

COUNCIL ACTION FORM

**SUBJECT: LAND USE POLICY PLAN MAP AMENDMENT FOR PROPERTY LOCATED
AT 1010 SOUTH DUFF AVENUE FROM AGRICULTURAL/ FARMSTEAD
TO HIGHWAY-ORIENTED COMMERCIAL**

BACKGROUND INFORMATION:

Referral & Application. On June 11, 2010, the City Council referred to staff a letter from Chuck Winkleblack requesting a Land Use Policy Plan Future Land Use Map amendment application for property at 1010 South Duff Avenue. The property is known locally as the Carney property.

This application for LUPP map amendment was accompanied by an application for rezoning of the same property to Highway-Oriented Commercial (HOC).

Surrounding Land Use and Zoning. The South Duff Avenue corridor is designated in the Land Use Policy Plan, for the most part, as Highway-Oriented Commercial. This site and to the east of this site, the LUPP designation is Agricultural/Farmstead. To the rear of many properties along South Duff Avenue, the LUPP designation is Agricultural/Farmstead.

In addition to the base LUPP designations, there is also an overlay along this area. The area along Squaw Creek, upstream and downstream of South Duff Avenue, is designated as a Greenway overlay. In this area, the Greenway designation mostly follows the floodway as designated by the Federal Emergency Management Agency, although a portion of this site that is seeking the Highway-Oriented Commercial designation will have the Greenway overlay. The Greenway designation is not requested to be amended, but its existence may account for the current Agricultural/Farmstead designation of the Carney property.

Land Use Policy Plan Goals and Policies. In reviewing the proposal to change the LUPP Future Land Use Map, staff has examined applicable goals and policies of the Land Use Policy Plan (see pages 14-23 of the LUPP). Based upon this review, staff finds no inconsistencies between the proposed amendment and the existing goals and policies of the LUPP. In fact, the subject property is in a prime location for an infill site for commercial development along South Duff Avenue. South Duff Avenue is highly desirable for commercial development due to its traffic, site visibility, and retail synergy.

Highway-Oriented Commercial areas are described in the LUPP as being “associated with strip developments along major thoroughfares (p. 30).” That description is consistent with the development that has occurred along South Duff Avenue and with the expected future development of this site.

The adjacent Greenway “designation involves stream-ways, plus parks and open space linkages to create a continuous “greenway” system through designated areas of the community (p. 32).” The Greenway designation along the creek and floodway will remain and this overlay designation over the Highway-Oriented Commercial base designation will not impede the proposed rezoning, platting, or eventual development.

The portion of the land for which the applicant is seeking this designation is the portion of the Carney property lying along South Duff Avenue. The portion in the rear, where the hundreds of vehicles once stood, will remain with the Agricultural/Farmstead designation, as will the strip that runs along and over the Squaw Creek. The Greenway designation will remain where it is.

A portion of this property proposed for the change lies within the floodway fringe and the floodway. Within the floodway, no excavating, placing of fill, or building construction can be done. It may be used for parking but can only be minimally graded with no importation of fill. Development can occur in the floodway fringe, provided all the performance standards are met. The chief standard is that any structure needs to be elevated or flood-proofed to three feet above base flood elevation. (Base flood elevation, or BFE, is the height of a flood that has a 1% chance of occurring in any year. BFE is also known as the 100-year flood level.) Although much of the land immediately north of Squaw Creek lies within the regulated flood plain, much of the land south of the creek lies above the Base Flood Elevation. The floods of last August did not rise above the stream banks on the south side of Squaw Creek here, although several buildings on the north side were inundated.

Before any development can occur, the property will need to be rezoned to HOC Highway-Oriented Commercial, an action the City Council is being asked to consider in tandem with this Land Use Policy Plan map amendment. The land will also need to be platted to separate the HOC tract from the rear tract. During the platting process, the plat documents will identify and label the floodway and floodway fringe portions of the land. Once the plat is approved and recorded, a minor site development plan can be submitted. Staff will ensure that the performance standards of the flood plain regulations will be adhered to.

Recommendation of the Planning & Zoning Commission. At its meeting of May 4, 2011, with a vote of 4-0, the Planning and Zoning Commission recommended that the City Council approve the amendment to the Land Use Policy Plan Future Land Use Map to change the land use designation of 1010 South Duff Avenue from Agricultural/Farmstead to Highway-Oriented Commercial as requested. Except for the applicant, no one spoke in favor or in opposition to this item.

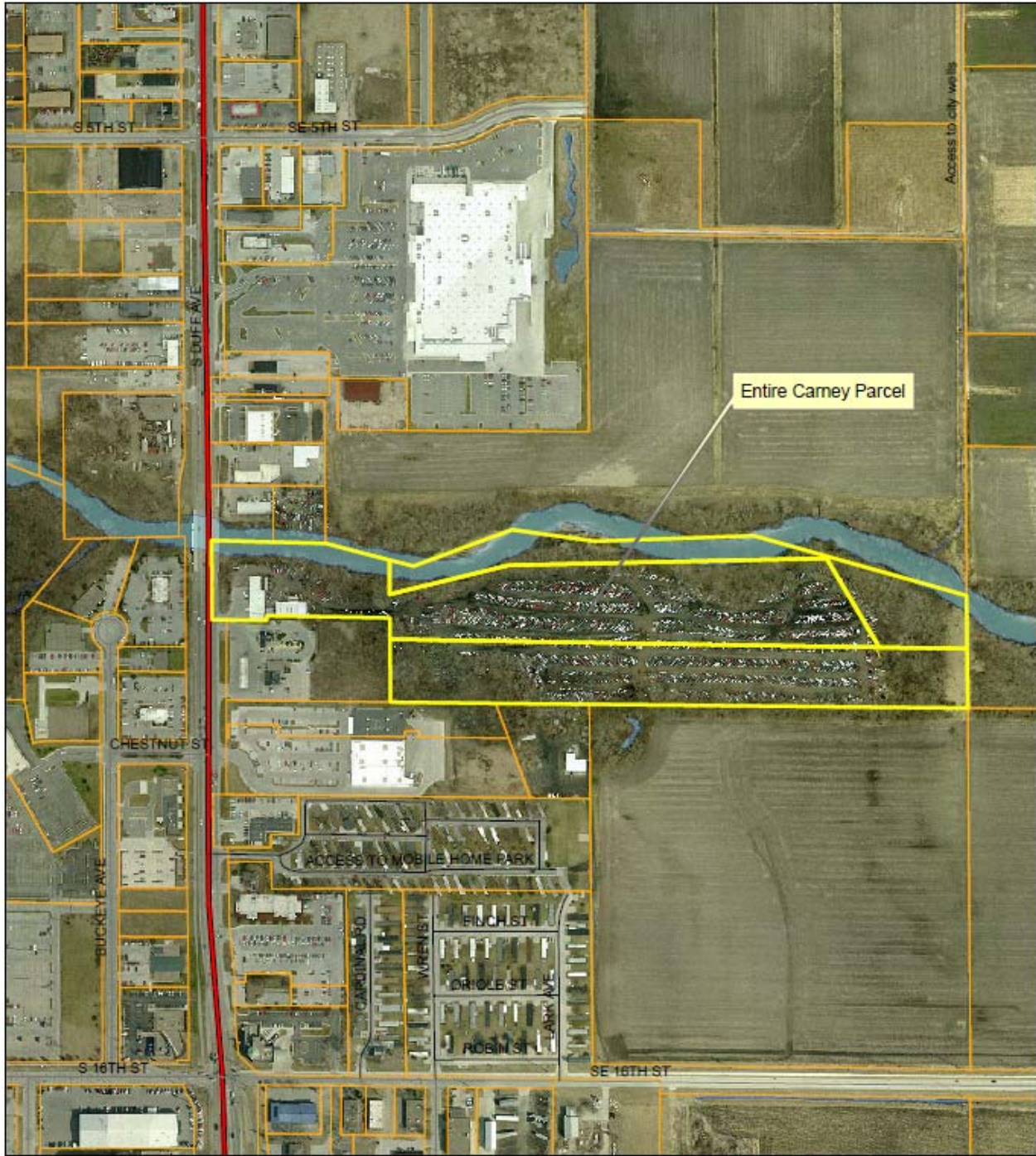
ALTERNATIVES:

1. The City Council can approve the proposed amendment to the LUPP Future Land Use Map to change the land use designation of 1010 South Duff Avenue from Agricultural/Farmstead to Highway-Oriented Commercial as requested.
2. The City Council can deny the proposed amendment to the LUPP Future Land Use Map to change the land use designation of 1010 South Duff Avenue from Agricultural/Farmstead to Highway-Oriented Commercial.

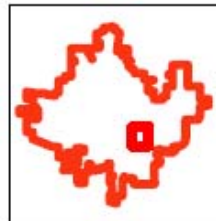
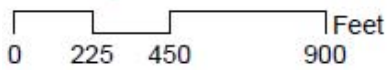
3. The City Council can refer this request back to staff or the applicant for more information.

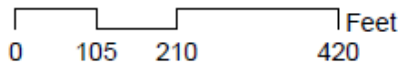
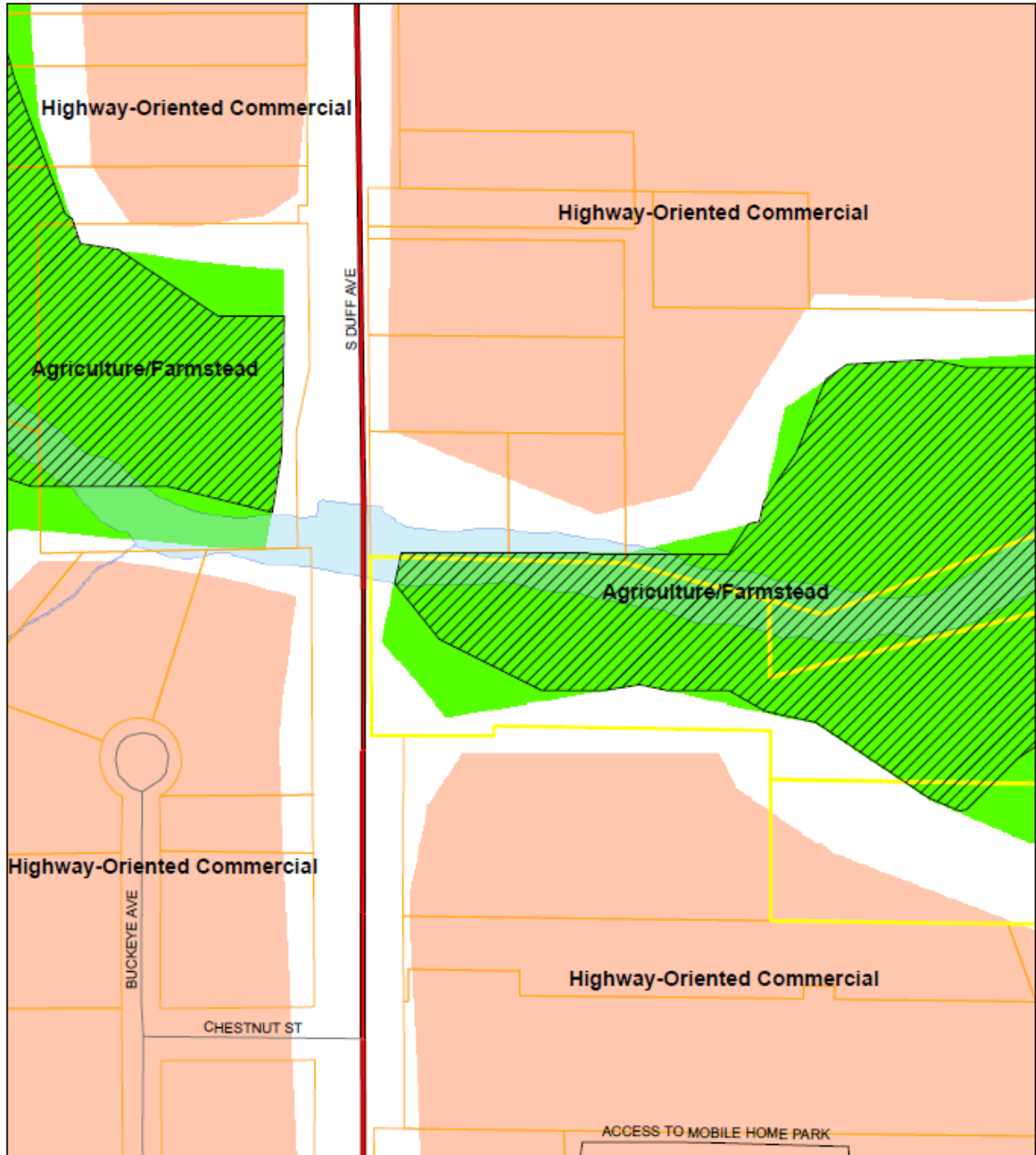
MANAGER’S RECOMMENDED ACTION:

After careful analysis, staff believes that the requested land use change would be a logical extension of the Highway-Oriented Commercial land use designation along South Duff Avenue. The change would allow the redevelopment of a parcel of land that has been used for commercial and industrial purposes for over 50 years. Commercial use is a logical designation for developable land along the South Duff Avenue corridor due to its high traffic count, great visibility, and proximity to many other retail uses. The proposed change is limited to just the front of the property while retaining the current Agricultural/Farmstead designation over the larger rear parcel. Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to approve the request to change the LUPP Future Land Use Map designation for 1010 South Duff Avenue as requested.




Location Map 1010 S. Duff Avenue

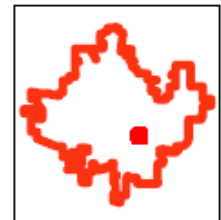


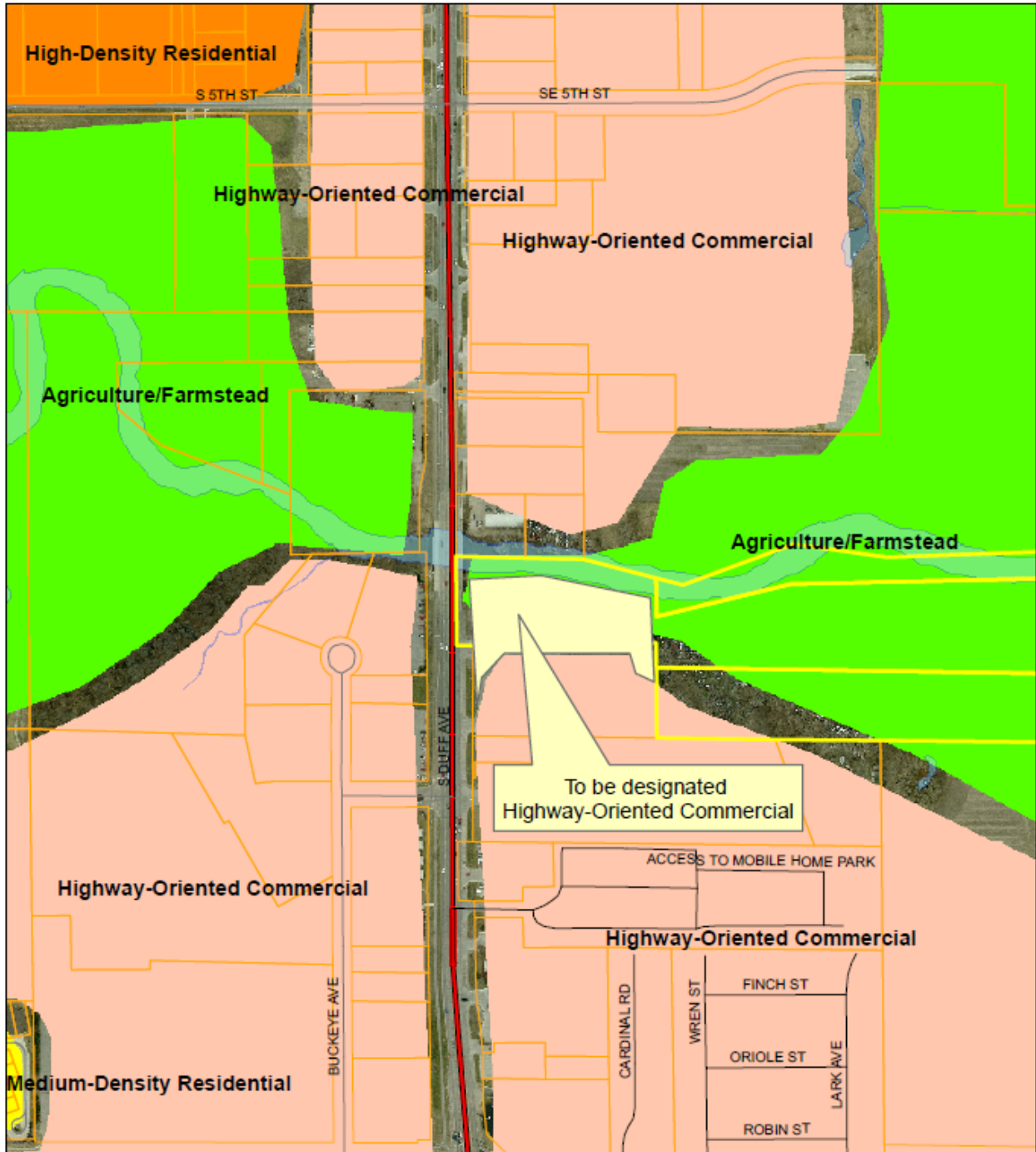


Land Use With Greenway 1010 S. Duff Avenue

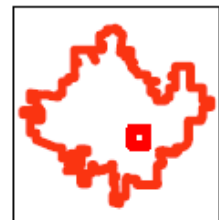
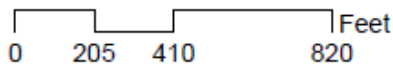
Legend

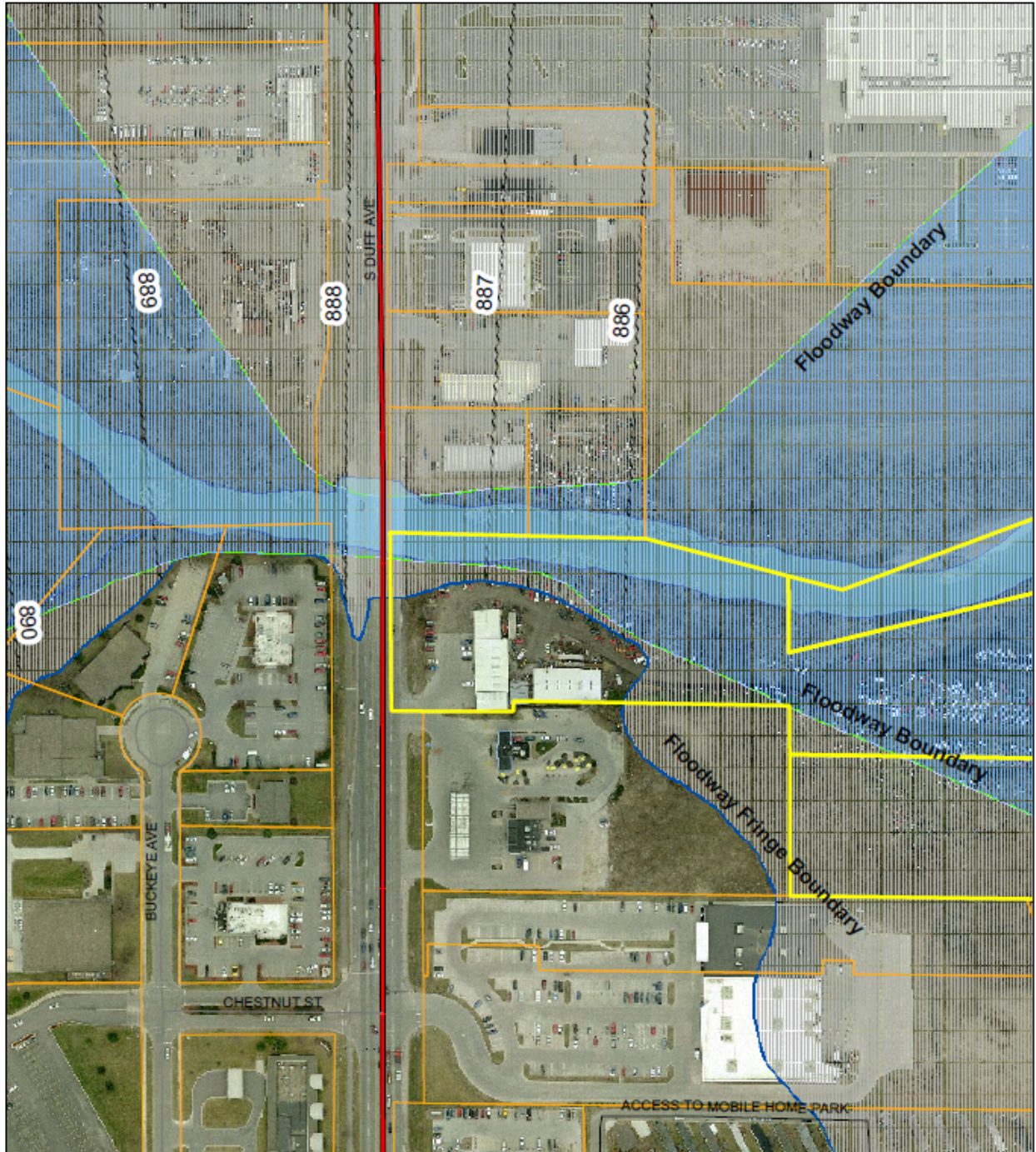
 Greenways



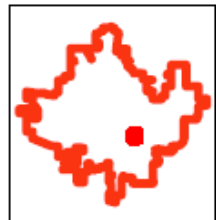
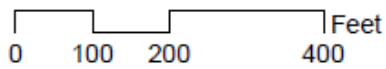


Proposed Land Use Change 1010 S. Duff Avenue





Flood Plain Designations 1010 S. Duff Avenue



COUNCIL ACTION FORM

**SUBJECT: REZONING OF PROPERTY LOCATED AT 1010 SOUTH DUFF AVENUE
FROM AGRICULTURAL TO HIGHWAY-ORIENTED COMMERCIAL**

BACKGROUND:

Referral & Application. On June 11, 2010, the City Council referred to staff a letter from Chuck Winkleblack requesting a Land Use Policy Plan Future Land Use Map amendment application for property at 1010 South Duff Avenue. The property has commonly been known as the Carney site.

This application for a rezoning of this property from Agricultural (A) to Highway-Oriented Commercial (HOC) was accompanied by an application for an LUPP map amendment.

Surrounding Zoning. The South Duff Avenue corridor is zoned, for the most part, as Highway-Oriented Commercial (HOC). This site and to the east of this site, the zoning is Agricultural (A). Agricultural zoning is located to the rear of the commercial developments along both sides of South Duff Avenue. Maps showing the existing zoning and the proposed change are attached to this report. Maps showing the Land Use Policy Plan designation and the flood plain are included in the LUPP report.

Land Use Policy Plan. A concurrent request to designate this same parcel to Highway-Oriented Commercial is also before the City Council. **If the City Council makes a recommendation that the Land Use Policy Plan Future Land Use Map be amended to designate this land as Highway-Oriented Commercial, then the requested rezoning would be consistent with the Land Use Policy Plan.**

In reviewing the appropriateness of this site for rezoning to HOC, staff's comments are similar to that made for the LUPP amendment—the subject property is in a prime location for an infill site for commercial development along South Duff Avenue. South Duff Avenue is highly desirable for commercial development due to its traffic, site visibility, and retail synergy.

The portion of the land for which the applicant is seeking this rezoning is the portion of the Carney property lying along South Duff Avenue. The portion in the rear, where the hundreds of vehicles once stood, will remain zoned as Agricultural. A plat will be prepared to separate the two separately zoned tracts of land.

During the platting process, the plat documents will identify and label the floodway and floodway fringe portions of the land. Once the plat is approved and recorded, a minor site development plan can be submitted. Staff will ensure that the performance standards of the flood plain regulations will be adhered to.

Recommendation of the Planning & Zoning Commission. At its meeting of May 4, 2011, with a vote of 4-0, the Planning and Zoning Commission recommended that the City Council approve the proposed zoning designation of 1010 South Duff Avenue from Agricultural (A) to Highway-Oriented Commercial (HOC) as requested. Except for the applicant, no one spoke in favor of or in opposition to the proposed rezoning.

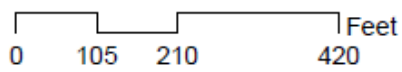
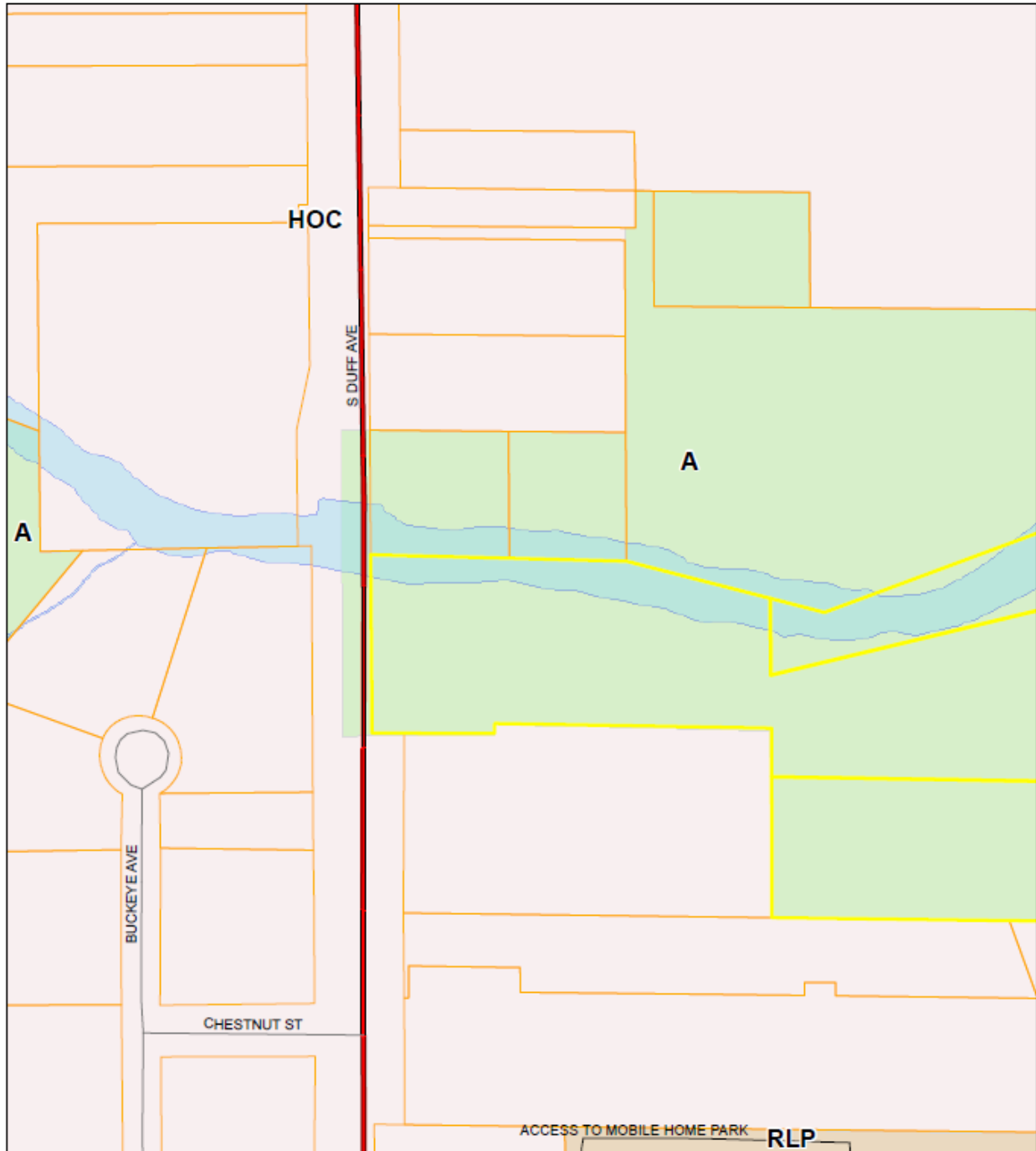
ALTERNATIVES:

1. The City Council can approve the proposed zoning designation of 1010 South Duff Avenue from Agricultural (A) to Highway-Oriented Commercial (HOC) as requested, if the Council first approves the requested Land Use Policy Plan map amendment.
2. The City Council can deny the proposed zoning designation of 1010 South Duff Avenue from Agricultural (A) to Highway-Oriented Commercial (HOC).
3. The City Council can refer this request back to staff or the applicant for more information.

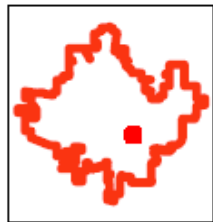
MANAGER'S RECOMMENDED ACTION:

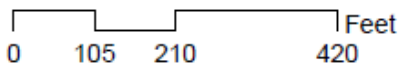
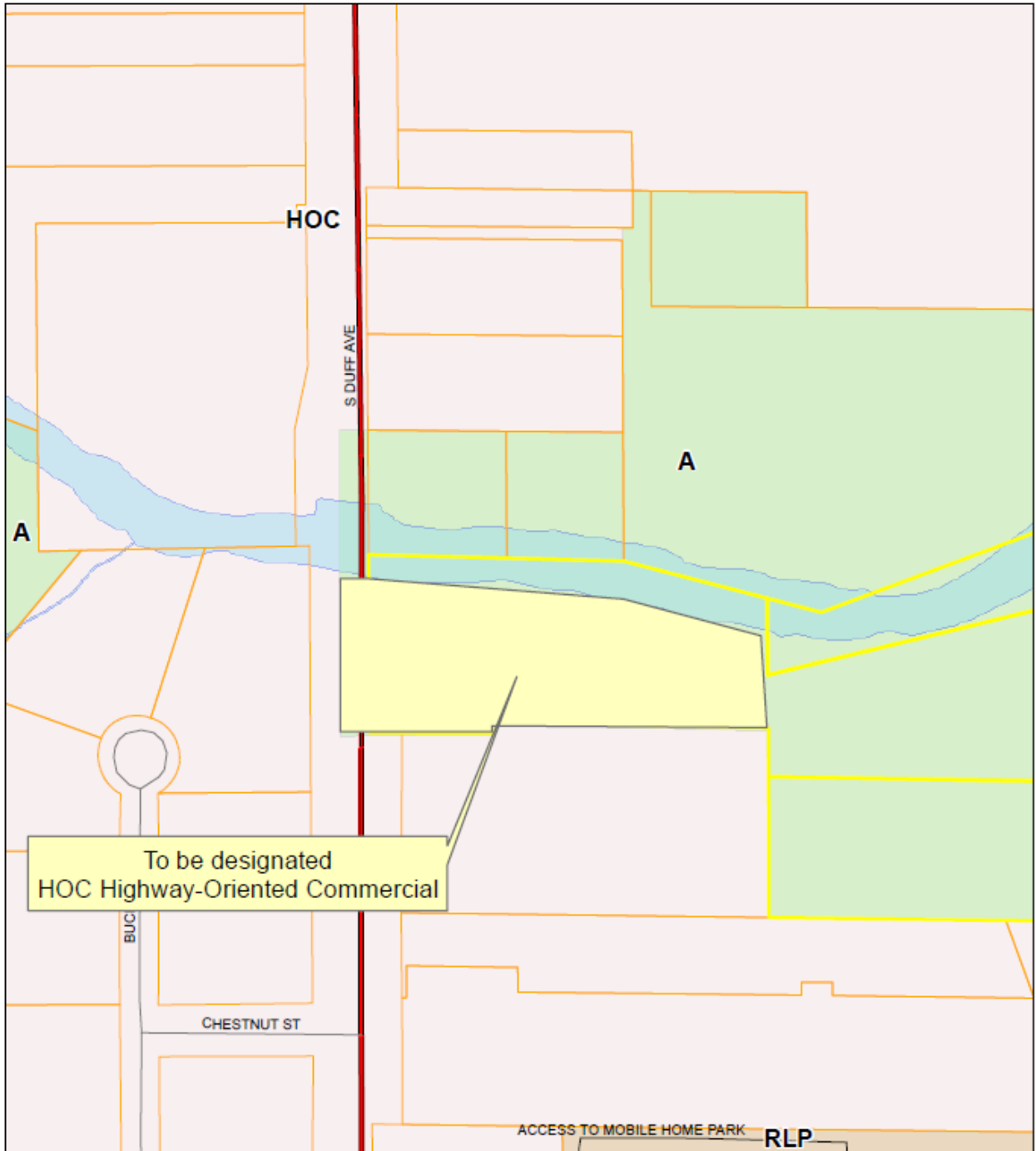
Staff believes that the requested rezoning is an appropriate expansion of the Highway-Oriented Commercial zoning along South Duff Avenue. The change would allow the redevelopment of a parcel of land that has been used for commercial and industrial purposes for over 50 years. Its designation as commercial use is a logical extension of the current commercial corridor along the South Duff Avenue corridor due to its high traffic count, great visibility, and proximity to many other retail uses. However, staff believes that the benefits of the redevelopment of this site would be realized without increasing risks from flooding.

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1 if the Council first chooses to approve the accompanying LUPP map amendment. Under this alternative, the Council would approve the proposed zoning designation of 1010 South Duff Avenue from Agricultural (A) to Highway-Oriented Commercial (HOC) as requested.

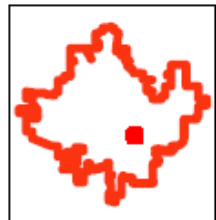


Zoning 1010 S. Duff Avenue





Proposed Zoning 1010 S. Duff Avenue



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, generally located at 1010 South Duff Avenue, is rezoned from Agricultural (A) to Highway-Oriented Commercial (HOC).

Real Estate Description: A part of the North 1/2 of the Southeast 1/4 of Section 11-83-24 West of the 5th P.M., in the city of Ames, county of Story, Iowa, more particularly described as follows: Commencing at the Southwest Corner of the North 1/2 of the Southeast 1/4 of said Section 11; thence North 00°20'53" West, 278.44 feet along the West line of the North 1/2 of the Southeast 1/4 of said Section 11; thence South 89°24'48" East, 50.01 feet to the point of beginning; thence North 00°20'53" West, 254.00 feet; thence South 82°38'28" East, 574.02 feet; thence South 00°30'53" East, 170.84 feet; thence North 89°20'54" West, 428.75 feet; thence South 00°40'31" West, 15.97 feet; thence North 89°24'48" West, 140.38 feet to the point of beginning.

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 _____, 2011.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor