

ITEM #: 43  
DATE: 05-09-17

**COUNCIL ACTION FORM**

**SUBJECT: Rezone from “A” (Agricultural) to “HOC” (Highway-Oriented Commercial) for a property located at 3505 South Duff Avenue.**

**BACKGROUND:**

The property owner is interested in rezoning approximately 3.03 acres at 3505 South Duff Avenue (*See Attachment A*) from “A” Agricultural Zone to “HOC” High-Oriented Commercial (*See Attachment B*).

The applicant desires to rezone the property to allow for improvements to the existing church and parking lot. Although the current church use is permissible with the Agricultural zoning district, the development standards for agricultural zoned property do not fit the needs of the property owner. The applicant desires to construct parking spaces between the existing building and the street, which is currently not allowed in the Agricultural zoning district. Additionally, the applicant plans to construct a new addition to the building on this property at the front of the existing building. **Regardless of rezoning, any construction or expansion of the church as an Institutional use within the Agricultural or Highway-Oriented Commercial zone would require a Special Use Permit to be approved by the Zoning Board of Adjustment.**

The current site includes a church building consisting of 4,127 square feet built in 1977 and parking adjacent to the building. Changing the zoning from Agricultural to Highway-Oriented Commercial would allow additional parking spaces to be constructed between the building and the street contiguous to existing parking spaces already in place, subject to conformance with zoning standards. In contrast, with the property maintaining its current Agricultural zoning any new parking spaces would need to be constructed behind the building. The applicant desires parking spaces to be constructed in the front yard.

The subject property is currently bordered on the north by “RH” Residential High Density zoning. To the west of this property it is bordered by “S-GA” Government/Airport District zoning. “RL” Residential Low Density zoning exists east of this property across Duff Avenue. “A” Agricultural zoning exists immediately to the south of the site containing single family homes. The uses in the area are generally a mix of single-family homes near or adjacent to the corporate limits of Ames with the homes to the immediate south of the site on Agricultural zoned land within and abutting the corporate limits.

The Ames Land Use Policy Plan (LUPP) Future Land Use Map shows the subject site with the Highway Oriented Commercial land use designation. (*See Attachment C*) **The applicant believes that the site is within the Highway-Oriented Commercial Designation and that such a designation supports rezoning to Highway-Oriented**

## **Commercial zoning.**

Staff concurs that the land use designation for the site supports Highway-Oriented Commercial zoning for the property. **Rezoning of the property would be compatible with the existing LUPP designation. Thus the requested zoning classification can be justified based upon the underlying land use designation.** The intended use for the property is to remain a church, which is classified as an Institutional Use in Section 29.501(4)-5 and is allowed in the Highway-Oriented Commercial zoning district subject to approval of a Special Use Permit by the Zoning Board of Adjustment. **Upon rezoning of the site, a Special Use Permit would be required if the church desires to construct a new building, or alter the existing building. Use of the property with a different use than a church would also be consistent with the LUPP designation for the site.**

The property owner is required to install all necessary infrastructure and comply with current zoning standards with regard to building construction, landscaping, and parking lot design prior to issuance of a zoning permit via the Special Use Permit review process for the church expansion. A Special Use Permit requesting parking in the front of the building can only be considered if appropriate commercial zoning rather than agricultural zoning is in place on this property.

The Applicant has provided an explanation of reasons for desiring to rezone to HOC and is requesting rezoning to allow for further future investment on the property (See *Attachment D.*)

Notice was mailed to property owners within 200 feet of the subject site. As of this writing, no comments have been received.

At the April 5<sup>th</sup>, 2017 Planning & Zoning Commission meeting the Planning & Zoning Commission recommended by a vote of 6-0 to approve rezoning property at 3505 South Duff Avenue from Agricultural Zone (A) to Highway-Oriented Commercial Zone (HOC).

### **ALTERNATIVES:**

1. The City Council can approve the request for rezoning from “A” (Agricultural Zone) to “HOC” (Highway-Oriented Commercial Zone) for the property located at 3505 South Duff Avenue, based upon the applicant’s project description and staff’s analysis.
2. The City Council can deny the request for rezoning of the property located at 3505 South Duff Avenue, if the Council finds that the request is not consistent with the City’s regulations and policies.
3. The City Council can defer action on this request and refer it back to City staff and/or the applicant for additional information.

**CITY MANAGER’S RECOMMENDED ACTION:**

The LUPP land use designation supports the rezoning of the subject property. The rezoning will allow the owner to improve the church site consistent with urban development standards of a commercial site and approval of a Special Use Permit.

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 of the property, located at 3505 South Duff Avenue, from “A” (Agricultural) to “HOC” (Highway-Oriented Commercial), as depicted in *Attachment B*.

## ADDENDUM

### *Zoning History*

The Highway-Oriented Commercial zone (HOC) allows for church institutions subject to a Special Use Permit issued by the Zoning Board of Adjustment. The issuance of a Special Use Permit is required when an institutional use such as a church desires to construct a new facility or to expand an existing facility.

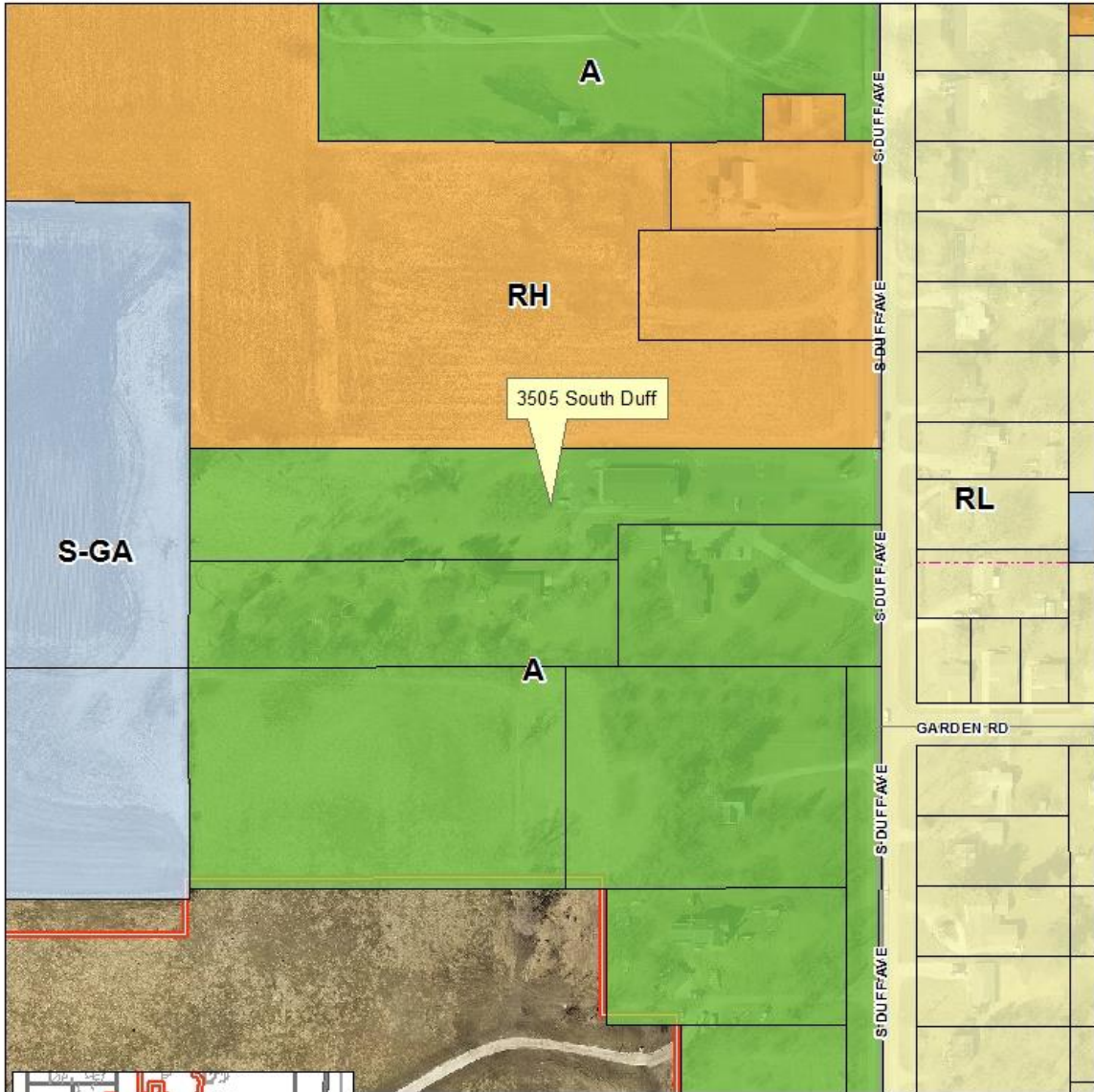
Prior to the zoning code update in 2000, this property was zoned under the Agricultural zone designation. The Agricultural zone designation at that time allowed for construction of religious institutions. The property was developed with a church on site in 1977 and is built to the legal specifications and requirements of the existing zoning at the time the property on which the structure was developed. Currently there are no building permits active for this property. A Special Use Permit application with a site plan has been submitted to the Planning & Housing Department. The applicant's future plans for the property, as stated in the application, do not conflict with allowed uses in the proposed HOC zoning classification provided a Special Use Permit is reviewed and issued by the Zoning Board of Adjustment.

### *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 fifty percent (50%) 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 owner of this single parcel has requested the rezoning.
2. The subject property has been designated on the Land Use Policy Plan (LUPP) Future Land Use Map as "Highway-Oriented Commercial."
3. The "Highway-Oriented Commercial" land use designation supports the "HOC" (Highway-Oriented Commercial) zoning designation. Under the "HOC" zoning designation, religious institution development can be accommodated subject to the Zone Development Standards allowed within this zone, as described in Chapter 29, Article 8, of the Municipal Code.
4. Infrastructure is available to this site. The owner will need to ensure any necessary upgrades to the services at this site are coordinated through public works should a new structure be constructed on this site in the future.
5. Access to this site is from South Duff Avenue, a public street right-of-way.

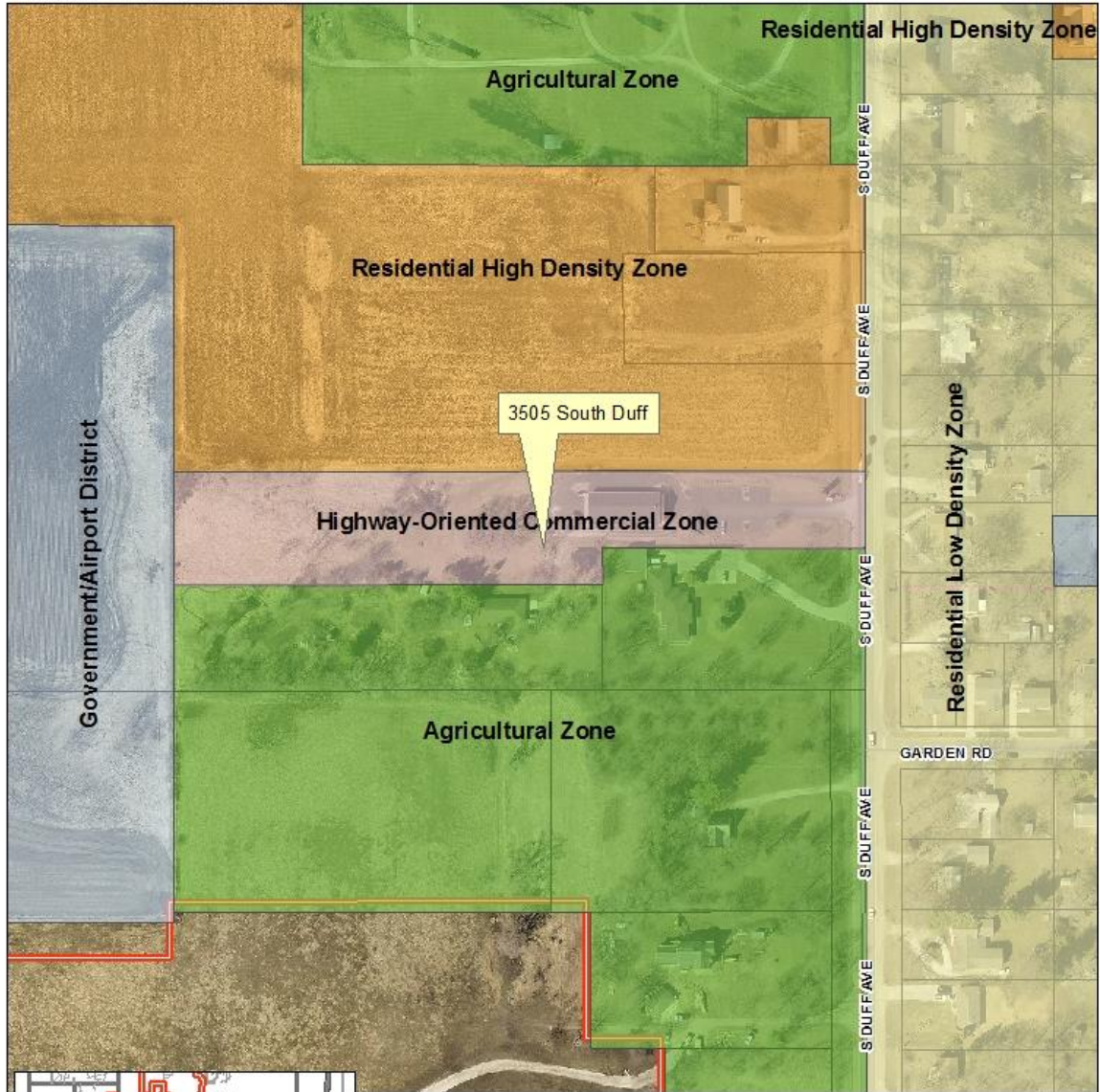
# Attachment A- Current Zoning



**3505 South Duff Avenue  
Current Zoning**

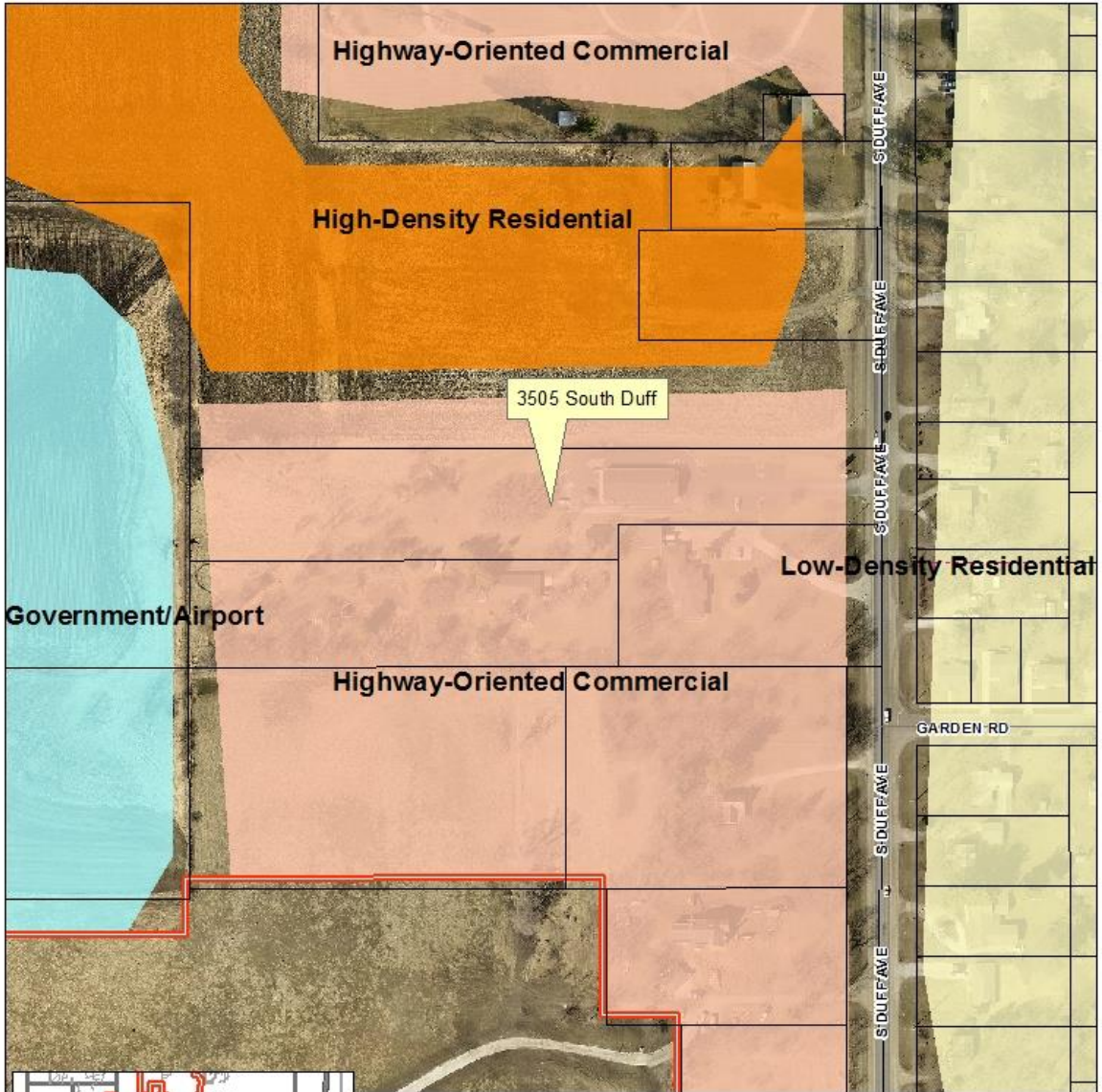


# Attachment B- Proposed Zoning



**3505 South Duff Avenue  
Proposed HOC Zoning**

# Attachment C- LUPP Designation



**3505 South Duff Avenue  
LUPP Designation**



## **Attachment D- Applicants Statement For Rezoning**

The United Pentecostal Church of Ames is requesting rezoning from an Agricultural District to Highway Oriented Commercial. We would like to add parking between the existing church sanctuary and Duff Avenue, which is not permitted in an Agricultural District. The current land use policy plan supports the rezoning to Highway Oriented commercial.



**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 3505 South Duff Avenue, is rezoned from Agricultural (A) to Highway-Oriented Commercial (HOC).

**Real Estate Description:**

ONE THOUSAND FIFTEEN AND TWO-TENTHS (1015.2) FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY-THREE (23), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TWENTY-FOUR (24) WEST OF THE 5TH P.M., STORY COUNTY, IOWA, THENCE SOUTH THREE HUNDRED EIGHT AND FIFTEEN HUNDREDTHS (308.15) FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION TWENTY-THREE (23), THENCE WEST NINE HUNDRED EIGHTY-SEVEN AND TWENTY-FIVE HUNDREDTHS (987.25) FEET ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION TWENTY-THREE (23), THENCE NORTH THREE HUNDRED NINE AND SEVEN-TENTHS (309.7) FEET, THENCE EAST NINE HUNDRED EIGHTY-SIX AND SIX TENTHS (986.6) FEET TO THE

POINT OF BEGINNING, EXCEPT THE EAST THREE HUNDRED SEVENTY-FIVE (375) FEET OF THE SOUTH TWO HUNDRED TWENTY (220) FEET OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION TWENTY-THREE (23), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TWENTY-FOUR (24) WEST OF THE 5TH P.M., STORY COUNTY, IOWA.

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 \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor