

TO: Mayor and City Council

FROM: Kelly Diekmann, Planning & Housing Director

DATE: August 8, 2023

SUBJECT: Property Owner interest for rezoning of 102 & 116 North Hyland Avenue from Residential High-Density (RH) to Highway Oriented Commercial (HOC)

Background:

City Council referred a request on July 11th from Eric & Shelly Mathre, the owners of 102 and 116 North Hyland Avenue and the Campus Garage, to consider rezoning to allow for lot consolidation and improvements related to their existing business. The properties are both zoned RH, and the existing auto repair facility is a nonconforming use and has nonconforming site improvements as well. The two sites have been zoned RH since 2000. The property at 102 North Hyland is at the corner of Lincon Way has the auto repair business. The property at 116 North Hyland is vacant.

The owner would like to provide additional parking for their business north of the existing building on what is currently a separate lot. The owner recently placed rock across most of the parcel at 116 North Hyland for vehicle storage, however this is not an allowed use within RH zoning nor is a rock parking lot an allowable improvement.

In response to a complaint, the City contacted the owner this past spring regarding the placement of rock on 116 North Hyland and illegal parking on the rock area. The owner has restricted the parking of vehicles on the rock area while working with the City on zoning options to potentially facilitate his desired use of the property. **Ultimately, the rock will need to be removed from 116 North Hyland Avenue if a commercial rezoning and site development plan are not approved for paving and landscaping of the 116 North Hyland.**

Through discussions with the property owner, they have indicated that they would like to seek a way to improve the site and comply with the zoning site standards of the Ames Municipal Code. Staff has talked through some zoning options that appear to provide some possibility of compliance with the owner's plans. Staff has made the owner aware these are not guaranteed solutions due to policy issues of a nonconforming use and planned long term redevelopment for the general area. **The owner would like to construct paved parking for their business at 116 North Hyland Avenue as he wants to continue use of the auto repair business and not redevelop.**

Currently, the underlying land use at 102 & 116 Hyland Avenue in the Ames 2040 Comprehensive Plan is Urban Corridor. Urban Corridor (UC) is a new land use designation created at the time of adoption of Plan 2040. (See Attachment A -Map) For the most part, the UC designation is focused on intensifying use in relation to a multi-modal corridor, including housing and mixed use. Other interests are also described for enhancements to the area. (See Attachment B- Plan Excerpt.) As a new designation, it does not have a readily identifiable implementing zoning district. The O-LMU is an implementing overlay district within the Urban Corridor designation that addresses allowances for adding housing to sites with commercial uses and some design attributes oriented towards Lincoln Way. These two properties are also located within the Lincoln Way Corridor Plan study area. The Corridor Plan identified them as an opportunity site for mixed use redevelopment, which is in line with the Urban Corridor Designation.

Options:

The current use does not fit the expected vision for the area due to its older site layout and type of automobile oriented use. Although the use provides services to the general area and broader community, it is considered a low intensity use compared to opportunities for infill development along Lincoln Way. These are reasons for the current UC land use designation and the older RH zoning for the site. This is also why applying HOC zoning to this site has questionable consistency with Ames Plan 2040.

The owner indicated they want to continue their businesses for the foreseeable future and potentially invest in site improvements. Staff has prepared options that City Council and the property owner could consider for minor changes to significant changes to the site based upon what type of zoning applies to the site.

Option 1- Determine that rezoning the properties to Highway Oriented Commercial (HOC) is a corresponding zoning district for the Urban Corridor

To directly allow for the property owner's request, City Council would need to interpret Ames Plan 2040 regarding an appropriate corresponding zoning district to the Urban Corridor designation. The Urban Corridor Designation does not have a direct base implementing zoning district. The only implementing designation described current within Plan 2040 is the Lincoln Way Mixed Use (O-LMU) overlay. HOC zoning is compatible with O-LMU.

HOC allows for the Vehicle Service facility use that currently exists and would remove the nonconforming use status for the site. The property owner could make improvements considered with parking and landscaping requirements. He has not indicated there would be any increase in building size or number of service bays. Staff believes a Master Plan would be required as part of a rezoning to HOC to govern any future site plan layout for parking, circulation and landscaping.

It should be noted that interpreting that HOC is an implementing zoning district in the Urban Corridor land use designation, does not necessarily reflect the vision of a future mixed-use character contemplated in the Ames Plan 2040 for this area.

Support for an actual rezoning application would still need to be reviewed for consistency with the goals of UC and the Lincoln Way Corridor Plan. The Lincoln Way Corridor Plan does state that existing sites should be recognized and maintained until removed. The rezoning Master Plan could include conditions to improve the Lincoln Way frontage along with other site improvements to have additional parking and storage areas.

Option 2-Determine an Ames Plan 2040 Land Use amendment to Community Commercial is required along with the HOC rezoning request

HOC is a direct implementing zone of the Community Commercial (Com CR) land use designation. If City Council believes changing the land use designation at this location from Urban Corridor to Community Commercial it would be appropriate, given the request from the property owner and the existing conditions at this location, for a land use amendment followed by a rezone to HOC. With this process, staff would require a Master Plan to address the same issues identified with Option 1.

Here again, changing the land use designation to Community Commercial does not necessarily reflect the vision of a future mixed-use character contemplated in the Ames Plan 2040 for this area.

Option 3- Property Owner Expansion of Non-Conforming Use (No Council Action)

As staff has further reviewed the nonconforming conditions and the owners request, we discovered that a partial expansion could be approved under the current RH zoning designation. The Zoning Ordinance has non-conforming use expansion allowances that can be approved with a Special Use Permit reviewed by the Zoning Board of adjustment, subject to no intensification of use of the auto repair facility (measured by service bays) and the expansion conforms to all zoning standards. **In this case front yard parking is not allowed in RH, so paving would be restricted to the back half of 116 H Hyland. This would allow some additional storage area.** Staff has discussed this option with the owner to make them aware.

Option 4- Rezone to Neighborhood Commercial with expansion of a Non-Conforming Use (No-Action by City Council)

Staff believes current Neighborhood Commercial (NC) zoning district would fit the intent of the UC designation as an implementing zoning district with mix of housing and commercial use allowances. However, auto repair is not a permitted use in the zoning district. **Rezoning the site to NC would be very similar to Option 3 for expansion of a non-conforming use, but it would allow for more paving on 116 N Hyland Avenue than under RH zoning since there is not a front yard parking prohibition.** The main vehicle service facility use would remain nonconforming, but additional site improvements could occur via Special Use Permit. Other features of the site would still be nonconforming as they are in RH, such as parking in front of the building along Lincoln Way.

This would maintain the Vehicle Services Facility use a nonconforming use but shift the property to a commercial zoning designation that does not require a land use amendment as NC is a compatible use with existing commercial and residential land uses across the City. NC zoning also allows for mixed use development which remains in line with the vision of the Urban Corridor. The parking along Lincoln Way and Hyland would still be nonconforming between the front facades of the building and the street but a future parking lot expansion to the north would not be between a front façade and the building otherwise.

The property owner could directly apply for NC rezoning, no action by City Council would be needed to amend Ames Plan 2040. A Master Plan may still be required with the NC rezoning and improving the frontage along Lincoln Way could be required in conjunction with adding parking and storage to the 116 N Hyland site.

Staff Comments

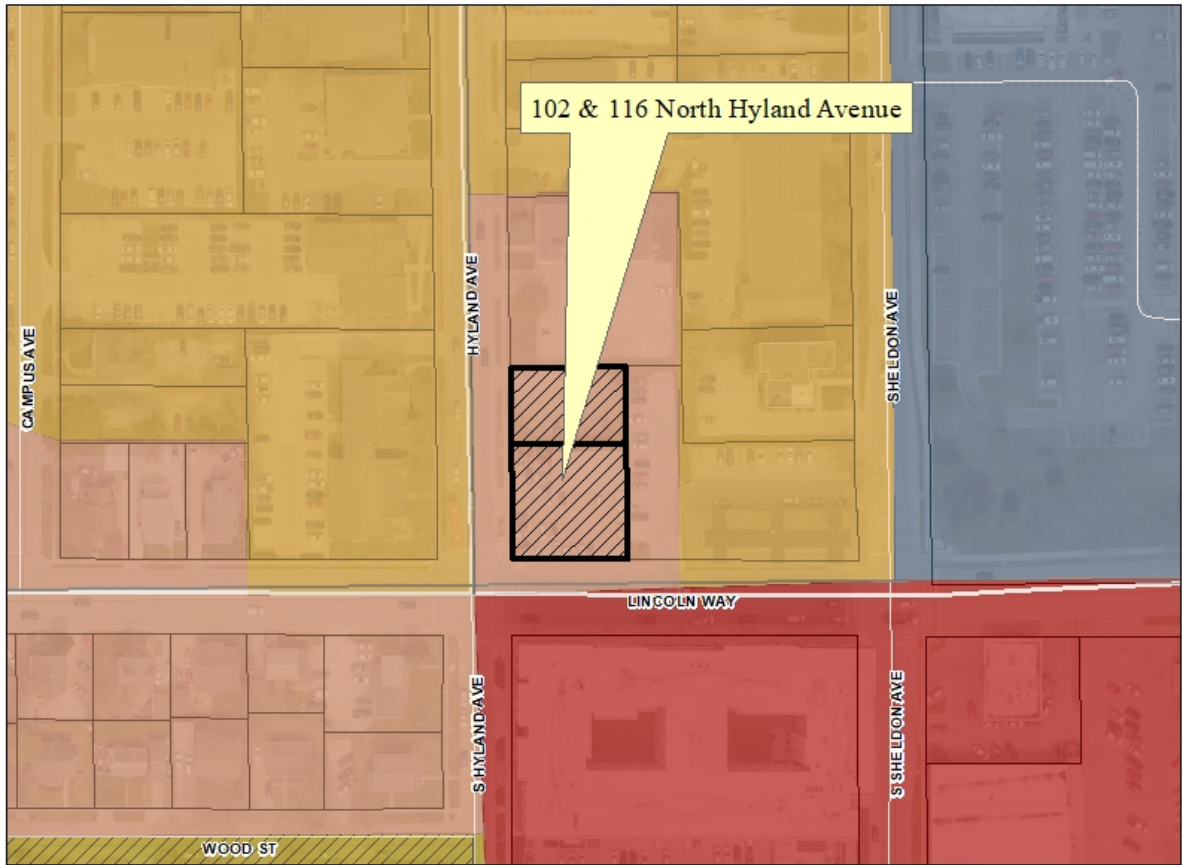
Although the genesis of this request was a code enforcement action, the interests of the small business operator brings an implementation question of Ames Plan 2040 to the City Council as a policy issue. Overall, the intent for long term redevelopment of the site is clear within the UC designation and Lincoln Way Corridor Plan to intensify with mixed use. The site has been zoned for redevelopment for 20+ years, but the owner desires to continue to and can continue to operate his business.

Option 1 and Option 2 require direction from City Council for the property owner to proceed and fully utilize his site for commercial purposes as he desires. Without City Council direction regarding the UC land use designation, the owner could proceed under Option 3 or Option 4 and have some limited opportunities for improvements to the site.

Regardless of which option is pursued, Staff would likely expect that the owner to improve the parking separation and landscape area Lincoln Way as a result of any improvements to the site. These types of improvements are consistent with goals of the UC designation and Corridor Plan to improve the aesthetics and user experience of pedestrians in this area. in exchange for relocating parking to the north.

If the City Council finds it appropriate to determine HOC is an appropriate zoning designation, staff would recommend that the land use designation be changed to Community Commercial which has HOC as an implementing zoning district (Option 2). This option maintains the mixed-use nature of the Urban Corridor designation as only being implemented through a zoning district that allows mixed used, which HOC does not.

Attachment A- Location Map & Land Use Designation



102 & 116 North Hyland Location & Land Use



- Legend**
- - - - - City Limits
 - ▭ PARCELS
 - ▭ <all other values>
 - ▭ Residential Neighborhood 4 - Village (RN-4)
 - ▭ Residential Neighborhood 5 - Multi-family (RN-5)
 - ▭ Community Commercial/Retail (Com-CR)
 - ▭ General Commercial (GC)
 - ▭ Employment (Emp)
 - ▭ Park/Recreation
 - ▭ Open Space
 - ▭ Civic
 - - - - - City Limits
 - STREET LABELS - ALL @ 50000FT
 - Private
 - - - ISU Road
 - City Road
 - County Secondary
 - County Hwy
 - State Hwy
 - US Hwy
 - US Interstate Hwy

Urban Corridor

- » Major strategic arterial corridors, initially on Lincoln Way but potentially extending to avenues, mixed-use avenues, boulevards, and thoroughfares.
- » Connect regional, community, and neighborhood mixed-use nodes.
- » Auto-dominated public environment and typical development pattern, emphasizing visible parking and road access. Typically include CyRide service.

- » Potential for denser redevelopment with more efficient site design, reuse of unnecessary parking, infilling of left-over sites.
- » Dominant commercial uses but may include residential and sometimes maker and service uses. Older lower-density residential can be in poor condition.
- » Different community roles and business mixes, with high public visibility.

APPLICABLE EXISTING ZONING CATEGORIES

- » O-LMU Lincoln Way Mixed Use Overlay District as a pattern for other corridors

GOALS

- » Increase diversity of uses along major corridors and recognize their potential as mixed-use urban districts.
- » Encourage positive evolution of corridors through application of Corridor Urbanism principles: respect for past development patterns and existing businesses; increasing the number of people living along appropriate corridors; capitalizing on opportunities presented by oversized parking lots, vacancies, and underused sites; improving transportation function for all modes; and enhancing the street environment.
- » Increase connectivity and improve accommodation for active transportation modes along major streets.



DEVELOPMENT GUIDELINES

- » Manage street access and increase parking efficiency by consolidating access points, interconnecting parking lots, and sharing common access points.
- » Incorporate medium- and high-density residential use on underused sites, unnecessary parking areas, and gaps along corridors, including Lincoln Way.
- » Re-purpose aging and outdated buildings.
- » May require specific development plans that establish intensity and density ranges for different contexts.
- » Improve pedestrian connections from public domain to business entrances.

PUBLIC ACTIONS

- » Complete corridor development plans using the Lincoln Way model for other candidate corridors. Re-evaluate parking requirements and design standards.
- » Create a new mixed-use urban corridor zoning base or overlay district, reflecting permitted uses and revised standards.
- » Improve accommodations for transit users on key routes, with shelters/stations, arrival information, bicycle parking, and other amenities.
- » Reinvest in the public street environment. Organize corridors increasingly as "districts" with common theming, promotion, and maintenance.
- » Consider development incentives for development projects consistent with specific corridor plans.

Dear Councilmembers,

My name is Eric Mathre, my wife Shelly & I have owned Campus Garage at 102 N Hyland for 25 years & the vacant lot at 116 N Hyland for about 15 years. Since removing the house on the 116 N Hyland property & covering it with rock, we have been using the lot for overflow parking during business hours. Over the last 15 years the basement of the old house that had been filled in had settled & there was quite a mess when it rained. In mid February of 2023, I contacted Public Works & Planning inquiring if it was acceptable to add gravel over the existing gravel & it was the consensus between several public works & planning staff that we could. We hired Ames Trenching & Excavating to remove 3 old tree stumps & add gravel to level out the lot. Fast forward to early June of 2023, I was contacted by Planning & was told that we could not have gravel on the lot & the gravel would need to be removed. After speaking with Planning staff, I set up a quick start meeting to explore my options. Planning said that it would be best if we could combine both lots & rezone the property to HOC, that way we could develop a site plan & pave the 116 N Hyland lot, making it possible to park the majority of our customers cars on the north lot. This would free up the 102 N Hyland lot for improvements that would make the lot more visually appealing. When we remodeled the shop some 20 years ago, we hired a renowned architect to achieve the unique look we have today. We were featured in Iowa Architecture Magazine & are proud of the results. We pride ourselves on trying to maintain a professional look while providing a convenient & trustworthy business serving the Ames & Campustown community. We have the highest google rating of any shop in the Ames area at 4.9 stars. There has been an auto repair facility located on this corner for many decades & we are also the only repair facility west of Grand Avenue & provide a valuable service to our customers who live & work in the Campustown area. Ideally, we would like to continue parking on the 116 N Hyland lot, but would love to come up with a solution that would help us utilize that lot while complying with the city code. A paved drive along the northern edge of the lot & paved area on the rear of the lot, & greenspace along Hyland with a remote parking agreement would be another option if rezoning is not possible. I would like to work with the city for an agreeable solution.

This letter is requesting your consideration & advice on the possibility of combining & rezoning these 2 lots to HOC (highway-oriented commercial) & working with the city council & planning & zoning to make these lots more functional and aesthetically pleasing. We hope to come up with a plan to make these lots as unique & visually appealing as the Campus Garage building. Any thoughts about the council's vision would be greatly appreciated. We look forward to working with the Council & Planning & Zoning on this project. Thank you for your consideration:

Sincerely Eric & Shelly Mathre