

COUNCIL ACTION FORM

SUBJECT: **REZONING OF A PORTION OF 4130 LINCOLN SWING FROM RESIDENTIAL LOW DENSITY TO RESIDENTIAL HIGH DENSITY**

BACKGROUND:

GW College Park, LLC submitted a rezoning request for the property at 4130 Lincoln Swing. The property's current use is a mobile home park. The owner is considering a redevelopment of the site to high density apartments.

Based on the Land Use Policy Plan, the property carries a split land use designation, with the north half of the lot being designated within the general high density residential land use classification, while the south half is generally designated as low density residential land use classification.

The property also has a split zoning designation, with a majority of the lot being zoned Residential High Density. A small portion of the lot along the southern boundary is zoned Residential Low Density. **Based on the zoning code, when a property contains spilt zoning designations, the property must be developed based on the most restrictive zoning designation, which in this case is low density residential. The owner would like to eventually redevelop the property into apartments, which by zoning designation would require a residential high density designation.**

Justification could be given for either of the land use designations and zoning districts identified for the property, since there are predominately high density uses along Lincoln Swing and single family residences to the south. However, **the Residential High Density zone is more in line with the abutting properties in the area and fronting on Lincoln Swing. Also, the area zoned RL on the property could not be subdivided and left as a remaining RL property, since the potential lot would not have any frontage on a public street.** The attached addendum provides more detailed background and analysis of this requested zoning change. **Staff's analysis of the request leads to a conclusion that rezoning the lot to High Density Residential is consistent with the Land Use Policy Plan and the current zoning designation within the surrounding area.** Furthermore, there are no other issues that would preclude the use of this property to be redeveloped within the high density residential classification.

The Planning and Zoning Commission, by a vote of 4 to 1, recommended that the City Council approve the request to change the zoning designation on the south portion of the property from Low Density Residential to high Density Residential. Several members of the community spoke against the rezoning request. Concerns expressed focused on the impact and uncertainty of a possible redevelopment of the site and a decrease in affordable housing options within the City.

ALTERNATIVES:

1. The City Council can approve the request for rezoning a portion of the property at 4130 Lincoln Swing from “RL” (Residential Low Density) to “RH” (Residential High Density).
2. The City Council can deny the request for rezoning a portion of the property at 4130 Lincoln Swing.
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:

A review of the Land Use Policy Plan’s future land use map indicates that both Residential High Density and Residential Low Density land uses have been contemplated for this area. The majority of properties fronting on Lincoln Swing are zoned to be in line with the Residential High Density land use classification that prevails along Lincoln Swing. There are no outstanding issues of utilities, traffic, or access that would preclude the use of this site for uses allowed in the high density district.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the request to rezone a portion of the land located at 4130 Lincoln Swing from “RL” (Residential Low Density) to “RH” (Residential High Density).

ADDENDUM

BACKGROUND INFORMATION:

The existing mobile home park on the subject property has existed since approximately 1972, prior to annexation by the City.

On May 2, 2013, GW College Park, LLC submitted an application requesting a rezoning of a portion of the property located at 4130 Lincoln Swing from Residential Lot Density to Residential High Density. In an unusual twist, the property currently contains two different zoning districts, Residential Low Density and Residential High Density. The majority of the lot is zoned Residential High Density. Attachment A is a map of the location of the site. The current zoning is shown in Attachment B. If approved, the zoning map would be as shown in Attachment C.

The existing property is currently used as a mobile home park which is not currently permitted under either the low density or high density residential districts. The applicant is considering the redevelopment of the site from the existing mobile home park to possibly high density residential apartments. No site plan has currently been submitted for review.

Land Use Designation/Zoning. The following table provides the future land use designation and zoning of the subject property and other surrounding properties.

Direction from Subject Property	LUPP Map Designation	Zoning Map Designation
Subject Property	Low Density Residential & High Density Residential Split	"RL" & "RH" Split (Residential Low Density & Residential High Density)
North	Residential High Density	"RH" (Residential High Density)
East	Low Density Residential & High Density Residential	"RL" & "RH" (Residential Low Density & Residential High Density)
South	Residential Low Density	"RL" (Residential Low Density)
West	Low Density Residential & High Density Residential	"RL" & "RH" (Residential Low Density & Residential High Density)

The LUPP Map indicates a split in the land use designation between Residential Low Density and Residential High Density land uses for the subject property. The LUPP designation of the area is shown in Attachment D. Chapter Two of the Land Use Policy Plan states that *the location and extent of each use is general and intended to identify relationships among uses* in an effort to create "efficient, compatible and viable development patterns for the community." Based on the LUPP, this area is generally established for high density residential abutting Lincoln Swing and then shows a less intense residential designation in the change to low density residential as you move south.

Section 29.302(2) of the zoning code states “when a lot held in single ownership is divided by a zone boundary line, the entire lot shall be construed to be within the more restrictive zone for purposes of complying with the requirements of the Ordinance, unless otherwise indicated on the Official Zoning Map or by resolution of the City Council.” Based on the zoning code, even though the larger portion of the lot is zoned residential high density, a redevelopment would need to comply with the uses and development standards associated with the residential low density requirements of the zoning code, thereby only permitting single family residences or a small number of non-residential uses for the property.

Even though there is a split in the future land use designation for the property, staff feels that a LUPP amendment is not needed, since the Land Use Policy Plan is intended to be a general land use policy guide. However, should the Council feel that the Land Use Policy Plan should be amended to designate a specific land use, an amendment to the Land Use Policy Plan Map can be required.

The proposed rezone request to residential high density is in line with the Land Use Policy Plan in that High Density Residential Land Uses are generally indicated for this area. The request is also in line with the existing zoning designations abutting and fronting on Lincoln Swing, which is the only means of street access available to this property. At the same time, an argument could also be made that the residential low density portion of the property should restrict the property to the lower intensity zoning, which again is in line with the Land Use Policy Plan and some of the surrounding single family properties to the south. However, that action would not be consistent with existing zoning of the properties abutting and fronting on Lincoln Swing.

Existing Land Use. Land uses that occupy the subject property and other surrounding properties are described in the following table:

Direction from Subject Property	Existing Land Uses/ Ownership of Properties
Subject Property	Mobile Home Park
North	Apartment Buildings
East	Apartment Buildings & Single Family Homes
South	Single-Family Homes
West	Apartment Buildings, Ames Community Theatre & Single-Family Homes

Infrastructure. The subject area is already a developed lot and is served by City water and sewer. Public utility mains and streets are immediately adjacent to the subject property with infrastructure to serve the site. There is no existing storm sewer infrastructure for this area as the area is served by a drainage ditch running along the north frontage of the property. Utility connections and runs and storm water management will be verified at the time of site development based on the use and site layout proposed.

Access. The present configuration of the subject property’s private streets allows for

vehicle access from the north onto Lincoln Swing. There is also existing pedestrian access from the existing side walk that extends the length of the frontage abutting Lincoln Swing.

Impacts. The applicant intends to eventually redevelop the subject property as a high density residential development. This use is allowed under the requested zoning change to the High Density Residential District (RH). The potential redevelopment to a new land use would eliminate the existing non-conforming use, and bring the property into conformance with the RH zoning district should the rezoning request be approved. The proposed land use to high density residential would also be in line with the apartment buildings existing on Lincoln Way and fronting Lincoln Swing in this area.

There is, however, an impact to the south and southeast where the subject property backs up to the existing single family residential properties. The area zoned RL on the subject property could not be subdivided and left as a remaining RL property, since the potential lot would not have any frontage on a public street. There is also a concern regarding proximity of the single family homes along the south border of the subject site, since some of those properties have been constructed with minimal setbacks adjacent to the subject site.

Goals of the Land Use Policy Plan (LUPP). Several of the ten goal statements of the LUPP speak indirectly to this request for rezoning. However, Goal No. 5 seems to address the rezoning proposal most directly since it states that “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.” Objective 5.C. states: “Ames seeks continuance of development in emerging and infill areas where there is existing public infrastructure and where capacity permits.”

Applicable Laws and Policies. The City of Ames laws and policies that are applicable to this proposed rezoning are included in Attachment E.

Applicant’s Statements. The applicant has provided an explanation of the reasons for the rezoning (see Attachment F).

Findings of Fact. Based upon an analysis of the proposed rezoning and laws pertinent to the applicant’s request, staff has made the following findings of fact:

1. Ames *Municipal Code Section 29.1507(2)* allows owners of 50 percent 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 representing 100 percent of the property requested for rezoning.
2. The Land Use Policy Plan (LUPP) Future Land Use Map generally indicated this area of Lincoln Swing as “Residential High Density” land uses, while showing the relationship to “Residential low density” land uses as you move south in the single family neighborhoods.

3. The Zoning for the property is predominately high density as existing and would be in line with the surrounding and abutting properties on Lincoln Swing if designated wholly as High Density Residential.

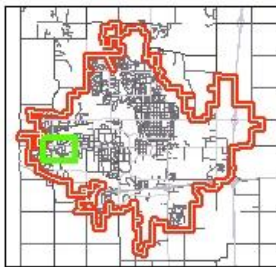
Public Notice. Notice was mailed to property owners within 200 feet of the rezoning area and a sign was posted on the subject property. A couple of phone calls have been received from the area residents asking what is being proposed for the lot, but no specific concerns over the actual rezoning request have been received by staff.

Planning and Zoning Commission Meeting. The Planning and Zoning Commission heard the application at the June 5, 2013 meeting. One resident of the mobile home park and two community members spoke out against the rezoning request. The concerns raised during the discussion focused on what the future development might bring for the site regarding traffic and crime and the proximity of high density uses abutting low density uses. Another large concern expressed was for the loss of affordable housing within the city. The Commission noted their agreement with these citizens' concerns, but ultimately recommended by a vote of 4 to 1 that the City Council approve the application request to rezone the south portion of the property at 4130 Lincoln Swing from Low Density Residential to High Density Residential. The dissenting Commissioner felt it was important to point out the loss of affordable housing that higher density development would bring.

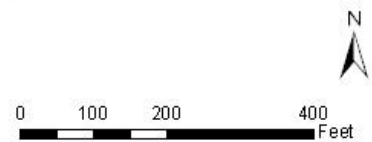
Conclusions. Based upon the analysis in this report, staff concludes that the proposed rezoning of the subject property could be argued to be consistent with either of the land use designations of the Future Land Use Map, as well as with the Goals and Objectives of the City of Ames Land Use Policy Plan. **Staff believes that given the current development in the area abutting and fronting on Lincoln Swing, the residential high density use makes the most sense from a land use standpoint. This designation is also consistent with the zoning of the properties abutting the majority of the subject lot and the property fronting the entire length of Lincoln Swing. The rezoning to Residential High Density would be a logical extension of the "RH" zoning surrounding the majority of this site.**

Attachment A

Location Map

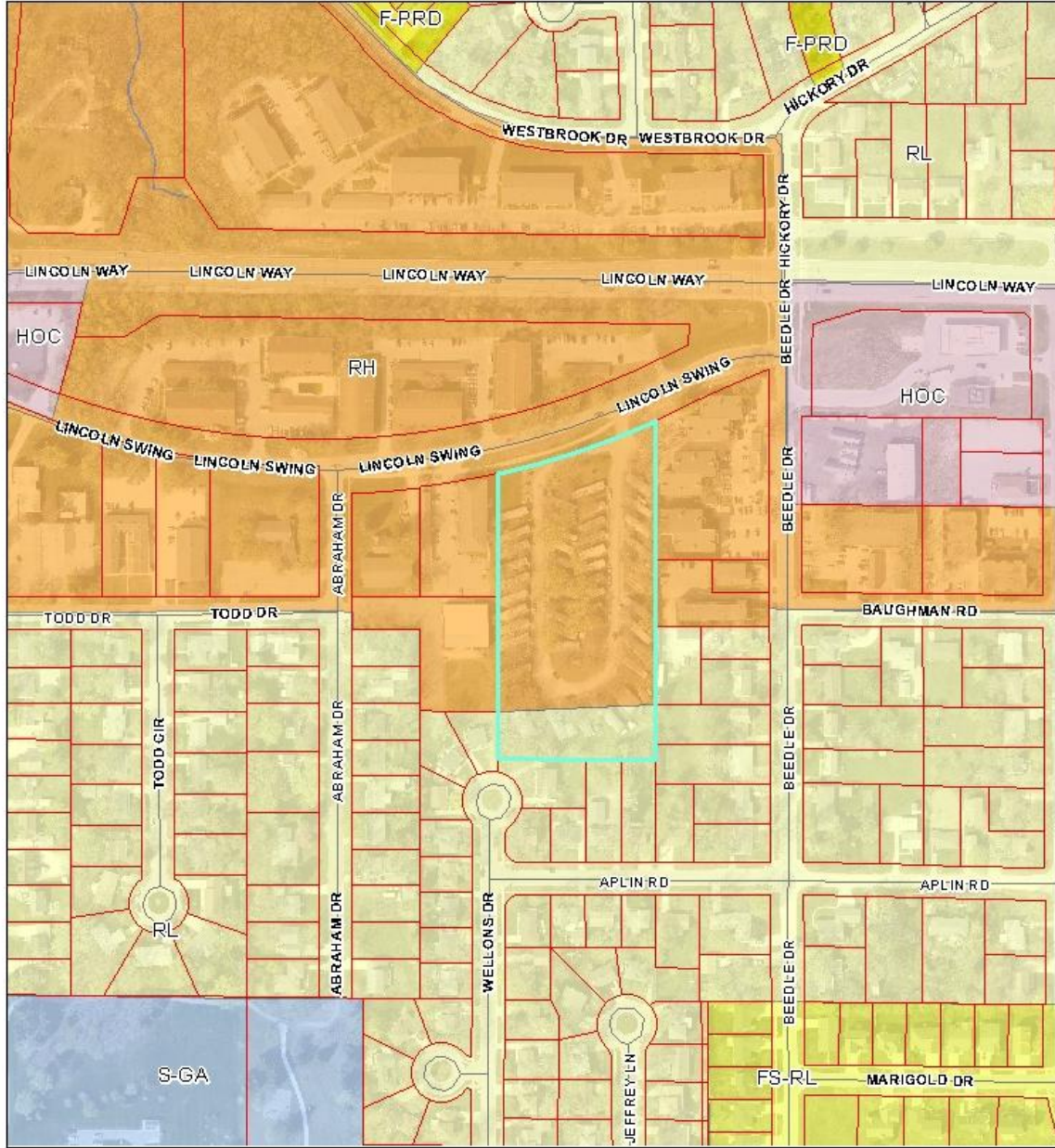


Location Map

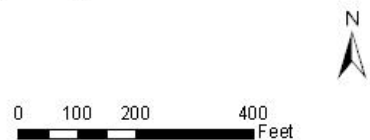
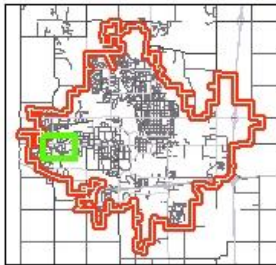


Attachment B

Existing Zoning

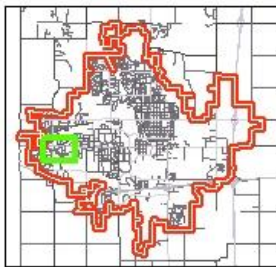
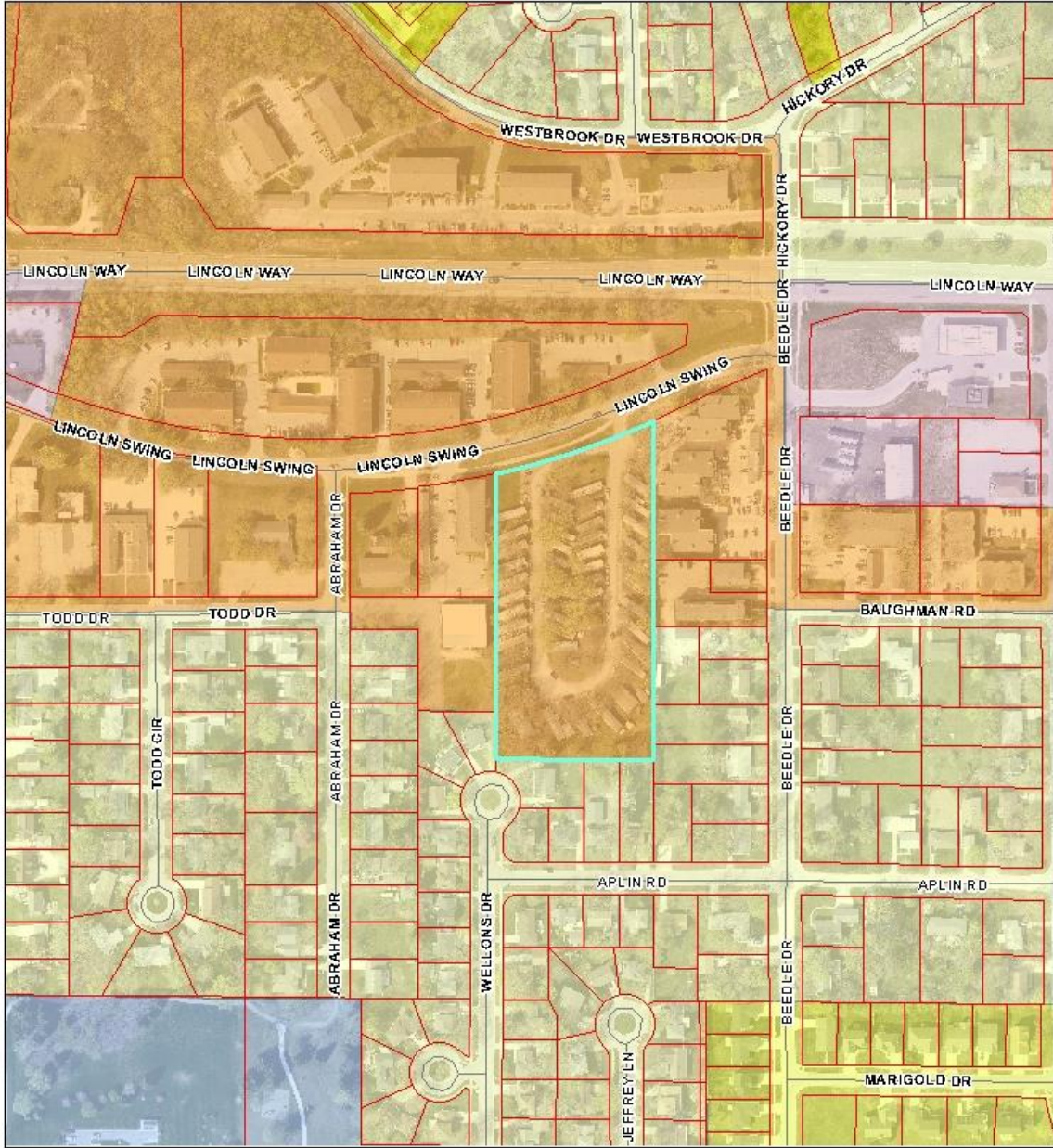


Existing Zoning Map

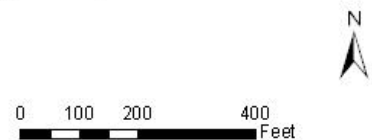


Attachment C

Proposed Zoning

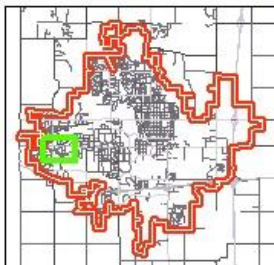


Proposed Zoning Map

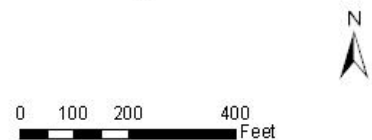


Attachment D

LUPP Future Land Use Map



Land Use Policy Plan Map



Attachment E

Applicable Laws and Policies

The laws applicable to the proposed rezoning at 4130 Lincoln Swing are as follows:

- Land Use Policy Plan (LUPP) Goals, Policies and the Future Land Use Map:

The Land Use Policy Plan (LUPP) Future Land Use Map identifies the land use designations for the property proposed for rezoning.

- *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 703, Urban Core Residential Medium Density, includes a list of uses that are permitted in the Urban Core Residential Medium Density (RL) zoning district and the zone development standards that apply to properties in that zone.

Attachment F

Applicant's Statement

Beving, Swanson & Forrest, P.C.

Attorneys at Law

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Julia L. Vyskocil

May 1, 2013

Department of Planning and Housing
Room 214, City Hall
515 Clark Avenue
Ames, Iowa 50010

Re: 4130 Lincoln Swing

Dear Sir or Madam:

I am the Manager/Member of GW College park, LLC, the owner of the real estate located at 4130 Lincoln Swing in West Ames. We are applying to have the portion of said property which is currently zoned as RL rezoned to RH. The property in question consists of approximately 168,489 square foot (3.868 acre) parcel of land located south of Lincoln Swing, which currently houses a mobile home park consisting of 46 lot spaces and a duplex. The zoning for the majority of the property is currently RH.

We are currently exploring potential future development of the site and in consultation with the Ames Planning and Zoning Department, it was discovered that a portion of the property is currently zoned RL. This portion is approximately 86 by 290 foot (approximately 25,000 square feet or 14.80% of the total parcel area) portion along the South of the property. We are seeking to have this portion rezoned to RH to accommodate future development of high density residential apartments on the property. The staff with planning and housing has indicated that because a portion of the property is zoned as RL, all the property must be developed at the most restrictive manner, thereby precluding any high density development on the property. The requested rezoning of the RL portion is consistent with the Land use Policy Plan as the majority of the land is currently zoned RL and the requested change would bring the remaining portion of the lot in compliance with the majority of the land. The current use of the land as a mobile home park would be allowed to continue which as a pre-existing use (the park has been there since approximately 1972), but that use is not consistent with either RL or RH zoning classes. The

Attachment F (Cont.)

Applicant's Statement

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May 1, 2013
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proposed rezoning would allow for future redevelopment of the land consistent with the area and with the current zoning classification for the majority of the property.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex P. Galyon", written over a faint circular stamp or watermark.

Alexander P. Galyon
Attorney at Law

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

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 4130 Lincoln Swing, is rezoned from Residential Low Density “RL” to Residential High Density “RH.”

Real Estate Description: All that portion of the East 289.5 Feet of the East 35 Rods of the West 75 Rods of all that part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section Eight (8), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5th P.M., lying South of the Center Line of Public Street known as “Lincoln Swing”, in the City of Ames, Iowa, EXCEPT the South 442 Feet thereof currently zoned as “RL” under the City of Ames, Iowa, zoning map, also described as follows:

Beginning at the Northeast Corner of Lot 6, Cochrane’s 1st Addition to Ames, Iowa; thence South to the Northwest corner of Lot 5, except the East 129.5 feet, Cochrane’s 1st Addition to Ames, Iowa; thence West to the Northeast corner Lot 1, Cochrane’s 1st Addition to Ames, Iowa; thence North to the Northeast Corner of Lot 4, Block 4, Beedles Subdivision to Ames, Iowa, thence Southwesterly along the Northern boundary of the “RL” zoning district 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 _____, 2013.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor