

Staff Report

Development Review for School Facilities

April 9, 2013

Construction of a new elementary school on Miller Avenue recently began. This is the first of six new projects by the Ames Community School District (ACSD) that will provide modern educational facilities for Ames students for many years to come. New schools will also be built on the Meeker and Fellows school sites and the existing schools demolished. Renovations and expansion are planned at Mitchell and Sawyer Schools. In addition, new administration and facilities maintenance facilities, along with sports fields, are proposed to be built at 2005 24th Street, on the north side of 24th Street west of the railroad crossing. (See Attachment 1 Location Map).

As the planning process for the Ames Community School District's Facilities Plan unfolded, questions have been raised by School District officials, City staff members, and the residents in the various impacted neighborhoods regarding the City's authority over the development and use of the School District's property. The information presented in this report is intended to clarify these issues as progress continues on the Facilities Plan.

BACKGROUND

The school site on Miller Avenue is zoned **Residential Low Density** and has been vacant since the subdivision was platted. The Zone Use Table for this zoning district permits a school with a Special Use Permit. Accordingly, in February the Zoning Board of Adjustment reviewed and approved a Special Use Permit for that project.

The zoning designation for all other properties where these school projects are located is **Government/Airport District (S-GA)**. Sections 29.1000 and 29.1002 of the Zoning Ordinance provide guidance for this District, but do not include a Zone Use Table or Zone Development Standards for properties zoned S-GA. Section 29.1002 states that "governmental structures and uses enjoy a legal exemption from local zoning requirements."

A recent legal opinion obtained from contracted legal counsel stated that the City's zoning laws do not apply to the school district (although building codes do apply). Therefore, Sections 29.1000 and 29.1002 establish cooperation between the City and Ames Community Schools as the basis for ensuring that development of each of these sites is compatible with the general character of the area in which it is located. (See Attachment 2 Government Zoning Ordinance)

Past practice has been that the School District routinely submits plans for City review based on the standards of the zoning districts surrounding the site. The existing four elementary schools were built many decades ago, and City files do not contain site plans for when the schools were built on the sites of the proposed school projects. However, District staff has sought, and City staff has approved, four site plans for later improvement projects on these sites. (See Attachment 3, School Sites Information.) In addition to these four sites, City staff has reviewed and approved eight site plans for projects on six other school sites, including construction of the new Ames Middle School and building additions at Ames High School and Northwood Pre-School Center.

With the exception of the Miller Avenue School, a Special Use Permit has previously been considered for only one project on a school site – the relocation of administrative offices to Crawford School in 2001. In reviewing each of the Special Use Permit criteria, the Zoning Board of Adjustment (ZBA) considered the change in use from an elementary school to an administrative center. The ZBA found that the criteria were met under the condition that a half-day or all-day kindergarten was present in the building.

OPTIONS

The upcoming school projects represent a substantial investment in improving the quality of life of the community and an exciting time for Ames residents. With that said, these will each be large projects with definite impacts at the neighborhood scale. In order to be compatible with the general character of the surrounding residential areas, it is important for the projects to minimize any negative impacts on the neighborhoods.

Below are four options that provide different methods of cooperation between the City Council and the Ames Community School District Board of Trustees to make certain that these four new or expanded schools have minimal negative impacts on their respective neighborhoods:

1. Minor Site Development Plans for all projects. The basis for City staff review would be the zoning development standards for the surrounding zoning districts, the general development standards that apply to all zoning districts, the building code, other life-safety codes, and standard requirements that make it possible for the City to provide needed services. This option is consistent with past practices, is the least time consuming and does not require any public hearings beyond the hearings that the School Board has for capital improvement projects.
2. Special Use Permits for all projects. After City staff review (as above), the ZBA would review the plans based on the review criteria that the Zoning Ordinance specifies for Special Use Permits (See Attachment 4 Review Criteria for Special Use Permits.) The Special Use Permit is intended for types of projects that, “because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole.” (Ames *Municipal Code* Section 29.1503(1)) This option is

consistent with the Zoning Ordinance requirement for schools in the Residential Low Density zoning district that mostly surrounds all of the school project sites. It is more time consuming than the Minor Site Development Plan option and requires a public hearing before the ZBA.

The review criteria are primarily concerned with impacts of the proposed development. Since schools already exist on the sites of the next four elementary school projects, the City Council would want to indicate whether the Zoning Board of Adjustment should consider all of the impacts of a new school, or else confine its review to only new impacts that are the result of the differences between the existing schools and the new schools.

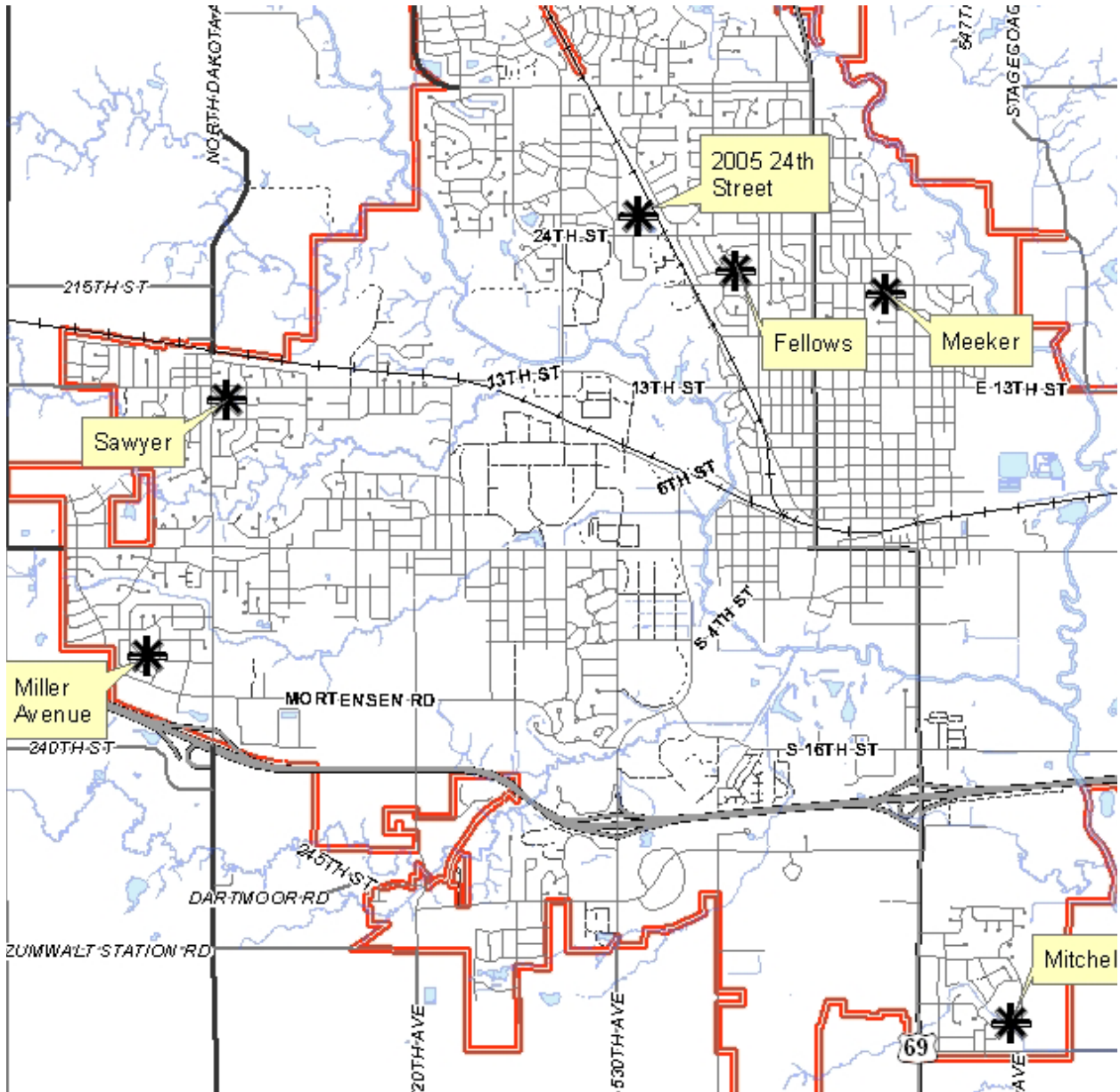
3. Minor Site Development Plans for some projects and Special Use Permits for other projects. The City Council may believe that one or more of the school projects have greater impacts on their surroundings than others, and for this reason conclude that ZBA review is needed to insure that those specific projects are compatible with their surroundings. For example, the new administration building, facilities maintenance function, and sports fields on 24th Street may have a greater impact than expansion of the existing schools.
4. No City Review of School Site Plans. Since it has been determined that the City's zoning laws do not apply to the School District, the Council could direct staff to forgo review or approval of any of these projects. In that case, the City would rely solely upon the District's efforts to interface with surrounding neighborhoods and to address any of their valid concerns.

Should this option be selected, there would still be a need for City staff to review the District's proposed site plans in order to address the projects' off-site impacts. This would include such elements as traffic safety around and entering/exiting the sites, fire apparatus access, stormwater run-off, utility connections, etc.

STAFF COMMENTS

It is important to recognize that compliance by the School District with any of the above zoning review options will be on a voluntary basis, since it is now clear that the City's zoning laws cannot apply to school district facilities. Since the School District recently asked for a meeting with the City Council to discuss issues of mutual interest, this gathering will provide an ideal opportunity to discuss the options presented above and will establish a framework for City staff, ZBA and/or community member involvement as the District and the City cooperate to complete the designs of the remaining school projects.

Attachment 1: Location Map



Attachment 2: Government Zoning Ordinance

Sec. 29.1000. SPECIAL PURPOSE DISTRICTS.

(1) **Purpose.** Each Special Purpose District will appear on the City's Zoning Map as a Base Zone. The Special Purpose Districts are intended to further the goal of creating a new vision for the City, including the planning and management of growth; provisions for developable areas; a sense of place and connectivity; cost effectiveness and efficient growth patterns; mobility and alternative transportation; and economic expansion and diversification. The Special Purpose Districts are designed to allow for new development that is consistent with existing land use patterns in scale, type and density.

Sec. 29.1002. "S-GA" GOVERNMENT/AIRPORT DISTRICT.

(1) **Purpose.** This Special Purpose District is to be located on the City Zoning Map by the City Council and is reserved exclusively for structures and uses related to or owned by federal, state, county, school districts, or municipal governmental authorities. Such structures and uses include property of Story County, publicly owned facilities of the City of Ames for administration and services, and general aviation. Although such governmental structures and uses enjoy a legal exemption from local zoning requirements, with the exception of height limitations in the vicinity of any airport, it is expected that such authorities will cooperate with the Department of Planning and Housing to encourage the development of standards which will be applicable to and compatible with the general character of the area in which this District is situated.

(Ord. No. 3591, 10-10-00)

Attachment 3: School Sites Information

The four properties where schools are to be constructed, expanded or renovated have the following zoning designations surrounding and the past approvals by the City as listed:

Meeker Elementary –new school on existing site at 300 20th

Zoning of site: Government/Airport

Zoning of adjacent properties: Residential High Density to the east – schools permitted with Minor Site Development Plan, all other Residential Low Density – schools permitted with Special Use Permit

Minor Site Development Plan approved by staff in 2006 for a paving project.

Mitchell Elementary – expand and/or renovate school on existing site at 3521 Jewell

Zoning of site: Government/Airport

Zoning of adjacent properties: Residential Low Density – schools permitted with Special Use Permit

(No site plans or Special Use Permits on file)

Fellows Elementary – new school on existing site at 1400 McKinley

Zoning of site: Government/Airport

Zoning of adjacent properties: Residential Low Density – schools permitted with Special Use Permit

Site Plan approved in 1992 for a classroom addition

Minor Site Development Plan approved by staff in 2003 for a new entrance drive.

Sawyer Elementary – expand and/or renovate school on existing site at 4316 Ontario

Zoning of site: Government/Airport

Zoning of adjacent properties: Residential High Density to the north and west - schools permitted with Minor Site Development Plan, Residential Low Density to the north, east and south – schools permitted with Special Use Permit

Site Plan approved by staff in 1997 for a parking and driveway project.

Attachment 4: Review Criteria for Special Use Permits

(4) **Review Criteria.** Before a Special Use Permit application can be approved, the Zoning Board of Adjustment shall establish that the following general standards, as well as the specific standards outlined in subsections (b), (c), and (d) below, where applicable, have been or shall be satisfied. The Board's action shall be based on stated findings of fact. The conditions imposed shall be construed as limitations on the power of the Board to act. A mere finding that a use conforms to those conditions or a recitation of those conditions, unaccompanied by specific findings of fact, shall not be considered findings of fact for the purpose of complying with this Ordinance.

(a) **General Standards.** The Planning and Zoning Commission and Zoning Board of Adjustment shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use in its proposed location will:

(i) Be harmonious with and in accordance with the general principles and proposals of the Land Use Policy Plan of the City;

(ii) Be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;

(iii) Not be hazardous or disturbing to existing or future uses in the same general vicinity;

(iv) Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structure, refuse disposal, water and sewage facilities, and/or schools;

(v) Not create excessive additional requirements at public cost for public facilities and services;

(vi) Not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors; and

(vii) Be consistent with the intent and purpose of the Zone in which it is proposed to locate such use.

(b) **Residential Zone Standards.** The Planning and Zoning Commission and Zoning Board of Adjustment shall review each application for the purpose of determining that each proposed use in a residential zone meets the following standards, as well as those set forth in Section 29.1503(4)(a) above and, in addition, shall find adequate evidence that each use in its proposed location will:

(i) Not create excessively higher levels of traffic than the predominant pattern in the area and not create additional traffic from the proposed use that would change the street classification and such traffic shall not lower the level of service at area intersections;

(ii) Not create a noticeably different travel pattern than the predominant pattern in the area. Special attention must be shown to deliveries or service trips in a residential zone that are different than the normal to and from work travel pattern in the residential area;

(iii) Not generate truck trips by trucks over 26,000 g.v.w. (gross vehicle weight) to and from the site except for waste collection vehicles and moving vans;

(iv) Not have noticeably different and disruptive hours of operation;

(v) Be sufficiently desirable for the entire community that the loss of residential land is justifiable in relation to the benefit;

(vi) Be compatible in terms of structure placement, height, orientation or scale with the predominate building pattern in the area;

(vii) Be located on the lot with a greater setback or with landscape buffering to minimize the impact of the use on adjacent property; and

(viii) Be consistent with all other applicable standards in the zone.