

Staff Report

**REQUEST TO INITIATE LAND USE POLICY PLAN MAP AMENDMENT AT 113
NORTH DAKOTA AVENUE**

June 26, 2018

BACKGROUND:

John Litzel, Trustee of the John & Constance Litzel Revocable Trust requested initiating an amendment to the Land Use Policy Plan designation from Low-Density Residential to Highway-Oriented Commercial for a 1.6 acre property. (Attachment 1) The property is currently zoned RL, (Residential Low-Density) which allows for single-family dwellings. Mr. Litzel would like to seek a rezoning of the property to HOC, (Highway-Oriented Commercial).

The site was previously developed as a single-family residence that was demolished in 2017 after damage from a fire. The site has been zoned residential since it was annexed into the city in 1962. The site has significant grade changes sloping downward to the north and there are a substantial number of existing trees on the site. This site only has access North Dakota and does not have frontage along Lincoln Way.

The Land Use Policy Plan (LUPP) map (Attachment 2) shows this particular site as Low-Density Residential, with Low-Density Residential to the north, west, and southeast. The current Low Density designation reflects the existing pattern of use immediately adjacent of the site with single family residential located to the north and west. The Lincoln Way Corridor Plan did not address the site because it was located off of Lincoln Way. The City has no LUPP policies for expansion of commercial areas that address this area as the LUPP directed new commercial development to either existing areas or to new nodes.

The City Council needs to determine whether to initiate the amendment request, and, if initiated, whether it should be classified as a Minor or Major Amendment. . (See Attachment 3 for excerpt of LUPP criteria for classifying an amendment.) A Major Amendment is based on the scope of the change from one use to another and involves discussion of use options and a mandatory outreach process. The Major Amendment process would likely have a duration of approximately six months. A Minor Amendment is focused one type of use and a smaller scope of change without a mandatory outreach process. **Staff believes a neighborhood meeting is appropriate as part of any choice on an amendment process due to significant difference in prior use to what is proposed.** Staff would reach out to the abutting property owners to discuss their interests as part of any amendment process.

STAFF COMMENTS:

The property owner believes the site is desirable for commercial uses due to its size and proximity to a major intersection. There are also three abutting vacant properties along Lincoln Way that could be reviewed as well if an amendment is initiated. In the event the amendment is not initiated or approved, the site could be subdivided to create single-family home lots with shared access to North Dakota.

Changing the use to commercial would result in intensification of the site. The City has no LUPP policies for expansion of commercial areas that address this area as the LUPP directed new commercial development to either existing areas or to new nodes. **Any amendment process would have to consider consistency with our overall commercial policies in addition to the proposed development and use of the individual site. Depending on the scope of the change and size of area it would meet the threshold of classifying the change as a Major Amendment.**

The proposed request is one of a few recent requests to create new small commercial sites in or adjacent to residential areas. The City's current policies promote concentrating commercial areas together to create destinations and to avoid "strip commercial development." In this area, there is available commercial land and built space to the east at Dotson Drive that was the focus of the Corridor Plan to support development in this area, primarily for commercial retail uses.

Making this site commercial allows for a wide range of commercial uses of the property. A complete evaluation of utilities and traffic would be necessary as part of the review of the change. An assessment of site conditions for existing trees and drainage would also be appropriate to assess buildable area of the site. A Land Use Policy Plan designation of Highway Oriented Commercial would allow different commercial zoning districts to be evaluated at the time of rezoning, such as Neighborhood Commercial or Highway Oriented Commercial. If the area was designated as a Convenience Commercial Node, the implementing zoning could include Convenience Commercial, Neighborhood Commercial, or Convenience General Service.

OPTIONS:

Option 1- No Change

If the Council finds no current LUPP policy to support evaluating the area for commercial uses or that the current residential designation is appropriate, then no further action on the request is needed.

Option 2 - Minor LUPP Amendment

If Council finds there could be merit to this site individually, or in combination with the other three adjacent properties owned by Dakota Glenn LC, as a commercial area, Council could allow the applicant to proceed with direction regarding what properties to

include in the request. If Council desires to include the additional three properties, a decision should be made if the property owner is required to be a co-applicant.

This process should include direction to hold a neighborhood meeting prior to a Planning and Zoning Commission and City Council hearing on the amendment itself. This process would proceed through the review process without additional Council review until there is a recommendation from the Planning and Zoning Commission and a need for a final decision.

Option 3 - Major LUPP Amendment

Due to the significance of the proposed change for low density residential to commercial and the potential for it to include additional vacant lands, the amendment could be classified as a Major Amendment. Staff would work with the applicant on different land use options and include a neighborhood meeting prior to reporting back the Council on a preferred option. Once a preferred option is selected, the public hearing review process would begin.

Attachment 1



Brian D. Torresi
BrianTorresi@davisbrownlaw.com
phone: 515-246-7860
Ames Office

April 19, 2018

The Honorable John Haila, Mayor,
Diane Voss, City Clerk, and
Members of the Ames City Council
City of Ames, Iowa
515 Clark Ave.
Ames, IA 50010

Re: Land Use Policy Plan ("LUPP") Amendment
113 North Dakota Avenue, Ames, Iowa (the "Property")

Dear Mayor Campbell, Ms. Voss, and
Members of the Ames City Council:

We represent John R. Litzel, Trustee of the John and Constance Litzel Revocable Trust dated April 10, 2012 ("Litzel") and hereby request, on behalf of Litzel and in accordance with Section IV(1) of Appendix C of the LUPP, an amendment to the LUPP with respect to the Property. Specifically, Litzel is requesting that the LUPP be amended with respect to the Property to change the classification and/or identification thereof from "RL - Low-Density Residential" to "HOC - Highway-Oriented Commercial" ("HOC"). Accordingly, Litzel hereby requests the Ames City Council to refer this matter to the Department of Planning and Housing and seeks permission to file a formal application for the proposed amendment once the Ames City Council determines if this would be a minor or major amendment to the LUPP. We believe the requested amendment is appropriate due to the size and location of the Property viewed in light of the fact that the properties on the three (3) corners at the nearest intersection to the Property, as well as many of the surrounding properties, are currently classified as either "RH - High-Density Residential" or HOC. We appreciate your cooperation with and support of this matter.

Very truly yours,

DAVIS, BROWN, KOEHN, SHORS & ROBERTS, P.C.

Brian D. Torresi

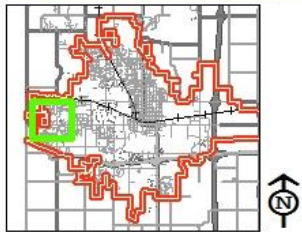
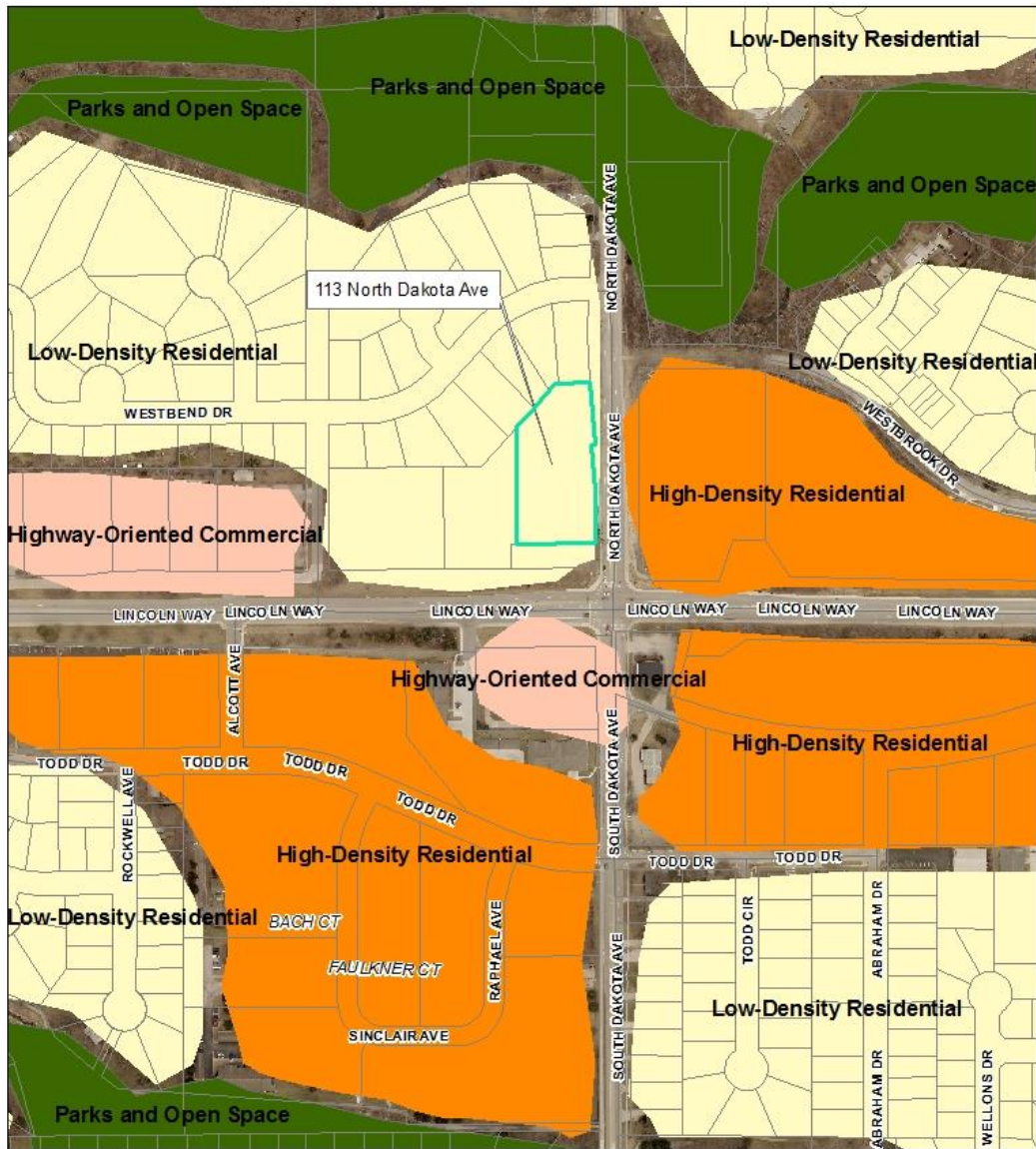
cc: John R. Litzel
Paul Livingston

DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

PHONE 515.266.2500
FIRM FAX 515.243.0654
WWW.DAVISBROWNLAW.COM

THE DAVIS BROWN TOWER, 215 10TH ST., STE. 1300, DES MOINES, IA 50309
THE HIGHLAND BUILDING, 4201 WESTOWN PKWY., STE. 300, WEST DES MOINES, IA 50266
THE AMES OFFICE, 2605 NORTHRIDGE PKWY., AMES, IA 50010

Attachment 2 LUPP MAP



113 North Dakota Avenue

Attachment 3-LUPP Excerpt Appendix C

II. AMENDMENT TYPES

Amendments of the LUPP are defined as major or minor, more specifically defined as follows:

1. **Major Amendments.** These include any amendment that is either a *change* to current goals and policies, or that is *inconsistent* with current goals and policies.
2. **Minor Amendments.** These include changes determined by the Council to be of minor consequence. Examples might include:
 - a. Shifting the boundary of a land use designation to account for existing site conditions and/or lot configurations.
 - b. Changing a land use designation to a related type of land use designation, as follows:
 - i. Residential to next level intensity residential.
 - ii. Non-neighborhood commercial to another type of commercial.
 - iii. Commercial node to another type of commercial node.
 - iv. Industrial to next level intensity industrial.
 - v. Any change which the Council determines necessary to address an immediate public need or to provide broad public benefit, and which is determined by the City Council to further the current vision, goals and objectives of the Land Use Policy Plan.

V. REVIEW CONSIDERATIONS

When reviewing major and minor proposed amendments to the Land Use Policy Plan, consideration should be given to whether or not the proposed amendment is consistent with the *Goals for a New Vision* described in the Land Use Policy Plan. These goals, and the related objectives below each goal, should apply to review of both minor and major amendments. In addition to these, it is also helpful to consider for major amendments:

1. City resources, including staff, budget, utilities, transportation, parks and/or schools, necessary to implement the proposed amendment.
2. The City's ability to provide the full range of public facilities and services at the planned level of service, or if the proposal will consume public resources otherwise needed to support comprehensive plan implementation strategies.
3. How the proposal relates to current land use allocations and growth projections that are the basis of the comprehensive plan.
4. Compatibility of development allowed under the proposal amendment with neighboring land uses and surrounding neighborhoods, if applicable.
5. Affects of the proposed amendment on historic resources or neighborhoods, or the City's general sense of place.
6. The cumulative impacts of the proposed amendment, in combination with other proposed or recently approved amendments.