

**COUNCIL ACTION FORM**

**SUBJECT: REZONING OF PROPERTY LOCATED AT 1820 SOUTH DAYTON PLACE FROM AGRICULTURAL (A) TO HIGHWAY-ORIENTED COMMERCIAL (HOC)**

**BACKGROUND INFORMATION**

On April 18, 2011 a rezoning application was received for a five-acre property at 1820 South Dayton Place on behalf of the property owners Jeffrey James and Judy James who also own the 13-acre property to the west, the former site of a truck stop. Between the two properties is Dayton Place, a public street that was made a dead-end segment by the relocation of the Dayton Avenue interchange with U.S. Highway 30. On November 7, 2008, the property was annexed into the city along with this road segment. (See Attachment A Location Map)

Although the property had the county zoning designation for commercial use before annexation, when annexed into the city the zoning designation became Agricultural (A). (See Attachment E Existing Zoning Map) The proposal is to rezone all of the subject property from Agricultural (A) to Highway Oriented Commercial (HOC). (See Attachment C Rezoning Map)

According to the rezoning application, the subject property will be developed for uses consistent with HOC zoning. (See Attachment B, Rezoning Narrative) If rezoned to HOC, the property can be used for any uses permitted in the zoning code for that zoning designation, generally all uses, except residential, industrial, or schools. This is the zoning designation of most of the commercial areas of Ames. (See Attachment G, Applicable Laws and Policies for references to the lists of these uses)

**Surrounding Area.** The following table identifies the Future Land Use Map designations, existing zoning, and existing land use of the properties surrounding the property proposed for rezoning.

<b>Description Of Surrounding Area</b>			
Area	LAND USE PLAN MAP DESIGNATION	EXISTING ZONING	EXISTING LAND USE
North	Highway Oriented Commercial Gateway Protection Area	Highway Oriented Commercial Southeast Gateway Overlay Floodway Fringe	Commercial - hotels
West	Highway-Oriented Commercial Gateway Protection Area	Highway Oriented Commercial Southeast Gateway Overlay Floodway Fringe	Vacant
South	Natural Areas	Agricultural (Story County)	Mineral Extraction
East	Natural Areas Gateway Protection Area	Agricultural (Story County)	Mineral Extraction

See Attachment D Land Use Plan Map and Attachment E Existing Zoning Map

**Land Use.** The Ames Urban Fringe Plan, an element of the Ames Land Use Policy Plan (LUPP), describes the City's land use policy for the subject property. The east portion of the site is shown as Natural Area and the west portion is shown as Highway-Oriented Commercial. On August 26, 2008, the Ames City Council determined that commercial use would be consistent with the Ames Urban Fringe Plan because land use map designations do not always follow precise property lines, and because the county zoning designation in place at that time was commercial, and because the previous use of the property was commercial.

The Ames Urban Fringe Plan also designates the property as a Gateway Protection Area, which is consistent with the Ames zoning designation of Southeast Gateway Overlay (O-GSE). The Ames LUPP designates as community entries the interchange of Interstate 35 and U.S. Highway 30 and the interchange of U.S. Highway 30 and Dayton Road. In order to enhance the arrival in Ames and direct traffic in accessing major areas activity centers, the LUPP calls for these entries to be well identified and designed to be distinctive, especially with respect to signs, lighting, landscaping, building placement, site access, and parking location.

To implement this policy for the two entries, the City, Iowa Department of Transportation, and property owners have cooperated to establish and fund a conceptual plan for the Ames Southeast Gateway. They have implemented the first phase (landscaping and public improvements) and are in design for the second phase (sculptural light columns). The City Council has also established the Southeast Gateway Overlay zoning district with some use restrictions and design standards for development of properties. Therefore, it would be consistent with the zoning designations of other commercial properties in this area to apply the Southeast Gateway Overlay zoning designation to the subject property. (See Attachment E, Existing Zoning Map)

**Applicable Laws and Policies.** The laws and policies that are applicable to this case are referenced in Attachment G.

**Floodway and Floodway Fringe Zoning.** This subject property is within the Floodway Fringe Overlay Zone. (See Attachment F: Flood Plain Zoning Map) The Floodway Fringe is the area on both sides of the river where the elevation of the land can be raised to be above a flood. The boundary between the Floodway and the Floodway Fringe has been established based on the assumption that all of the land in the Floodway Fringe has been filled to an elevation one foot above the flood elevation, which is based on the flood height that has a 1% chance of happening every year.

In the Floodway Fringe, all uses are permitted that are otherwise allowed by zoning and other regulations, but the use and the development must meet standards that protect people and property from floods. The most common method for meeting these requirements is to fill the site to place the floor of buildings three feet above the flood elevation. However, there are other ways to "flood proof" development and the Flood Plain Overlay Zoning Code contains standards for evaluating these methods as they are applied to each project. City staff administers these requirements. Parking lots and other site areas do not need to be protected from flooding. Rezoning of the property from A to HOC does not change the floodplain overlay zoning designations and does not relieve the subject property from these flood plain zoning requirements.

**Access.** From the U.S. Highway 30/Dayton Road interchange, S.E. 18<sup>th</sup> Street and Dayton Place, paved roads, serve the property. The city limits follow the centerlines of these roads, which City of Ames and Story County manage jointly.

**Utilities/Infrastructure.** City of Ames sanitary sewer, storm sewer and water mains are present on the west side of Dayton Place. The capacity of these utilities is adequate for the uses allowed by the proposed HOC zoning designation. The City of Ames electrical distribution already serves this parcel.

**Emergency Response:** The subject property can be served by the City's emergency response services within five minutes.

**Goals and Objectives of the Land Use Policy Plan.** The land use goals and policies relevant to this rezoning request are included as Attachment H.

**Conclusions.** Based upon the above analysis, staff concludes that the proposed rezoning is consistent with the Land Use Policy Plan (LUPP) Future Land Use Map. Staff further concludes that the request for rezoning complies with the relevant sections of the *Municipal Code* for the submittal and processing of the rezoning application.

**Recommendation of the Planning & Zoning Commission.** The Planning and Zoning Commission recommended approval (4-0 vote) of this rezoning request at its meeting of May 4, 2011. Nobody from the audience addressed the Commission on this request.

**ALTERNATIVES:**

1. The City Council can approve the rezoning of the property located at 1820 South Dayton Place from Agricultural (A) to Highway-Oriented Commercial (HOC) and further initiate rezoning the property to Southeast Gateway Overlay Zoning District, based on the staff's analysis and conclusions.
2. The City Council can approve the rezoning of the property located at 1820 South Dayton Place from Agricultural (A) to Highway-Oriented Commercial (HOC), without further recommendations, based on the staff's analysis and conclusions.
3. The City Council can deny the rezoning of the property located at 1820 South Dayton Place from Agricultural (A) to Highway-Oriented Commercial (HOC) if the Council finds and concludes that the proposed rezoning is not consistent with adopted policies and regulations, or that the rezone will impose impacts that cannot be reasonably mitigated.
4. The City Council can defer action on this request and refer it back to City staff and/or the applicant for additional information.

**MANAGER'S RECOMMENDED ACTION:**

The staff believes that rezoning of the property located at 1820 South Dayton Place from Agricultural (A) to Highway-Oriented Commercial (HOC) is consistent with the land use policies of the City. Before this property was annexed into the City, it was determined that

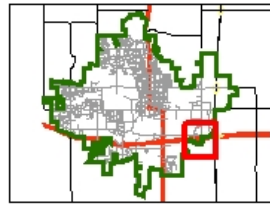
the commercial use is consistent with the land use policies of the City of Ames and Story County. The existing public infrastructure of the City is adequate to serve commercial uses as permitted by the proposed zoning. Rezoning of this property to the Southeast Gateway Overlay zoning district is also consistent with the land use policies of the City of Ames and Story County. In fact, not applying the Southeast Gateway Overlay zoning to the subject site would leave an anomalous void in the surrounding overlay district.

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, thereby approving the rezoning of the property located at 1820 South Dayton Place from Agricultural (A) to Highway-Oriented Commercial (HOC) and further initiate rezoning the property to Southeast Gateway Overlay Zoning District, based on the staff's analysis and conclusions.

# Attachment A



## Location Map 1820 S. Dayton Place



## **Attachment B-1 Rezoning Narrative**

April 18, 2011

James Property rezoning, 1820 South Dayton Place, Ames, IA

Recently this parcel was annexed into the City of Ames and was brought into the corporate limits as "AG". I believe that the LUPP indicates that this parcel should be zoned "HOC" so it is consistent with the LUPP.

The property is currently zoned "AG"

The applicant is requesting "HOC"

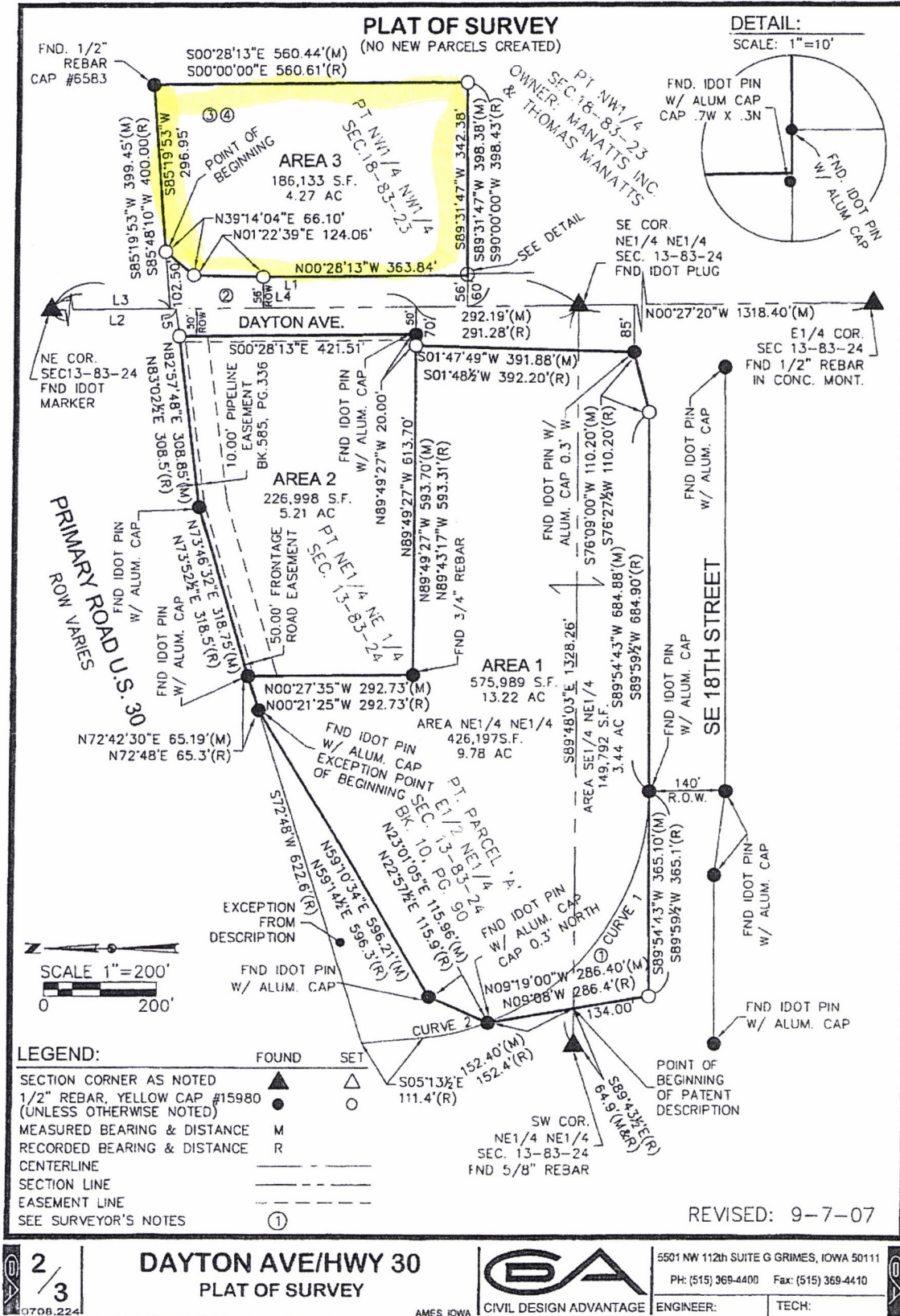
There are no identified uses at this time for the property. The applicant believes that the future uses will be consistent with the "HOC" zoning.

The total area for the property is 186,133 SF or 4.27 acres.

See the attached plat of survey for the property description. The applicant is asking for "AREA 3" to be zoned "HOC" Areas 1 and 2 are already zoned "HOC"

# Attachment B-2 Attachment to Rezoning Narrative

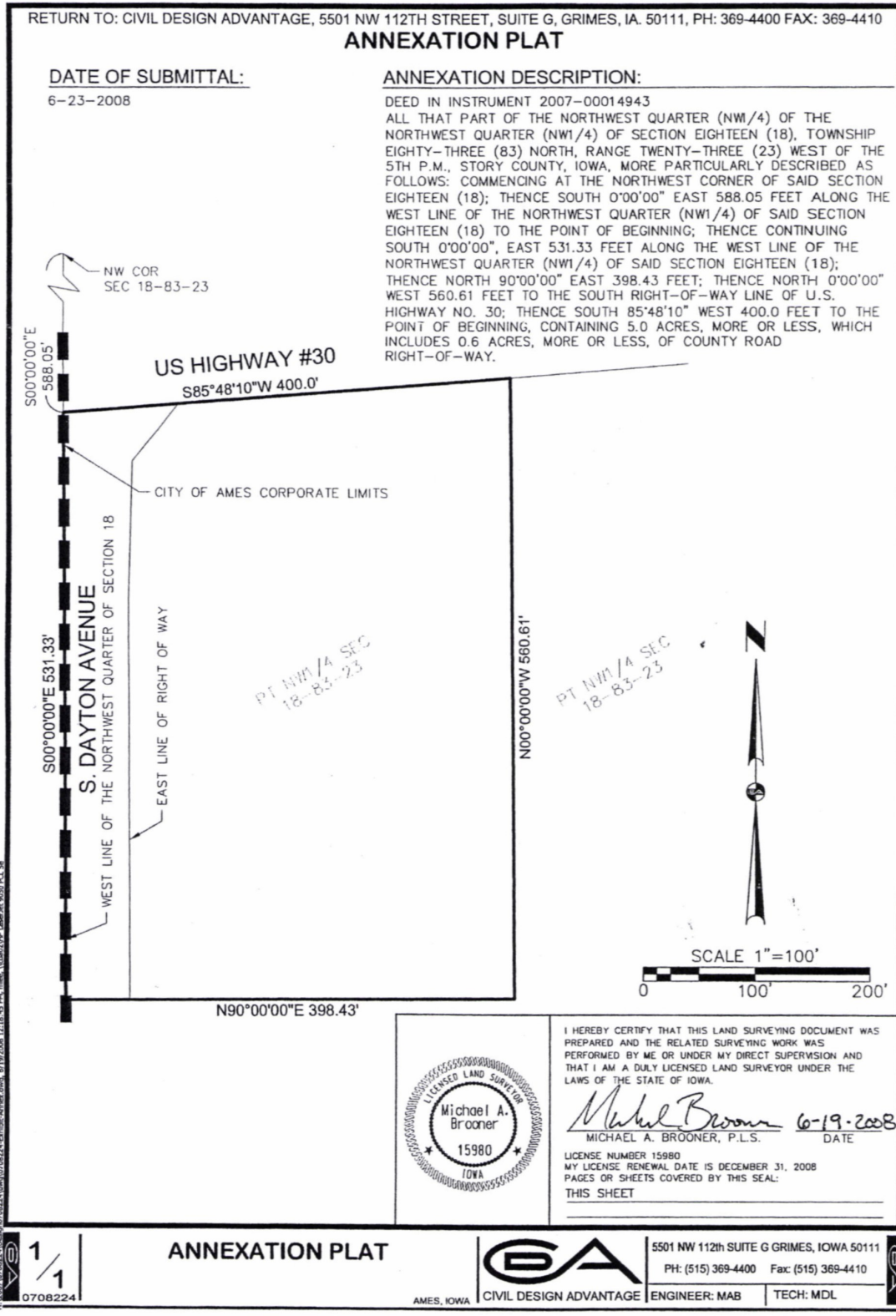
RETURN TO: CIVIL DESIGN ADVANTAGE, 5501 NW 112TH STREET, SUITE G, GRIMES, IA. 50111, PH: 369-4400 FAX: 369-4410



 2/3 0708.224	<b>DAYTON AVE/HWY 30 PLAT OF SURVEY</b>		5501 NW 112th SUITE G GRIMES, IOWA 50111 PH: (515) 369-4400 Fax: (515) 369-4410 ENGINEER: _____ TECH: _____
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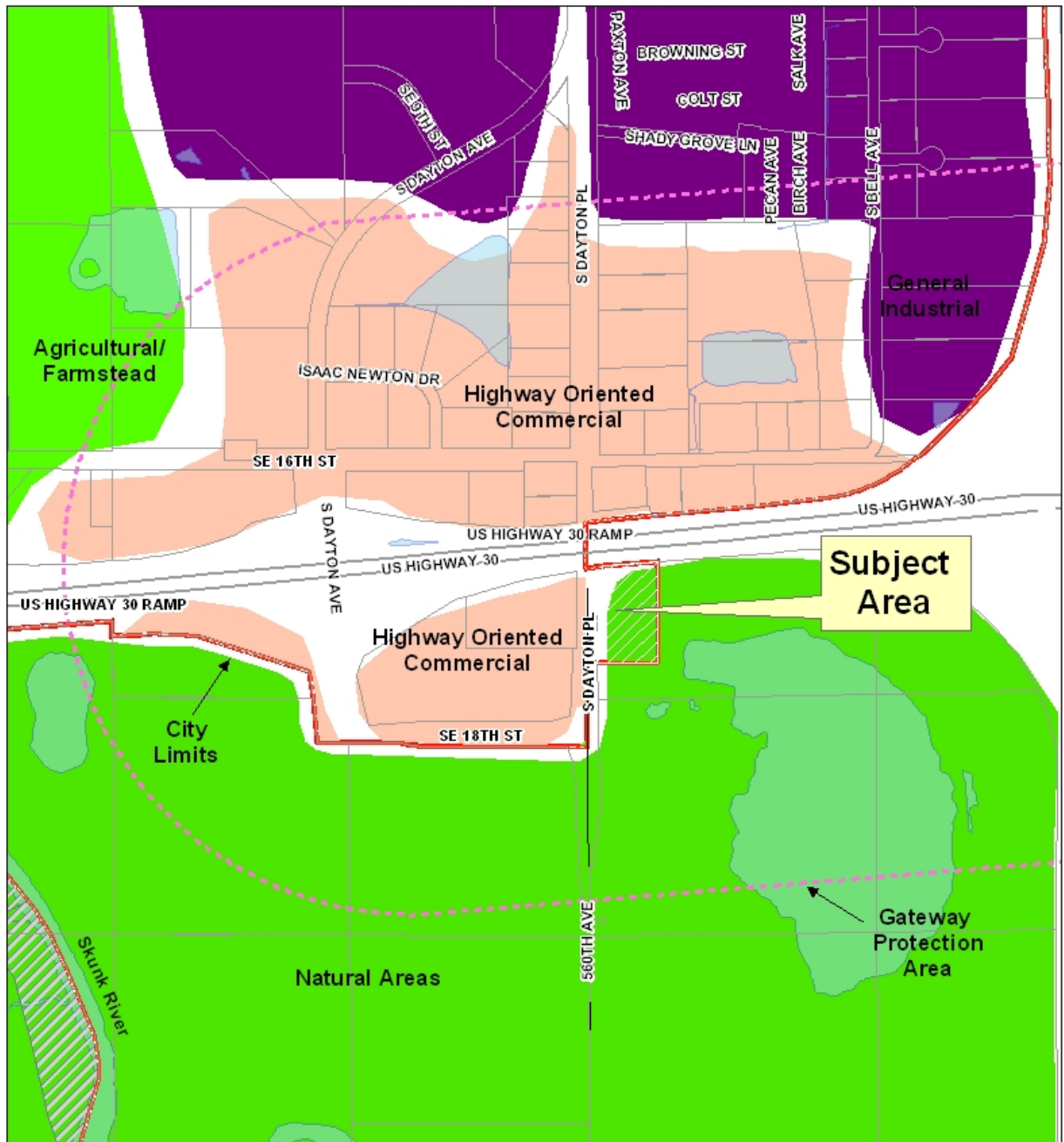
# Attachment C

The area proposed to be rezoned is the same area that the City Council approved for annexation by Resolution 08-477 on October 28, 2008, as shown:

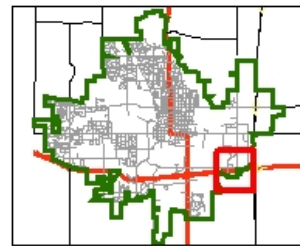
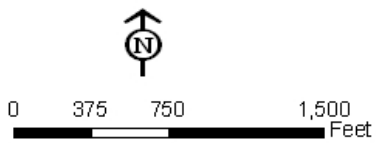




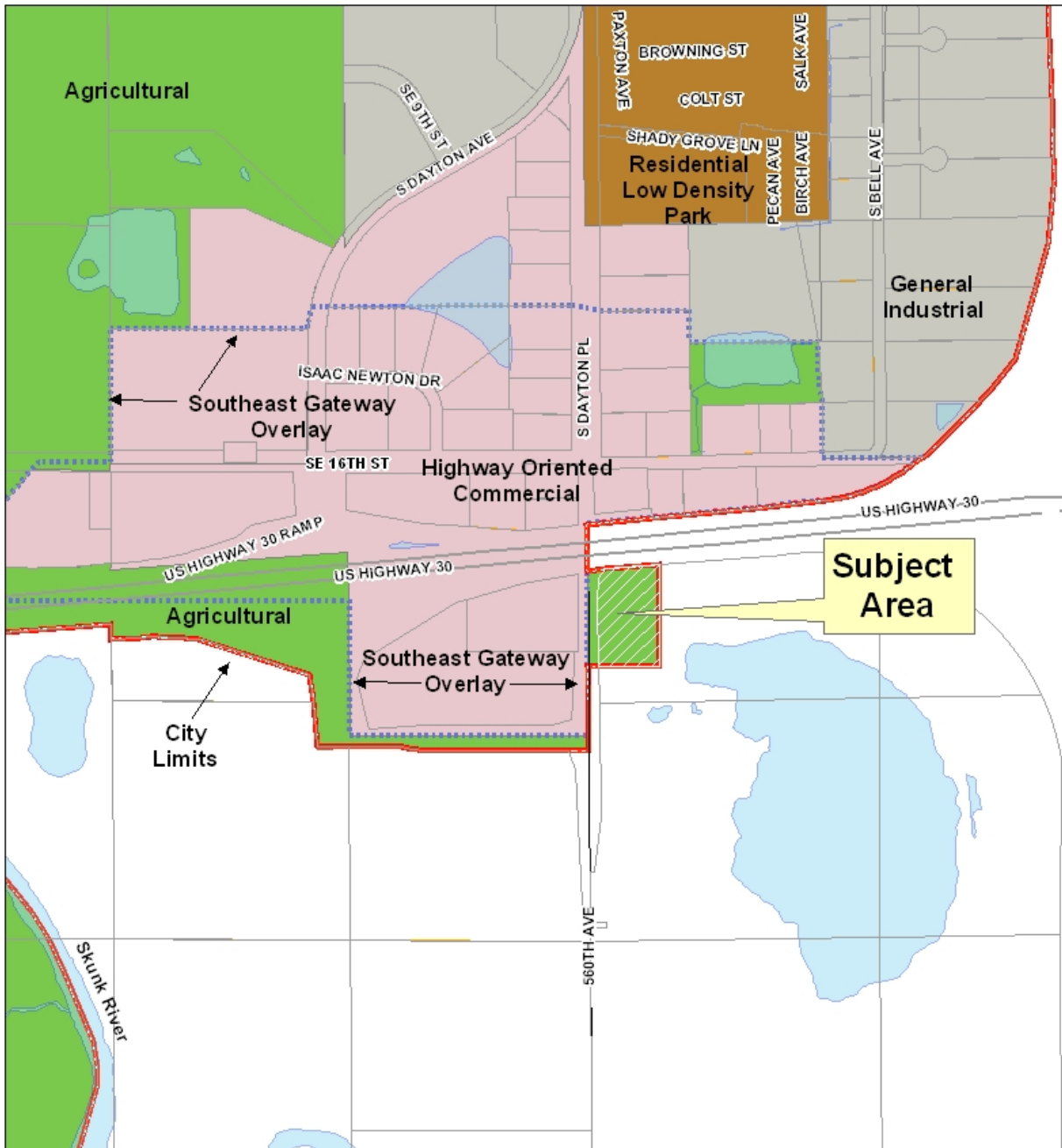
# Attachment D



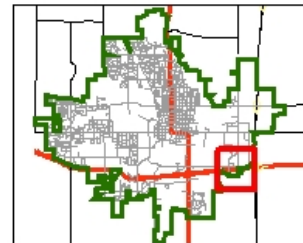
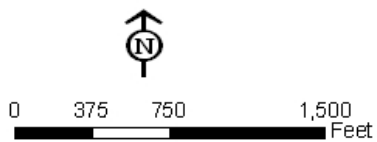
## Land Use Plan Map 1820 S. Dayton Place



# Attachment E



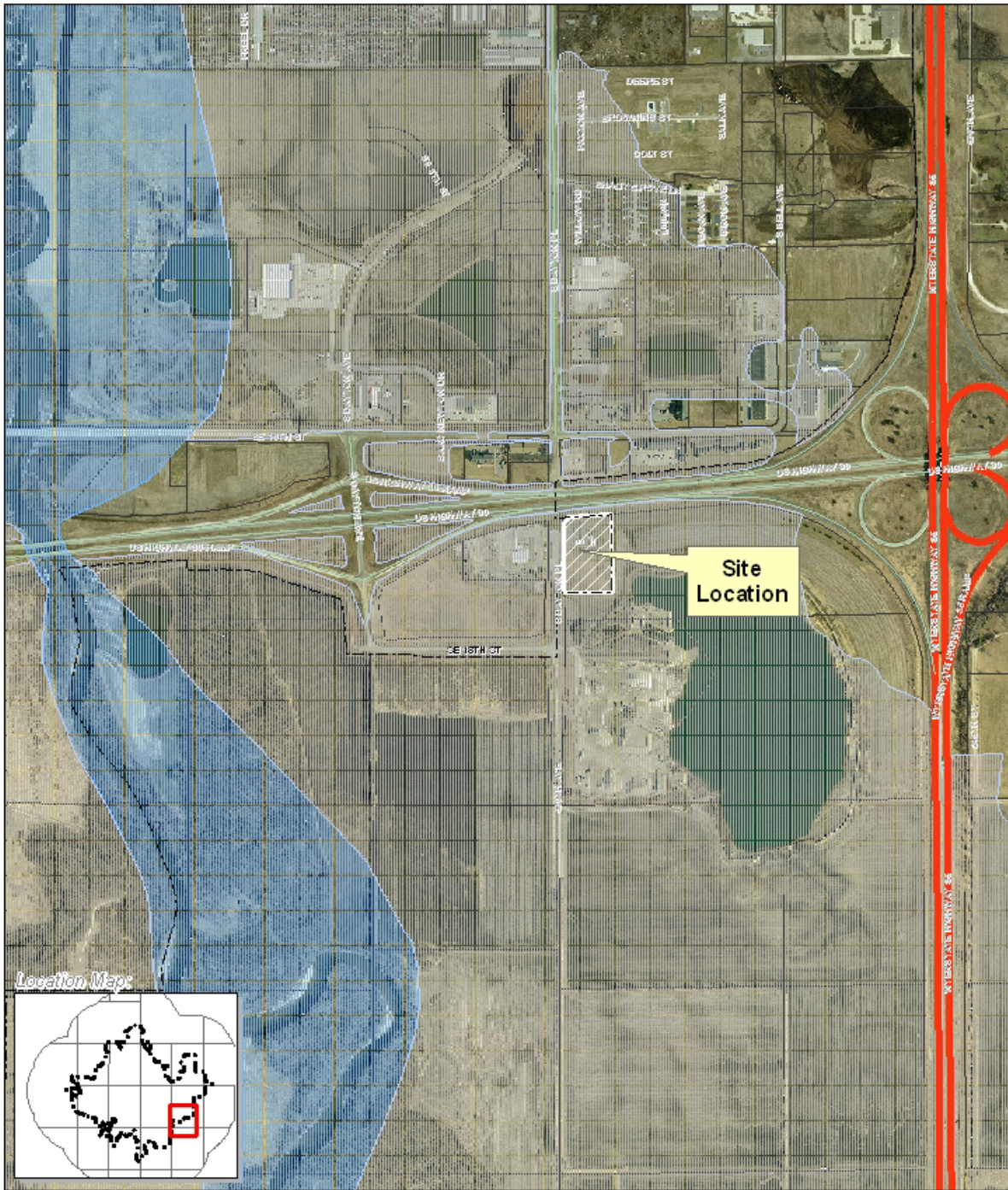
## Existing Zoning 1820 S. Dayton Place



Attachment F

# Flood Insurance Rate Map (FIRM)

FEMA - City of Ames Flood information



**1820 S. Dayton Place**

1 inch = 1,000 feet

530 0 530 1,060

Feet



**FEMA Flood Hazard Zone**

- 0.2% Annual Chance of Flood
- 1% Annual Chance of Flood
- Outside 0.2% Annual Chance of Flood
- Floodway Boundary

**FEMA Flood Hazard Zone Line**

- 0.2% Annual Chance of Flood Boundary
- 1% Annual Chance of Flood Boundary
- Unit of Believable Study Area

Map Number:  
19169C0164E  
Prepared by:  
Planning and Housing  
Map Revised  
February 20, 2008

## Attachment G

### **Applicable Laws and Policies:**

The laws applicable to this case file are as follows:

- *Ames Municipal Code* Chapter 29, Section 1507, Zoning Text and Map Amendments includes requirements for owners of land to submit a petition for amendment, a provision to allow the City Council to impose conditions on map amendments, provisions for notice to the public, and time limits for the processing of rezoning proposals.
- *Ames Municipal Code* Chapter 29, Section 804, “HOC” Highway-Oriented Commercial includes a list of uses that are permitted in the “HOC” zoning district and the zone development standards that apply to properties in that zone.
- *Ames Municipal Code* Chapter 29, Section 501, provides a more detailed list of uses allowed in the categories of uses listed in the “HOC” Highway-Oriented Commercial use table.
- *Ames Municipal Code* Section 29.1107, “O-GSE” Southeast Gateway Overlay District includes a list of uses that are prohibited in the “O-GSE” zoning district and the zone development standards that apply to properties in that zone.
- *Ames Municipal Code* Chapter 9 Flood Plain Zoning, contains permitted uses, conditional uses and development standards for flood-prone areas.

## Attachment H

### **Findings of Fact:**

Based upon an analysis of the proposed rezoning and laws are pertinent to the applicant's request, staff makes the following findings of fact:

1. Ames *Municipal Code* Section 29.1507(2) allows owners of 50% or more of the area of the lots in any district desired for rezoning to file an application requesting that the City Council rezone the property. The property represented by the applicant is entirely under one ownership, which meets the minimum requirements for ownership of the property requested for rezoning.
2. The application was received on April 18, 2011. The Planning & Zoning Commission is to file its recommendations with the City Council within 90 days of when the application was received, which is July 18.
3. The subject property has been designated on the Land Use Policy Plan (LUPP) Future Land Use Map as "Highway-Oriented Commercial."
4. The subject property has been designated in the Land Use Policy Plan (LUPP) as a community entryway.
5. The subject property has been designated on the Future Land Use Map of the Ames Urban Fringe Plan as "Gateway Protection Area."
6. The uses allowed in the Highway-Oriented Commercial (HOC) zone are found in Table 29.804(2) of the *Municipal Code*. Table 29.501(4)-2 provides a more detailed list.
7. The subject property has been zoned Floodway Fringe Overlay District. *Municipal Code* Section 9.5 describes the uses allowed and the performance standards for any land disturbing activity in the Floodway Fringe Overlay district.
8. The subject property is served by City streets and other public infrastructure with capacity needed by the proposed uses.

## Attachment I

### **Goals and Objectives of the Ames Land Use Policy Plan Relevant to the Proposed Rezoning**

***Goal No. 1. 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.***

- 1.A. Ames seeks to diversify the economy and create a more regional employment and market base. While continuing to support its existing economic activities, the community seeks to broaden the range of private and public investment.
- 1.C. Ames seeks to manage a population and employment base that can be supported by the community's capacity for growth. A population base of 60,000-62,000 and an employment base of up to 34,000 is targeted within the City. Additionally, it is estimated that the population in the combined City and unincorporated Planning Area could be as much as 67,000 and the employment base could be as much as 38,000 by the year 2030.

***Goal No. 2. 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.***

- 2.A. Ames seeks to provide between 3,000 and 3,500 acres of additional developable land within the present City and Planning Area by the year 2030. Since the potential demand exceeds the supply within the current corporate limits, alternate sources shall be sought by the community through limited intensification of existing areas while concentrating on the annexation and development of new areas. The use of existing and new areas should be selective rather than general.
- 2.B. Ames seeks to assure the availability of sufficient suitable land resources to accommodate the range of land uses that are planned to meet growth. Sufficient land resources shall be sought to eliminate market constraints.
- 2.C. Ames seeks a development process that achieves greater compatibility among new and existing development.
- 2.D. Ames seeks a development process that achieves greater conservation of natural resources and compatibility between development and the environment.

***Goal No. 5. 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.***

5.C. Ames seeks the continuance of development in emerging and infill areas where there is existing public infrastructure and where capacity permits.

5.D. Ames seeks to have the real costs of development borne by the initiating agent when it occurs outside of priority areas for growth and areas served by existing infrastructure.

***Goal No. 9. 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.***

9.A. Ames seeks more diversified regional employment opportunities involving technology-related services and production, office centers and retail centers.

9.D. Ames seeks economic activities that are compatible and sustainable with its environment.