

COUNCIL ACTION FORM

SUBJECT: **WAIVER OF SUBDIVISION STANDARDS FOR 125 HYLAND, 118 & 122 CAMPUS**

BACKGROUND:

The City Council recently directed staff to prepare a report regarding the attached letter from Doug Pyle. This letter requested a waiver of development standards in order to develop property at 125 Hyland Avenue and 118 & 122 Campus Avenue. (For location of these three properties, see Attachment A) The waiver requested is specifically for the subdivision lot design standard that prohibits creating a lot with double frontages or reverse frontages in a residential zoning district.

Zoning standards for the district in which this property is located require any new building to be located at a build-to line that coincides with most of the other apartment buildings on Hyland Avenue. It also requires a primary pedestrian entrance on the front of the building with architectural features that bring attention to it. The standards require a certain minimum area of windows on the front façade and that brick comprise more of the exterior material than any other material.

In his letter requesting this waiver, Mr. Pyle described the properties, one fronting on Hyland and two fronting on Campus, and his proposal to consolidate the three lots into one parcel that would therefore have frontages on both Hyland and Campus. The letter describes the proposed development of a new, 13-unit apartment building facing Hyland that would extend 80 feet across the entire frontage on Hyland between the side-yard setbacks. The only street access would be from Campus Avenue, and the building would screen all of the parking from views along Hyland Avenue. The parking required for this building would fill most of the remainder of the property. Since parking to serve residential uses must be on the property where the use is located, the entire project would be on one lot. (See Attachments B and C)

Without the waiver, the subdivision standards require at least two lots – one fronting on Hyland Avenue, and one fronting on Campus Avenue. One apartment building would be located on each lot and each would have its own access, one from Campus and one from Hyland. (See representation in Attachment G). An architectural elevation drawing has been provided illustrating how the proposed single building would have greater street presence on Hyland and more aesthetic appeal than two buildings with two accesses. (See Attachment D)

To assist Council in considering this request, staff would point out that the size and location of lots is a key determinant of the image and character of an urban area, along with setbacks and allowable lot coverage or density. The lot design standards in the

subdivision ordinance are intended to foster a consistent, regular, orderly development pattern. The subject properties on Hyland and Campus Avenue are within an area of many existing apartment buildings, which tend to have a consistent location at the front setback line, creating a uniform street wall, especially along Hyland Avenue. Since 1970, North Hyland Avenue has undergone an almost complete turnover from smaller wood frame rooming houses and apartments to larger apartment buildings. Campus Avenue is now undergoing a similar transition. The pattern of current building footprints is illustrated on Attachment A.

Double frontage lots, also called “through lots,” tend to favor the appearance from one street and create a “rear yard” image on the other street. This can also leave gaps, or “void spaces,” between the other buildings fronting off the rear street. In order to address this situation, Mr. Pyle proposes a smaller residential building at the set back line on Campus Avenue to alleviate this shortcoming of a through lot. (See Building B on Attachments C & E and the resulting pattern of proposed building footprints on Attachment F.)

As described in the *Municipal Code* Section 23.103(1), the City Council can waive a subdivision requirement if compliance would result in “extraordinary hardship to the Applicant or would prove inconsistent with the purpose of the Regulations, because of unusual topography or other conditions” The City Council can waive standards “so that substantial justice may be done and the public interest secured.”

The City Council must determine if the conditions in this case meet these criteria for a waiver of a subdivision requirement. In doing so, Council could consider if the waiver would improve the appearance of Hyland Avenue and weigh this and any other benefits expected from the waiver against the potential impacts on the appearance of Campus Avenue from this project or from other similarly situated properties for which a similar waiver may also be requested in the future.

ALTERNATIVES:

1. The City Council can deny the requested waiver of the subdivision lot design standard and continue to prohibit creating a lot with double frontages or reverse frontages in a residential zoning district for the property currently addressed as 125 Hyland Avenue and 118 & 1212 Campus Avenue.
2. The City Council can waive the subdivision lot design standard that prohibits creating a lot with double frontages or reverse frontages in a residential zoning district for the property currently addressed as 125 Hyland Avenue and 118 & 1212 Campus Avenue.
3. The City Council can return this request to the staff for further information.

MANAGER'S RECOMMENDED ACTION:

The zoning standards for this district require any new building to be located at a build-to line that coincides with most of the other apartment buildings on Hyland Avenue, as well as other architectural features that bring attention to it. These include having a primary pedestrian entrance on the front of the building, a certain minimum area of windows on the front façade, and that brick comprise more of the exterior material than any other material. With that background, staff agrees with the applicant's assertion that, without the need for access from Hyland, the building will have more presence and may be more attractive than were a smaller building constructed.

On the other hand, the criteria for approving a waiver from the standards that other projects and property owners must follow are not based on appearance or better design, but that certain conditions exist that will result in an extraordinary hardship if the standards are followed, or would prove inconsistent with the purpose of the regulations. It is debatable whether such conditions exist in this case.

Council itself must make the final determination whether the evidence in this situation warrants the requested waiver. If Council believes that it does not rise to that level, then Alternative No. 1 should be accepted, thereby denying the requested waiver.

If Council believes that this particular situation does warrant the requested waiver, however, then Alternative No. 2 should be adopted. That action would waive the subdivision lot design standard that prohibits creating a lot with double frontages or reverse frontages in a residential zoning district for the property currently addressed as 125 Hyland Avenue and 118 & 1212 Campus Avenue.

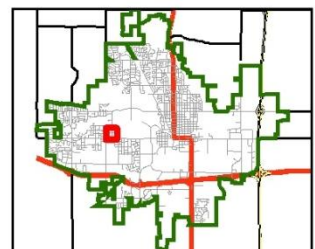
Attachment A



**125 HYLAND, 118 & 122 CAMPUS
Building Footprints in Area**



220 110 0 220
Feet



Attachment B

125 HYLAND AVE, L.C.

P.O. BOX 763
AMES, IOWA 50010

October 5, 2012

To the City Council of Ames, IA

Dear Members,

On August 31, 2012, I acquired the properties at 125 Hyland Avenue, 118 Campus Avenue and 122 Campus Avenue. The property at 125 Hyland Avenue was previously the home of the Triangle Fraternity. During the week beginning September 22, 2012, the building that was formerly the fraternity was removed. The property at 118 Campus Avenue had no structures on it when I acquired it. It had been used for parking for the fraternity. The property at 122 Campus Avenue includes a single family type building and a portion of this lot was also used for parking for the fraternity.

My goal is to redevelop the entire property as a single parcel. Section 23.401(3)(b) of the Design and Improvement Standards does not allow for there to be a single lot in residential zones that has a double frontage. Since the properties I acquired fronts Hyland Avenue on the east and Campus Avenue on the west, I would be prohibited from developing these properties as a single lot under this standard. Section 23.103(1) of the Design and Improvement Standards provides for a waiver or modification of the standard. The authority to waive or modify this standard is the authority of the City Council. I respectfully request that the City Council grant me a waiver from the standard provided in section 23.401(3)(b) and allow me to develop the property at 125 Hyland Avenue, 118 Campus Avenue and 122 Campus Avenue as a single lot.

My desire is to build a 13 unit apartment building across the Hyland Avenue side of the property. The building's north/south dimension along Hyland Avenue would be approximately 80 feet. The entire lot is 100 feet north to south. The construction of the building in this manner would result in there not being a drive off of Hyland Avenue. Although my desire is for this to be the only structure on the property, I am willing to construct a smaller building on the Campus Avenue set back line. That structure would be a two story structure with the upper level being a single apartment and the lower level being a three car garage. The access to the parking for the development would be only from Campus Avenue.

My reasons for wanting to develop the property in this manner are as follows:

1. Developing the property as described would allow me to construct a building that would address the street. That is, the building would have a north/south orientation with a front door that would address Hyland Avenue. I believe a building constructed in this manner would be architecturally pleasing.

Attachment B

125 Hyland Avenue, L.C.

October 5, 2012

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2. Eliminating the drive on Hyland Avenue would benefit my development and I believe would have a positive benefit for the City. Since Hyland Avenue is a minor arterial road and the current drive for this property is in close proximity to the Lincoln Way intersection, eliminating the drive on Hyland would promote the flow of traffic at this location.

If required, the construction of the smaller building along Campus Avenue would address what I believe was the concern that resulted in the prohibition of a lot with double frontage. If a property with double frontage is developed along only one street, the other street, in this case Campus Avenue, would be absent of a structure. The structure I am willing to construct along Campus Avenue addresses this concern. That building would be constructed to be architecturally consistent with the building to be constructed on Hyland. I believe it would be a significant improvement over the building that is currently located on 122 Campus Avenue.

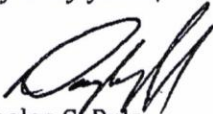
I believe that if I am allowed to develop the property as requested there will be no substantial change from the previous use of the property. The Triangle Fraternity building was constructed on the Hyland Avenue lot, used the Campus Avenue lots for parking and had a smaller structure on Campus Avenue. The Triangle Fraternity building addressed a street, Hyland Avenue. How the property was previously used is exactly how I intend to redevelop the property.

If a waiver is not granted, my only other alternative would be to build separate structures, one on the property at 125 Hyland and one on the combined properties at 118 and 122 Campus Avenue. Separately, these two lots are small and to meet the parking requirements of the area, the buildings would not have street orientation. I'd like to refer to this as constructing the building sideways on the lot. I believe a building constructed in this manner detracts from the appeal of the structure.

I have attached to this request a map prepared by the DOT that identifies Hyland Avenue as a minor arterial road. I have also attached a conceptual drawing prepared by Benjamin Design that projects our vision for the property.

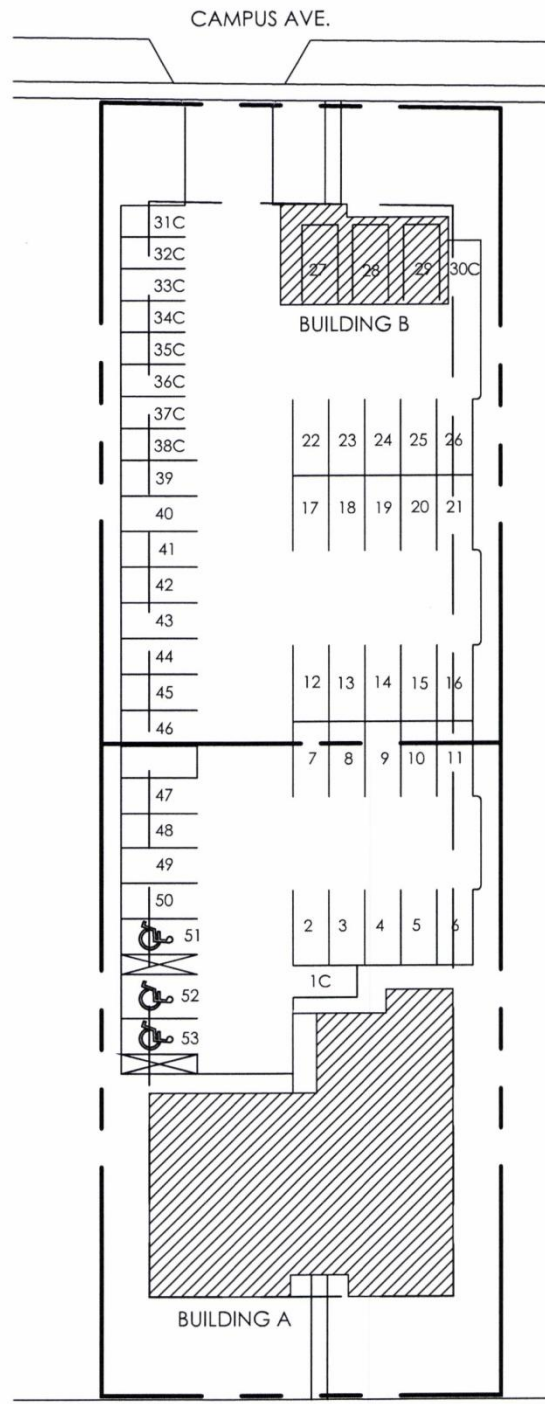
I hope the Council will approve the waiver herein requested. I think the result will be a win win for the City, the neighborhood and for myself.

Very truly yours,



Douglas G. Pyle

Attachment C



125 HYLAND CONCEPT SITE PLAN

10-5-12 SHEET 1

NOT TO SCALE

HYLAND



Benjamin Design
Collaborative, P.C.
www.benjamin-design.com

Attachment D



BUILDING A - EAST ELEVATION

NOT TO SCALE



BUILDING A - WEST ELEVATION

NOT TO SCALE

125 HYLAND
CONCEPT ELEVATIONS

10-5-12 SHEET 2



Benjamin Design
Collaborative, P.C.
www.benjamin-design.com

Attachment E



BUILDING B - EAST ELEVATION

NOT TO SCALE



BUILDING B - WEST ELEVATION

NOT TO SCALE

**125 HYLAND
CONCEPT ELEVATIONS**

10-5-12 SHEET 3

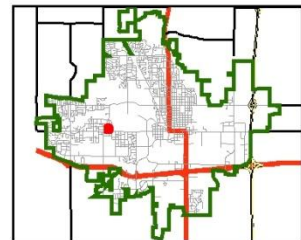
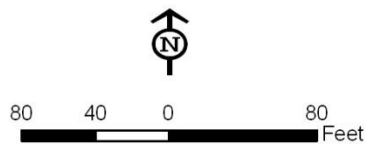


Benjamin Design
Collaborative, P.C.
www.benjamin-design.com

Attachment F



**125 HYLAND, 118 & 125 CAMPUS
Proposed Development Footprints**



Attachment G

