5), Storm Water Management, which satisfies the City Council's intent of both the Subdivision Regulations and the Land Use Policy Plan. The commission was presented with the fact that the conservation easement was not needed, but the stipulation was not removed prior to the vote.

**ALTERNATIVES:**

1. The City Council can approve the rezoning of 1.37 acres from "F-PRD" (Floating-Planned Residence District) to "RL" (Residential Low Density) based upon the staff's analysis and conclusions.
2. The City Council can deny the rezoning application of 1.37 acres from "F-PRD" (Floating-Planned Residence District) to "RL" (Residential Low Density), if it makes conclusions that the application is in conflict with the City's Land Use Policy Plan or other City Council's objectives.
3. Action on this request can be postponed and referred back to City staff and/or the applicant for additional information.

**MANAGER'S RECOMMENDED ACTION:**

The City Council can approve the rezoning of 1.37 acres from "F-PRD" (Floating-Planned Residence District) to "RL" (Residential Low Density) based upon the staff's analysis and conclusions.

## 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):

### *Section 29.701. Residential, Low Density:*

*(1) Purpose. This zone is intended to accommodate primarily single-family dwellings, while accommodating certain existing two-family dwellings and other uses customarily found in low-density residential areas.*

Table 29.701(2). Residential, Low Density (RL) Zone Uses. This table defines the uses allowed in the "RL" zone.

Table 29.701(3). Residential, Low Density (RL) Development Standards. This table defines the development standards in the "RL" Zone.

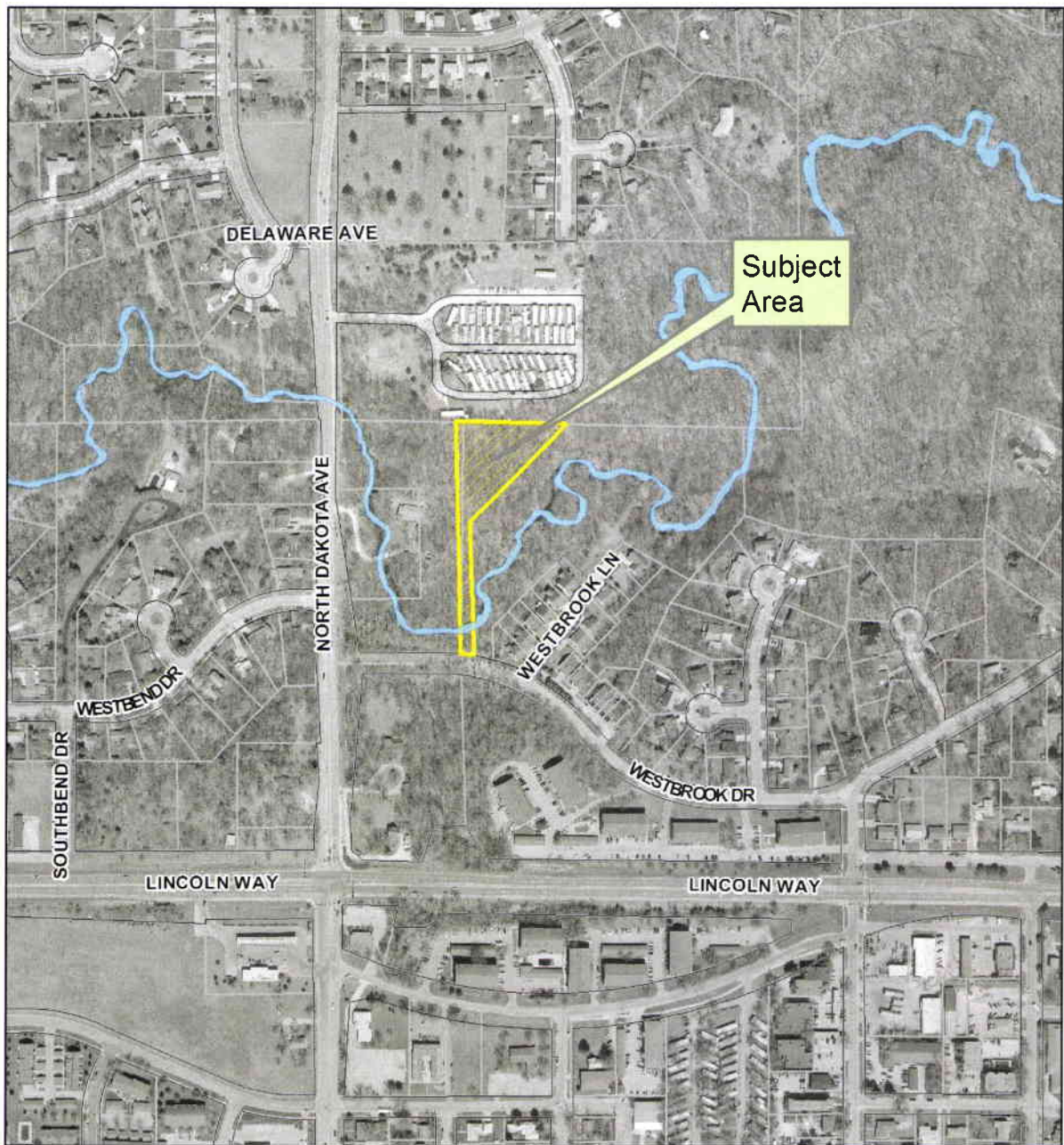
Section 29.1507. Zoning Text and Map Amendments. This section describes the process for reviewing and approving a rezoning proposal.

### *Section 23.407(5). Storm Water Management:*

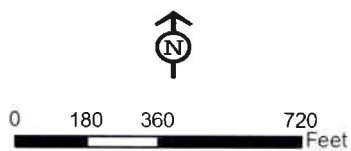
*Dedicating Drainage Easements: Any necessary and appropriate public storm water management measure shall be located in the right-of-way associated with a public way to the extent practical. Any such measures that cannot be so located shall be located in a perpetual unobstructed easement with satisfactory access to a public way and from a public way to a natural watercourse or to other storm water management measure. Any such easement shall be secured by the subdivider and dedicated to the City.*

Iowa Code Section 414.5 Changes – protest. This section allows the City Council to impose reasonable conditions on map amendments, provided that the conditions have been agreed to in writing by the property owner before the required public hearing or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs, which are directly caused by the requested change. Affected property owners may file a protest of the change prior to or at the public hearing.

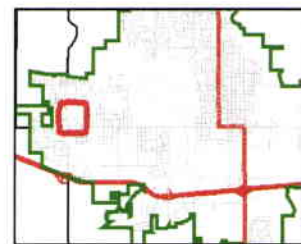


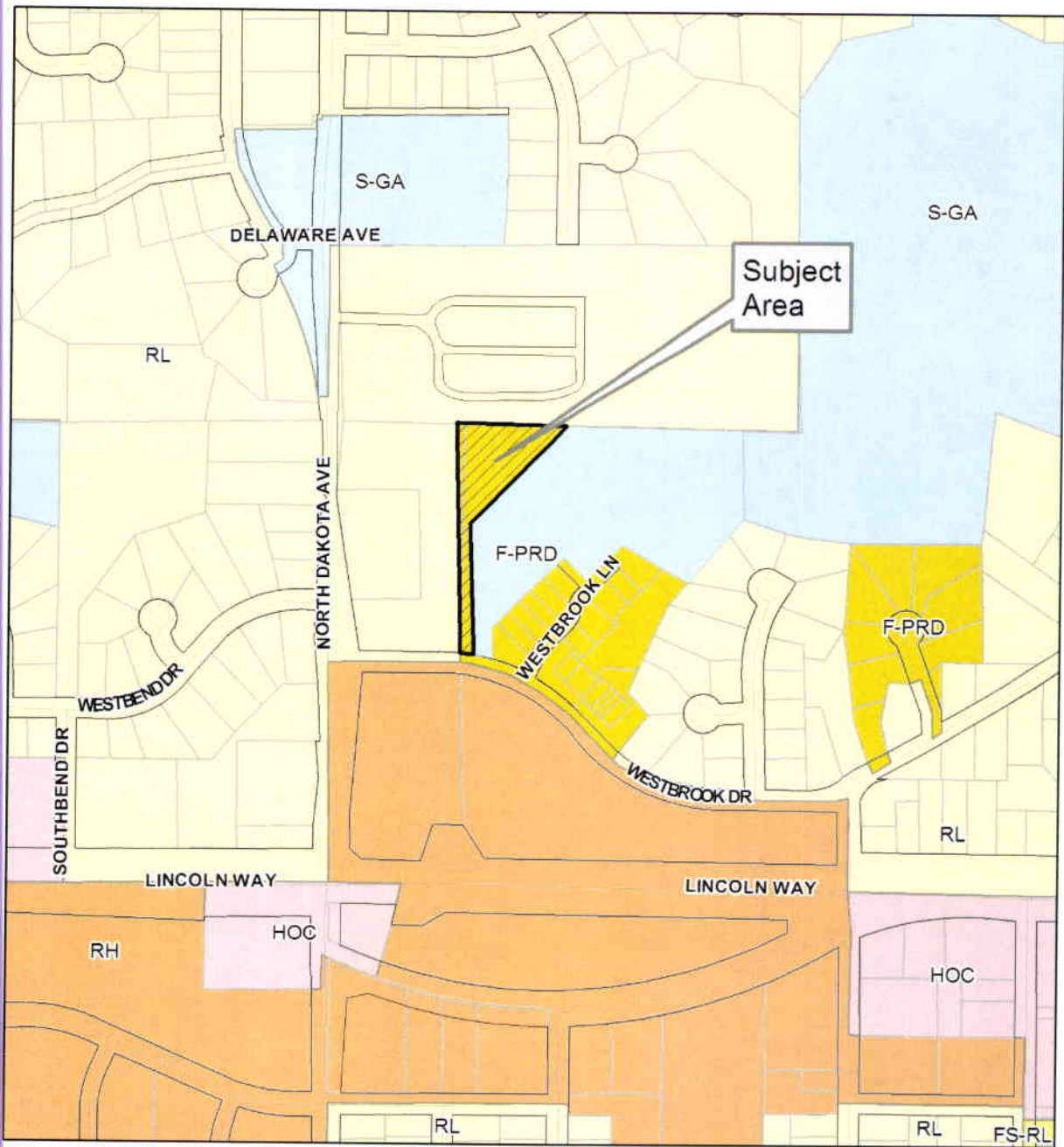


**Location Map**  
**4401 Westbrook Drive**

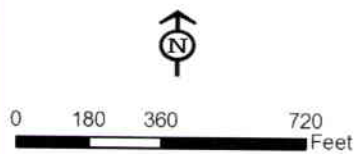


2003 Aerial Photo





### Existing Zoning 4401 Westbrook Drive

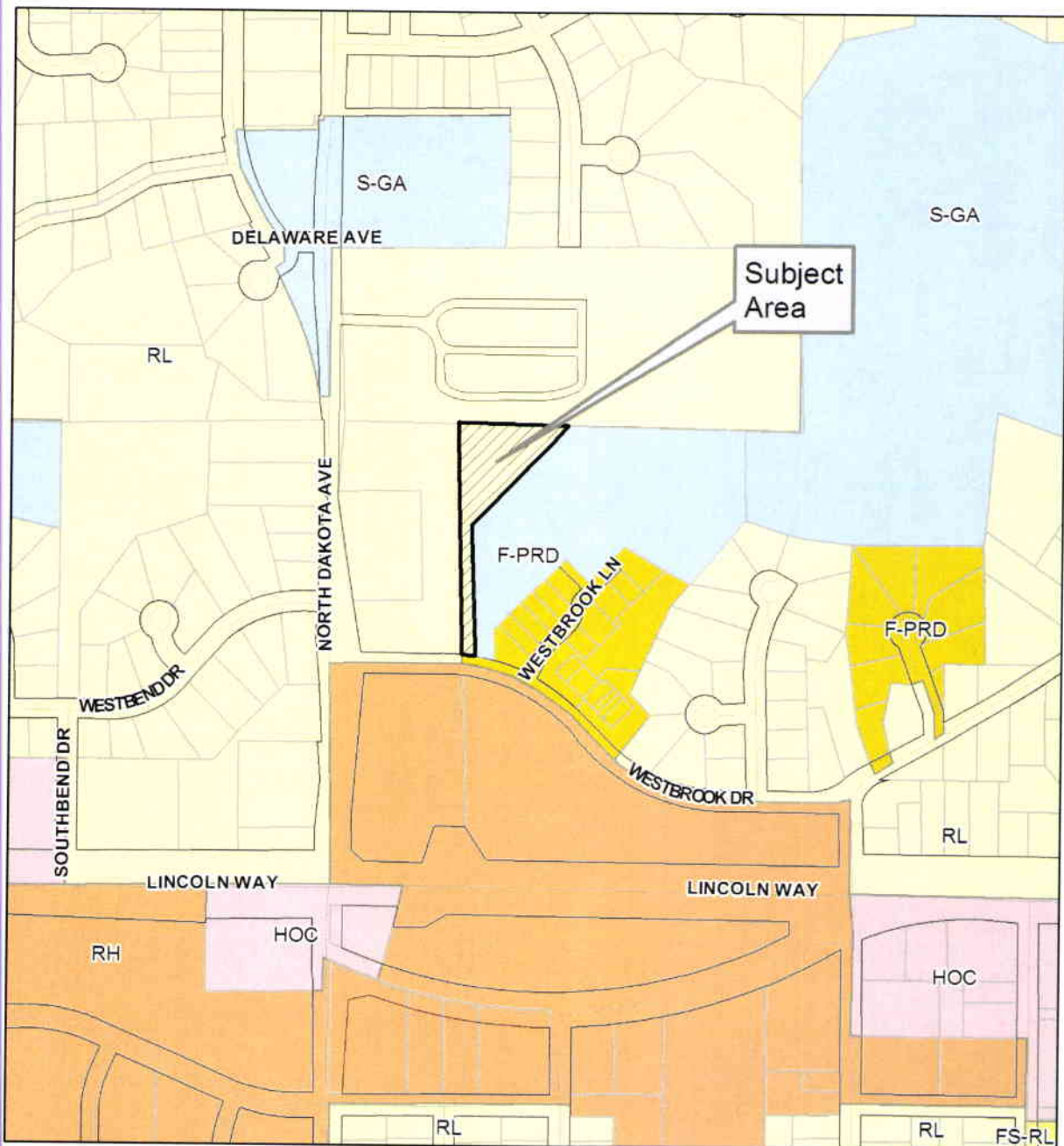


#### Legend

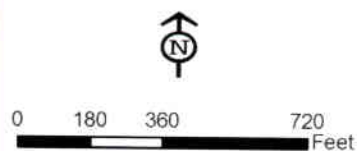
- Residential Low Density Zone "RL" (sec 29.701)
- Residential High Density Zone "RH" (sec 29.704)
- Highway-Oriented Commercial Zone "HOC" (sec 29.804)
- Government/Airport District "S-GA" (sec 29.1002)
- Planned Residence District "F-PRD" (sec 29.1203)





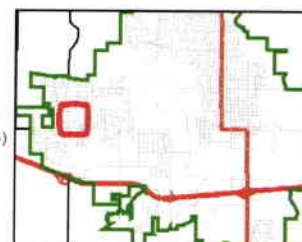


# **Proposed Zoning 4401 Westbrook Drive**



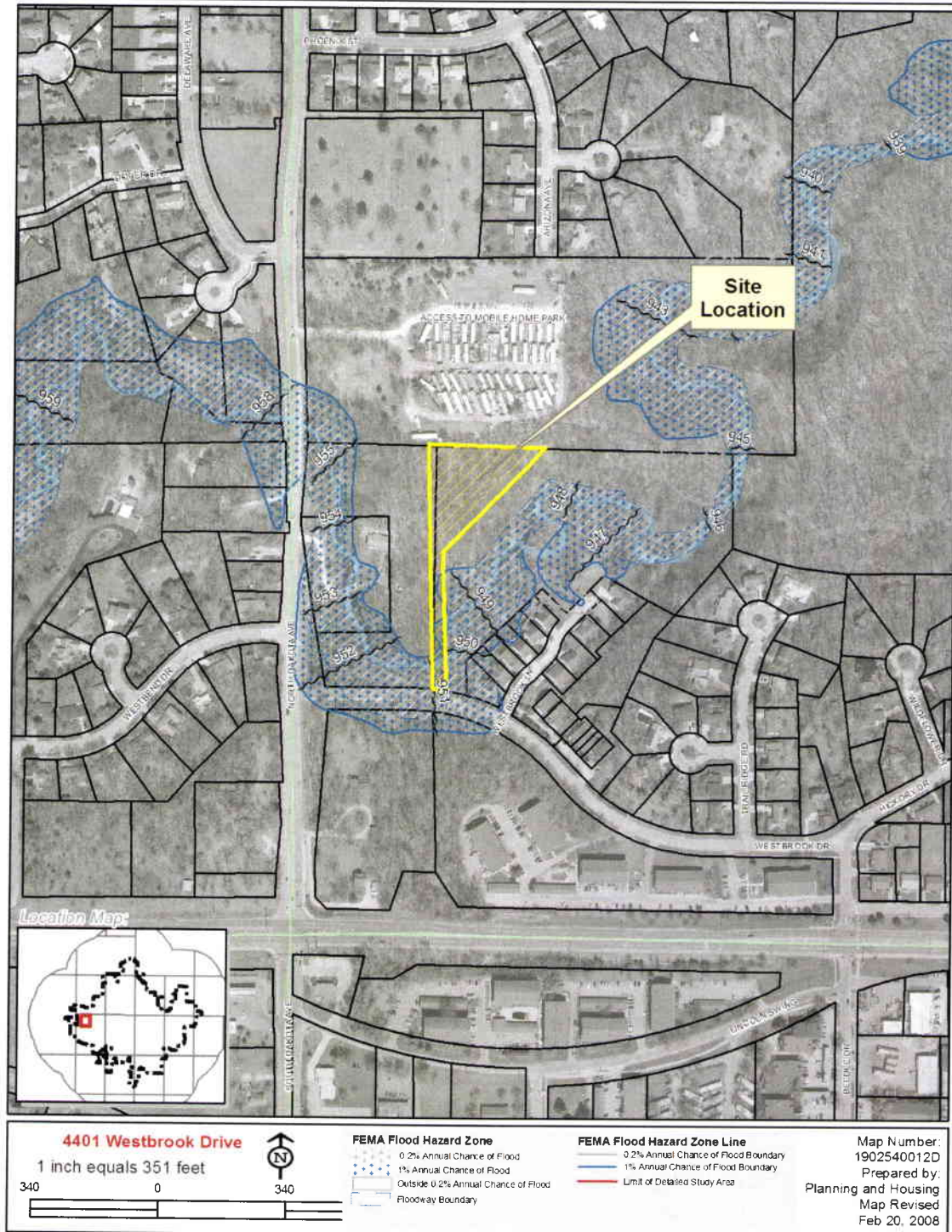
## **Legend**

- Residential Low Density Zone "RL" (sec 29.701)
- Residential High Density Zone "RH" (sec 29.704)
- Highway-Oriented Commercial Zone "HOC" (sec 29.804)
- Government/Airport District "S-GA" (sec 29.1002)
- Planned Residence District "F-PRD" (sec 29.1203)

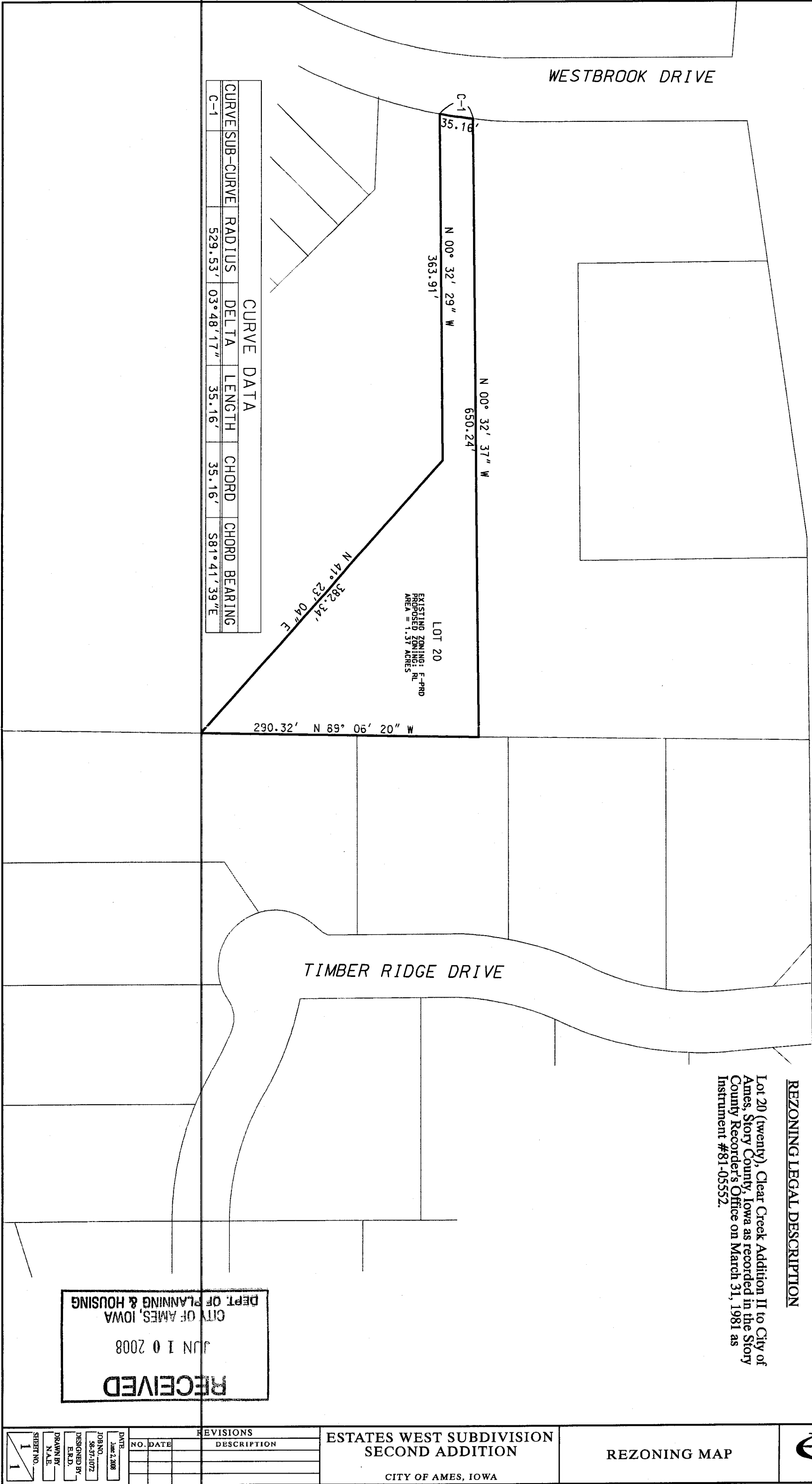


# Flood Insurance Rate Map (FIRM)

FEMA - City of Ames Flood information

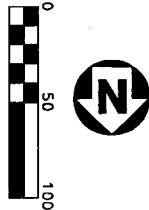






**REZONING LEGAL DESCRIPTION**

Lot 20 (twenty), Clear Creek Addition II to City of Ames, Story County, Iowa as recorded in the Story County Recorder's Office on March 31, 1981 as Instrument #81-05552.



**RECEIVED**

JUN 10 2008

CITY OF AMES, IOWA

DEPT. OF PLANNING & HOUSING



REZONING MAP

ESTATES WEST SUBDIVISION  
SECOND ADDITION  
CITY OF AMES, IOWA

REVISIONS	DATE	DESCRIPTION

DATE	6/10/2008
PROJECT NO.	008-001
DESIGNED BY	SS-21-1072
CHECKED BY	
APPROVED BY	
SCALE	

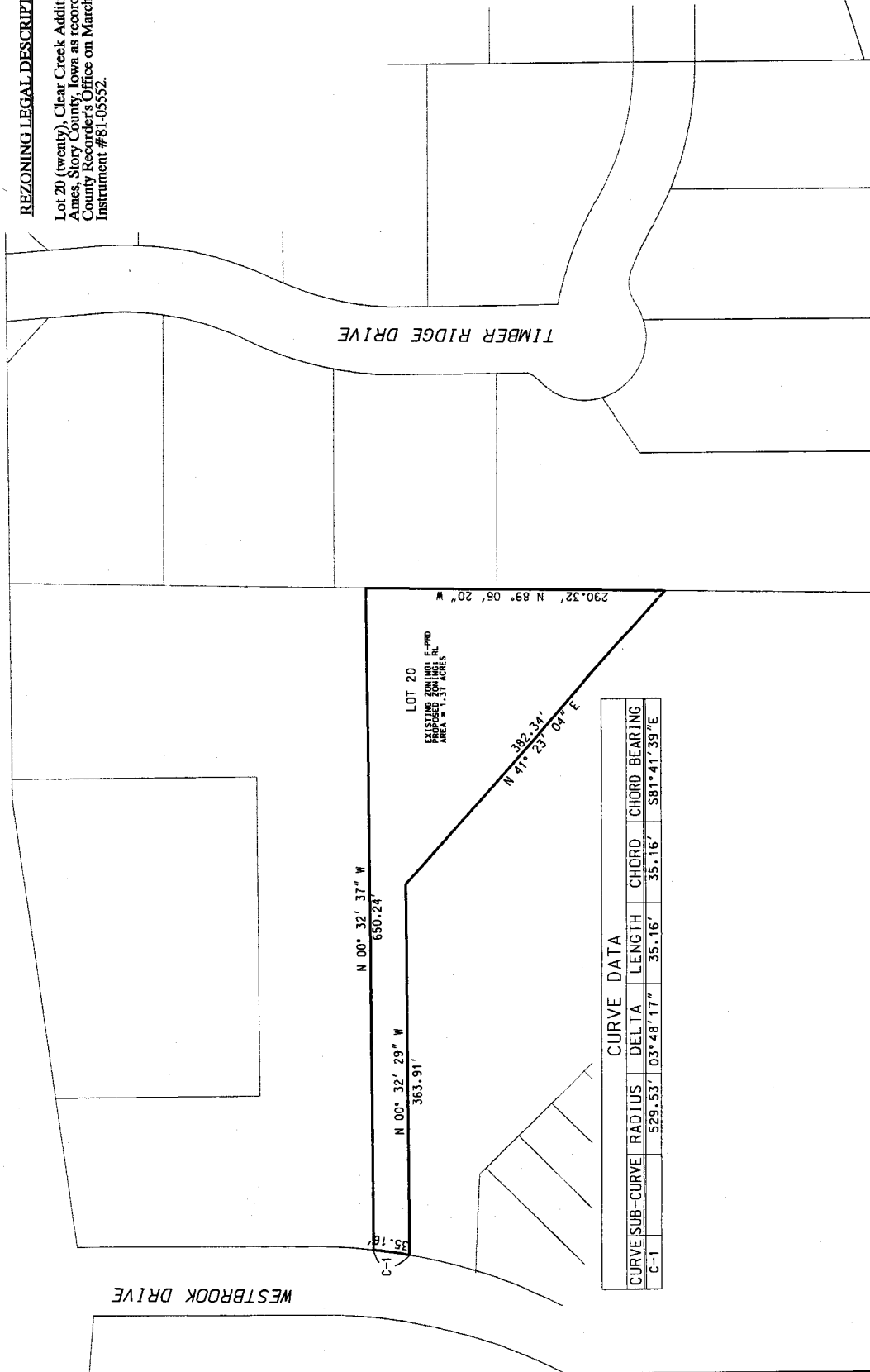


NORTH DAKOTA AVENUE

REZONING LEGAL DESCRIPTION

Lot 20 (twenty), Clear Creek Addition II to City of Ames, Story County, Iowa as recorded in the Story County Recorder's Office on March 31, 1981 as Instrument #81-05552.

**RECEIVED**  
JUN 10 2008  
CITY OF AMES, IOWA  
DEPT. OF PLANNING & HOUSING



CURVE DATA				
CURVE	SUB-CURVE	RADIUS	DELTA	CHORD
C-1		529.53'	03° 48' 17"	35.16'
				35.16'
				581° 41' 39" E

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DO NOT WRITE IN THE SPACE ABOVE THIS LINE, RESERVED FOR RECORDER  
Prepared by: Douglas R. Marek, Ames City Attorney, 515 Clark Avenue, Ames, IA 50010 Phone: 515-239-5146  
Return to: Ames City Clerk, P.O. Box 811, Ames, IA 50010 Phone: 515-239-5105

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**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 29.1507 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 29.1507 of the Municipal Code of the City of Ames, Iowa, as follows: That the real estate, located 4401 Westbrook Drive, is rezoned from Planned Residence Development (F-PRD) to Residential Low Density (RL).

**Real Estate Description:** Lot 20, Clear Creek Addition II to the City of Ames, Story County, Iowa.

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 \_\_\_\_\_, 2008.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor



