

## Staff Report

**REZONING OF 601 STATE AVENUE  
TO RESIDENTIAL LOW DENSITY (RL)**

September 23, 2014

Background

At its September 9th meeting, the City Council directed staff to prepare a report explaining the process to rezone the entire 29 acres of 601 State Avenue to Residential Low (R-L) density. This site is currently zoned Government/Airport District (S-GA). As a Special Purpose District, it is intended for areas owned by governmental authorities or for uses related to governmental authorities. The site was acquired on March 11, 2013 by a private property owner, Breckenridge Group LLC. Previously the subject site had been owned by Iowa State University before its sale to the Ames Community School District.

This site currently has two designations on the Land Use Policy Plan Future Land Use Map (LUPP Map) with a Residential Low Density designation represented north of College Creek and a Village/Suburban Residential designation represented south of College Creek. A Greenway designation also exists over the site in support of the natural areas of College Creek and the City's bike/multi-use path through the property. See Attachments A and B for zoning and land use maps, respectively.

Rezoning Process

The City's process for rezoning is described as part of §29.1507 of the Ames Municipal Code. In addition, Chapter 414.4 of the Code of Iowa describes the process for amending zoning and is incorporated by reference into the City's Municipal Code. City Council may initiate a Zoning Map Amendment as described in §29.1507(1):

*(1) Authorization. The City Council may, from time to time, on its own initiative, on petition, or on recommendation of the Planning and Zoning Commission, after public notice and hearings, and after a report by the Planning and Zoning Commission, or after 30 days written notice to said Commission, amend, supplement or change the regulations, districts, or Official Zoning Map herein or subsequently established.*

A property owner of an area proposed for a zoning change would have the ability to file a petition to protest the change under §29.1507(8) and trigger a requirement for five affirmative votes by the City Council to approve a proposed zoning change initiated by the Council.

*(8) Vote Required When Amendment Protested. If a written protest against any proposed amendment, supplement or change has been filed with the City Clerk, signed by the owners of 20% or more of the area of the lots included in the proposed amendment, supplement or change or by the owners of 20% or more of the property that is located within 200 feet of the exterior boundaries of the property for which the amendment, supplement or change is proposed, such amendment, supplement or change shall not become effective except by favorable vote of at least ¾ of all members of the City Council.*

The process for amending the Zoning Map would include a noticed public hearing with the Planning and Zoning Commission and a noticed public hearing with the City Council. The Planning and Zoning Commission would have 90 days to make a recommendation to the City Council on the proposed change, or to make a recommendation within 30 days of a written notice by the Council to the Planning and Zoning Commission to proceed with a recommendation. Subsequent to the Planning and Zoning Commission recommendation, the City Council may at its next regularly scheduled meeting, consistent with public notification requirements, then hold a public hearing and consider approval of the zoning amendment. Zoning amendments become effective through approval of an ordinance that requires three readings and publication of the approved ordinance.

#### Approval Criteria For Rezoning

A zoning amendment must be consistent with Chapter 414 of the Code of Iowa and the City's own requirements of Chapter 29 for zoning map amendments. In accordance with these two laws, **approval of a zoning amendment must be in the public's interest of promoting health, safety, and general welfare. The Code of Iowa also requires a zoning decision to be consistent with a comprehensive plan.**

#### Land Use Policy Plan

The City of Ames' comprehensive plan is known as the Land Use Policy Plan (LUPP). The LUPP includes a far ranging discussion within the text of the document of issues relevant to land use for the City. It includes the City's vision for the community and specific goals and objectives. The LUPP also includes maps depicting concepts of the text of the plan, including a Future Land Use Map that is intended to guide decisions about particular types of land use.

#### City Council Decision on Proceeding With RL Zoning

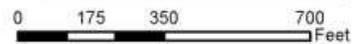
**It is important to note that, prior to pursuing a change in the zoning of this area to RL, the City Council must first decide whether or not to amend the LUPP and Future Land Use Map. These two options are possible because the boundaries of the Future Land Use Map are general in nature and not parcel specific. Because of the general nature of these boundaries, the City Council needs to consider the**

goals, objectives, and text of the LUPP to determine if a zoning amendment is consistent with the LUPP. In this case, because of the neighboring existing single-family development, RL zoning could be interpreted to be consistent with the existing LUPP, and no minor amendment is needed to the LUPP Map. However, the City Council could also interpret the boundary in a manner that supports the FS-RL zoning, and which thereby could warrant consideration of a minor LUPP amendment prior to rezoning to RL.

Attachment A



Existing Land Use Policy Plan Map  
Breckenridge Development Properties



Attachment B

