

COUNCIL ACTION FORM

SUBJECT : REZONING AT 4710 MORTENSEN ROAD FROM COMMUNITY COMMERCIAL/RESIDENTIAL (CCR) TO FS-RM (SUBURBAN MEDIUM-DENSITY RESIDENTIAL)

BACKGROUND:

Cyclone Conference Center owns a 1.71 acre parcel on Mortensen Road west of the Hilton Garden Inn. Access to the site is from Mortensen Road through the West Town Condominiums mixed-use project. The site is zoned Community Commercial/Residential with an underlying land use designation of Village/Suburban Residential. Community Commercial/Residential zoning district was created to encourage mixed use development while meeting commercial needs. It was applied to the southwest area of town in response to the Land Use Policy Plan designation of the area with a Community Commercial Node and its Village/Suburban Residential land use designation. The residential use was intended to support the primary purpose of the area as a commercial node.

The subject parcel was originally intended to be the eighth building of the West Towne Condominiums mixed-use project. CCR zoning district requires development of non-residential uses on the ground floor in order to have residential uses on the upper floors. The zone limits residential development to two floors above the non-residential use based upon the height limit of the zoning district. **The owner seeks to rezone the parcel to FS-RM (Suburban Medium-Density Residential) in order to do an exclusively residential development. Conceptually this would be three separate buildings totaling 35 units and approximately 108 bedrooms.** Development of apartments in a FS-RM zoning district requires subsequent approval of a Major Site Development Plan by the City Council. The location and zoning are shown on Attachment 1.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission met on July 2 and recommended approval (5-0) of the proposed rezoning from CCR to FS-RM. The Commission noted the vacant retail space in the area and felt that this site would be even less desirable for such uses. Other than the applicant, no one spoke at the public hearing on this item.

A full analysis of the rezoning petition is included in the attached addendum.

ALTERNATIVES:

1. The City Council can approve the request for rezoning from CCR-Community Commercial/Residential to FS-RM Suburban Medium Density, based upon findings and conclusions as found in the addendum.

2. The City Council can deny the request for rezoning from CCR-Community Commercial/Residential to FS-RM Suburban Medium Density if the Council finds that the City's regulations and policies are not met with the request and prefers that the site be maintained for commercial development.
3. The City Council can defer action on this request and refer it back to staff and/or the applicant for additional information.

MANAGER'S RECOMMENDED ACTION:

As noted in the addendum, the proposed FS-RM zoning district is consistent with the Land Use Policy Plan residential land use designations and policies. As an FS-RM district, the proposed housing types are limited, with a maximum allowable apartment building of 12 units. Based on the square footage of the property, no more than two 12-unit and one 11-unit apartments can be constructed. The site, if developed as exclusively FS-RM apartments, would yield approximately 30% more bedrooms than the abutting mixed-use buildings built under the current CCR zoning district.

The LUPP places a Community Commercial Node at the intersection of S. Dakota Avenue and US Highway 30. A Community Commercial Node is intended to be between 40 and 75 acres. In this instance, the subject 1.7 acre site on its own is poorly situated for retail trade. The site may be able to accommodate other personal service or office uses that are less reliant on visibility, but it would remain a lower tier site because of its location. A separate commercial alternative would be for the site to be included with the hotel to the east for an expansion of that use. However, staff is not aware of an interest in expansion of the hotel at this time. **Staff believes the site is not a prime location for commercial development under current conditions and its use as exclusively residential can be found to be consistent with its surroundings and the LUPP.**

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 for rezoning from CCR-Community Commercial/Residential to FS-RM Suburban Medium Density, based upon findings and conclusions as found in the addendum.

ADDENDUM

REZONING BACKGROUND:

Existing Land Use Policy Plan. The LUPP designation of the entire subject area is Village/Suburban Residential. This designation applies to much of the area lying west of S. Dakota Avenue and north of US 30 (the Ames city limits). The LUPP designation of the immediate area can be found in Attachment B. A Community Commercial Node is also shown on the LUPP map. It is intended to encompass between 40 and 75 acres. The combined area of CCN and CCR is 57 acres—reducing the area by 1.71 acres is not inconsistent with the expectations of the LUPP for a node.

Existing Zoning. The site is zoned Community Commercial/Residential, as are the abutting properties to the east and west. The surrounding West Town Condominiums mixed-use development was originally developed under the Community Commercial Node (CCN). The zoning classification of the CCN zoning district was modified in 2005 to exclude mixed use development and the new CCR zoning district was created and applied to this area in response to the already approved mixed use developments. CCR zoning was again modified in 2008 to clarify that household living is only allowed above a non-residential use and cannot be permitted above short term lodging that occurred within part of the West Towne Condominiums project.

The area immediately to the east of the subject site is zoned CCN (see Attachment B). To the north of Mortensen Road are properties zoned High-Density Residential and Community Commercial/Residential. US Highway 30 and the Ames city limits lie to the south. An excerpt of the zoning map can be found in Attachment B.

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

Direction from Subject Property	Existing Land Uses
Subject Property	Partial parking lot, vacant
North	Mixed commercial and residential (West Towne Condominiums)
East	Commercial (Hilton Garden Inn)
South	US Highway 30, farmland (unincorporated Story County)
West	Mixed commercial and residential (West Towne Condominiums)

A minor site development plan for the entire West Towne Condominiums property was approved in 2005. The development comprised eight mixed use buildings with a ground floor of retail/office uses and two upper floors of residential uses. In 2008, however, the parcel was subdivided to separate this subject parcel from the rest of the lot. The site plan was then resubmitted for just the seven West Towne buildings as they now stand (approved 2008). The proposed Building 'H', which was planned for this lot prior to the subdivision, included 15,282 square feet of office and 28 apartment units comprising 78

total bedrooms (a mix of 2-, 3-, and 4-bedroom units). Building “H” was never constructed and there is no approved site plan for the property at this time.

Master Plan. The City Council, at the June 10th meeting, voted not to require a Master Plan to accompany this rezoning due to the nature of the site and the need for subsequent approvals for development if the rezoning is approved.

Infrastructure. The Development Review Committee considered this site and found that it is fully served by City infrastructure. Sanitary sewer and water are readily available, as is electric services.

Access. Access is provided to the site from Mortensen Road through existing access points and easements on the West Towne development and no traffic improvements are anticipated.

Applicant’s Statements. The applicant has provided an explanation of the reasons for the rezoning in Attachment C. The applicant believes in essence that the site is not commercially viable for retail and trade uses due to limited visibility and access.

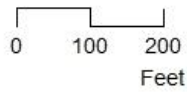
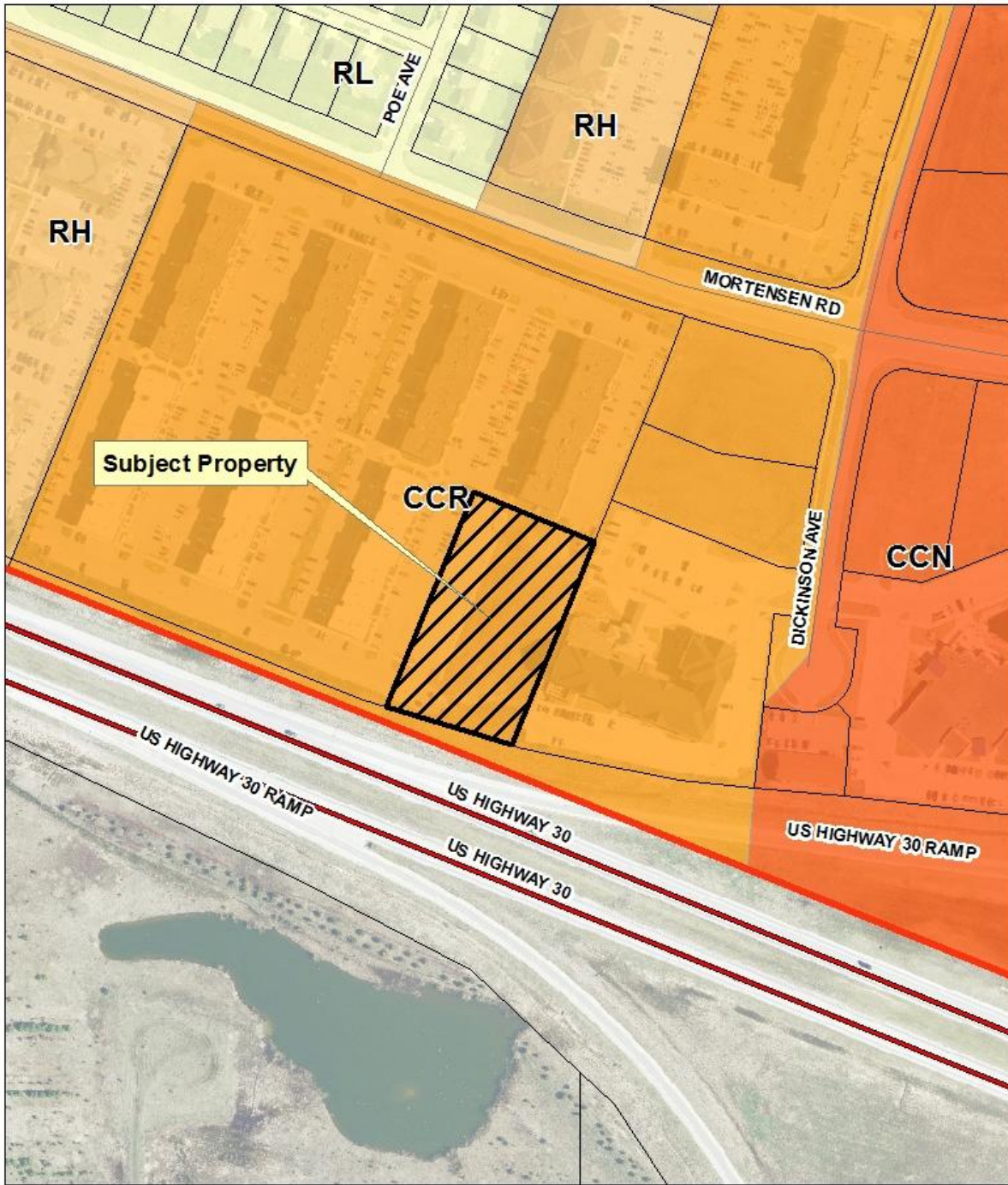
Findings of Fact. Based upon an analysis of the proposed rezoning and laws pertinent to the applicant’s request, staff makes the following findings of fact:

1. *Ames Municipal Code Section 29.1507(2)* allows owners of 50 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 subject property has been designated on the Land Use Policy Plan (LUPP) Future Land Use Map as “Village/Suburban Residential.”
3. The “Village/Suburban Residential” land use designation supports the “FS-RM Suburban Medium Density Residential” zoning designation. Under the “FS-RM” zoning designation, detached and attached single-family housing types as well as apartments up to 12 units are allowed.
4. Infrastructure is adequate to serve the site and can be extended to the site.



Public Notice. Notice was mailed to property owners within 200 feet of the subject site and a sign was posted on the subject property. As of this writing, no comments have been received.

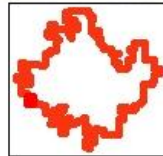
Conclusions. Based upon the analysis in this report, staff concludes that the proposed rezoning of the subject property is consistent with the Future Land Use Map, as well as the City of Ames Land Use Policy Plan.

Attachment A: Location and Current Zoning

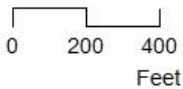
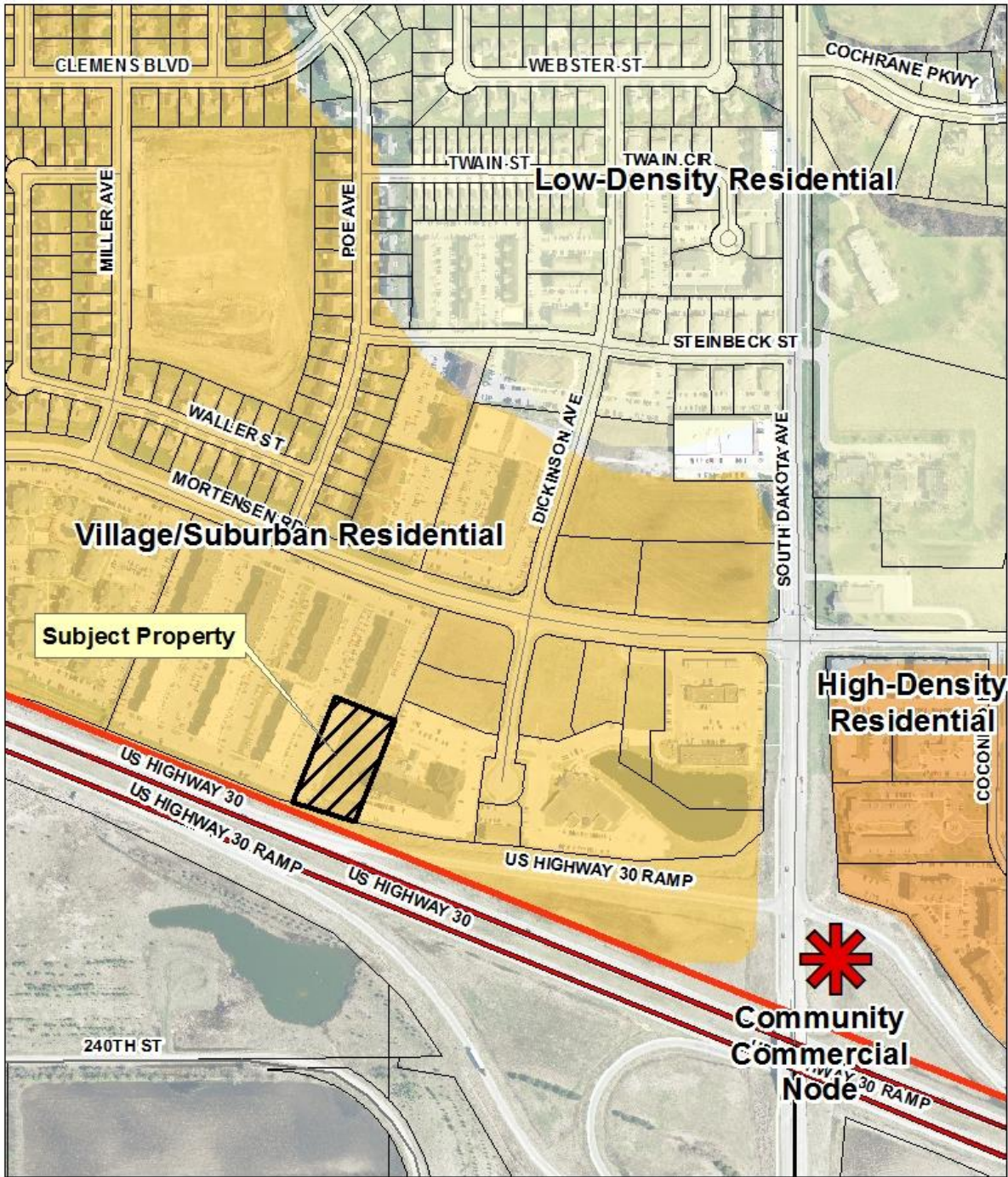


Legend



-  AMES CITY LIMITS
-  4710 Mortensen Road

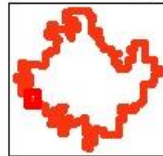


Attachment B: LUPP Map with Commercial Nodes [Excerpt]



Legend

-  AMES CITY LIMITS
-  4710 Mortensen Road



Attachment C: Applicant's Statement

Reasons for Requesting Rezoning
4710 Mortensen Rd Ames, IA 50014

After multiple meetings with the City of Ames Planning and Zoning Staff we have come to a conclusion of asking for a rezoning of 4710 Mortensen Rd. in Ames IA. We would like to ask for this parcel to be rezoned to SFRM. The parcel is currently zoned CCR.

We believe that the zoning we are asking for is consistent with the zoning around the property because of the following reasons.

- 1) The property to the West of us is currently being used for student housing and even though the zoning is CCR the property has been converted to short term stay units on the bottom floor and continued under grad housing on the 2nd and 3rd floors. So ultimately the majority of the square footage of the buildings directly adjacent to this parcel is more or less high density.
- 2) The current zoning is CCR. This requires commercial on the bottom floor and based on the location of being set way back behind a hotel and other apartments and the lack of success with former commercial space in the project we are asking for the rezoning.
- 3) We are able to add more active open space in this zoning request that will serve the residence of the property versus the current zoning calls for next to none active open space.

Our proposed use is for 2 -12 plex buildings and 1 - 11 plex building totaling 35 units which is the allowable number of units per the zoning requirements. We have over 8000 ft of active open space with 108 parking stalls required by the zoning.

Legal Description:

DAUNTLESS SD 7TH ADD LOT 2 PARCEL"H" OF PAR"A" SL 327 PG 5

The land area is 1.71 AC. or 74,487 sq/ft.

DO NOT WRITE IN THE SPACE ABOVE THIS LINE, RESERVED FOR RECORDER
Prepared by: Judy K. Parks, 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 4710 Mortensen Road, is rezoned from Community Commercial/Residential (CCR) to Floating Suburban Residential Medium-Density (FS-RM).

Real Estate Description: Parcel 'H' of Lot 2 as shown on the Plat of Survey recorded as Instrument Number 2008-00002327, of the Seventh Addition Dauntless Subdivision an official plat in the City of Ames, Story County, Iowa, and containing 1.71 acres (74,566 square feet).

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 _____, 2014.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor