

ITEM #: 33  
DATE: 02-13-24  
DEPT: P&H

**COUNCIL ACTION FORM**

**SUBJECT:**

**REZONE OF PARCEL AT 102 & 116 HYLAND AVENUE FROM (RESIDENTIAL HIGH DENSITY) AND O-UIW (UNIVERSITY WEST IMPACT OVERLAY) TO (NEIGHBORHOOD COMMERCIAL) AND O-UIW (UNIVERSITY WEST IMPACT OVERLAY) WITH A MASTER PLAN.**

**BACKGROUND:**

M & C Properties is requesting that the City rezone property located at 102 & 116 Hyland Avenue from the current zoning designation of Residential High Density (RH) with the O-UIW (University West Impact Overlay) to Neighborhood Commercial (NC) with the O-UIW (University West Impact Overlay) with a Master Plan. This is the site of the business better known as Campus Garage. The owner desires to improve the site with its nonconforming use of vehicle service facility. The proposed rezoning is intended to facilitate site improvements for a future expansion of the parking lot for the business to the vacant area north of the existing building.

**The request follows City Council direction from Fall 2023 after the owner requested a response as to which zoning designation is best to pursue under the current Urban Corridor Land Use designation.** The Urban Corridor designation is a new designation within Ames Plan 2040 and does not yet have a specific implementing zoning district. Staff reviewed the purpose of the designation and relationship to RH, HOC, NC zoning districts as interim conditions before new zoning could be written. **The City Council directed the applicant to apply for the “NC” Neighborhood Commercial rezone with a Master Plan. The accompanying Master Plan controls the intensity of use of the site and the site improvements to a greater degree than general zoning.**

The subject site includes two parcels totaling approximately 0.39 acres. The north and east property lines abut other high density residential zoned properties that include residential apartments. The southern property line is frontage along Lincoln Way and the western property line is frontage along North Hyland Avenue. (see Attachment A – Location & Zoning Map).

The existing building has stood at this location for nearly 55 years. It operated as a Vehicle Repair Facility and included a gas station in the past. The RH zone designation has been applied to this property for the past 24 years since the 2000 citywide rezoning. The RH zoning made the use nonconforming along with the site improvements.

**The existing use is classified as a Vehicle Service Facility. This use is currently a legal nonconforming use in the RH zone. The Vehicle Service Facility use is also a nonconforming use within the NC zoning district. Although the use will remain a nonconforming use, the owner believes that the NC designation will give them more flexibility with a planned parking lot expansion to the north.**

Ames Plan 2040 designates the subject property as “Urban Corridor (UC)” (see Attachment C- Ames Plan 2040 Land Use Designation Summary Sheet). The UC land use designation anticipates

intensification of use along areas of Lincoln Way for residential intensification and commercial development, or as mixed-use development. Importantly, the orientation of development is to emphasize the relationship of buildings and uses to the multi-modal transportation character of Lincoln Way. Redevelopment of existing properties is anticipated to fulfill the goals of the UC designation.

Within Plan 2040, Urban Corridor lands do not currently have any complete implementing base zones. In some ways RH is consistent with the designation in that it allows residential and mixed-use development, but it does not include design requirements supportive of the Corridor. Other commercial zones allow too broad of use allowances and also lack the intended design requirements. Neighborhood Commercial (NC) is treated as a zone that can be implemented within most land use designations where a mix of commercial and residential uses is desired. NC is designed to be incorporated into or adjacent to residential zones. Further, NC also allows for mixed use development, pedestrian oriented design features, and limited commercial and service uses that are compatible with what is anticipated within the Urban Corridor designation over time. (See Attachment F)

**A Master Plan has been provided with the rezoning request to govern future site development of the parking lot as a non-conforming use. Any future Site Development Plan must conform to the Master Plan. Importantly, the property owner is obligated to make frontage improvements in conjunction with any parking expansion to the north. Two driveways will be closed and landscape buffering will be installed to improve the conditions along the street. (See Attachment D)**

A rezoning agreement is being finalized with the property owner and will be brought to Council for consideration no later than the third reading of this rezoning. **The rezoning agreement will state the requirements of the Master Plan and have the appropriate language to guarantee that the non-conforming use operates according to the proposed NC zoning standards and all other zoning standards.**

#### Planning & Zoning Commission Recommendation:

At the January 17 Planning & Zoning Commission meeting, the Planning & Zoning Commission reviewed the proposed rezoning. Staff explained the request to the Commission. The owner of Campus Garage and representative engineer addressed the Commission. The Planning & Zoning Commission voted 6-0 to recommend City Council approve the rezoning request to rezone.

#### **ALTERNATIVES:**

1. Approve the request to rezone .39 acres at 102 & 116 Hyland Avenue from "RH" (Residential High Density) with the O-UIW (University West Impact Overlay) to (Neighborhood Commercial) District with the O-UIW University West Impact Overlay) and with a Master Plan subject to the condition that a Rezoning Agreement for the Master Plan is reviewed and approved by City Council no later than the Third Reading of the rezoning.
2. Deny the request to rezone .39 at 102 & 116 Hyland Avenue by finding the rezoning inconsistent with Ames Plan 2040.
2. Defer action on this request and refer it back to City staff and/or the applicant for additional information.

**CITY MANAGER'S RECOMMENDED ACTION:**

Review of the rezoning request includes consideration of both short-term and long-term interests of the City for land use in this area. The principal use on the site is not anticipated to change with the rezoning, but site improvements are anticipated in support of the existing business and to improve street frontage conditions at this time without significantly impacting future redevelopment or reuse of the site. The rezoning to NC allows for future commercial or mixed-use development consistent with the intent of the Urban Corridor designation.

The rezoning of this site will maintain the legal non-conformity from an RH designation to an NC designation. Any future site development will require a Site Plan with conformance to the Master Plan proposed and must be reviewed by the Zoning Board of Adjustment as part of a Special Use Permit as an expansion of a non-conforming use. Rezoning will have no impacts on current infrastructure and City services for this parcel. A rezoning agreement will be brought to the City Council for consideration and approval no later than the Third Reading of the rezoning. Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1, as described above.

**ATTACHMENT(S):**

- [Hyland Rezone Addendum.pdf](#)
- [Attachment A- Hyland.pdf](#)
- [Attachment B- Hyland.pdf](#)
- [Attachment C- Hyland.pdf](#)
- [Attachment D- Hyland.pdf](#)
- [Attachment E- Hyland.pdf](#)
- [Attachment E Hyland Cont..pdf](#)
- [Attachment E Hyland Cont. 2.pdf](#)
- [Attachment F Hyland.pdf](#)