

## COMMISSION ACTION FORM

**Subject: PLANNING AND ZONING COMMISSION RECOMMENDATION ON THE SCOPE OF THE MAJOR LAND USE POLICY PLAN AMENDMENT FOR SOUTH DUFF AVENUE (BRICK TOWNE DEVELOPMENT)**

### **BACKGROUND INFORMATION:**

In January of 2015 the City Council initiated a Land Use Policy Plan amendment at the request of Dickson Jensen for 57 acres (now reduced to 44 acres) of land he owns on South Duff Avenue. Mr. Jensen has proposed a high density residential development, while retaining a portion of the site for commercial use north. The City Council designated this request as a Major LUPP Amendment due to the type of change and the size of the request. The Major LUPP Amendment process includes public workshops and initial assessments by the Planning and Zoning Commission and the City Council before holding formal public hearings to make decisions on the request. **The Planning and Zoning Commission is asked at this time to review information learned through the workshop process and to recommend any additional options or issues for consideration to the City Council as part of the formal consideration at a public hearing for the Major LUPP Amendment. A full analysis of the proposal is not included as part of this report.**

The property lies on the west side of S Duff Avenue (Highway 69) and east of the Ames airport. It has frontage on the north side and south side of the private cemetery (see Attachment A for a location map). The Land Use Policy Plan identifies this area as Highway-Oriented Commercial (see Attachment B). Mr Jensen's request is for the west and south portion of the property to be designated as High Density Residential while retaining the frontage north of the cemetery as Highway-Oriented Commercial. The developer believes that the site would accommodate approximately 700 apartment units in a variety of configurations focused mostly on 1-bedroom unit types. Such a development would be built over a number of years.

City staff held an initial open house on February 17, 2015 to gather input and identify issues regarding the proposal. At that time, the developer's proposal was for approximately 57 acres with 13 acres to the north of the current area having access to Kitty Hawk Drive. About three dozen persons attended that meeting, most living or owning property in south Ames. The two main issues discussed were the impacts of the development on traffic on US 69 and storm water runoff through the south Ames neighborhood.

Subsequent to the initial open house and as part of the LUPP Amendment review, the City hired Bolton and Menk to conduct a traffic analysis of the 57 acre proposal to assess the impacts and to make suggestions for improvements or mitigation of traffic impacts. The scope of the study analyzed intersections along Duff Avenue from South 16<sup>th</sup> Street to the southern end of the project. In general, the analysis of the change of use from commercial to residential identified a number of needed improvements in the

corridor based on projected future growth as well as specifically due to the development of residential at the proposed site. With a combination of planned Long Range Transportation Plan improvements and development sponsored improvements, the traffic conditions in both the near term and long term 2035 analysis year could be found to meet City performance requirements. Some of the key traffic improvements along the frontage of the site are adding a traffic signal at Crystal Drive to access the site and to extend the three lane cross section of Duff Avenue to the south entrance of the development.

In regards to storm water, the City had already begun an assessment of drainage improvements desired to improve the area as result of the commercial rezoning request in 2011. This study is known as the City's Teagarden Drainage Study. The City completed the findings of the study in 2015 and its assessment of needed improvements in three areas west of Duff Avenue, two of which could affect the proposed development site.

The City provided the drainage study information to Mr. Jensen who worked with his project engineering firm of Bolton and Menk to determine what needed to be done to accommodate the storm water needs of the City and of the development. The developer believes from his preliminary analysis that both the regional detention needs and the project specific needs for storm water management can be accomplished on the site. If this project moves forward, it is likely that there will be coordination between the City and the developer on the storm water improvements necessary to resolve existing issues as well as to accommodate the development. If the project does not move forward, the City has already budgeted funds in the Capital Improvement Program to independently pursue drainage improvements.

City staff held a second workshop on March 7, 2016 to report out on the results of these studies and to update the neighborhood on the scope of the project. About 42 people attended the discussion of the proposed amendment and the technical studies. Staff noted that the scope of the project has been reduced from the original 57 acres having access to Kitty Hawk Drive to the current 44 acres with only the frontage on S. Duff Avenue.

The Major LUPP Amendment process now requires City staff to prepare potential amendments to be considered by the Planning and Zoning Commission (Attachment C and Attachment D Excerpts of the LUPP Amendment Considerations and Process). The Commission is being asked to select potential amendments to forward to the City Council for their consideration on April 12<sup>th</sup>. With direction from the City Council on their preferred alternative and with any comments or other direction received from the Council, staff will return to the Planning and Zoning Commission for a Public Hearing on the proposed change. That date is tentatively identified as May 4<sup>th</sup> with the Planning and Zoning Commission. With a recommendation by the Commission on May 4<sup>th</sup>, the City Council would tentatively be scheduled for a Public Hearing on May 24<sup>th</sup> for the proposed LUPP Amendment. If the LUPP Amendment is approved, the developer would then pursue a rezoning request to Residential High (RH) Density or Planned Residential Development, a subdivision, and a site development plan approval for development of the site.

Based on the request of the applicant and staff's analysis of the area, staff has prepared three land use options for the Commission to recommend to the Council for the LUPP Amendment.

1. Retain the entire development area as Highway Oriented Commercial on the Land Use Policy Plan.

*With this option the land would be retained for commercial development and there would be no change in planned land use. Based on the location of the site and way the property is situated, this land would likely be used only by low intensity commercial uses. It is not likely to be developed with large format retail businesses due to location in the City and frontage visibility.*

2. Retain a portion of the Highway Oriented Commercial along the S Duff Avenue frontage north of the cemetery and designate the remainder as High Density Residential.

*This option matches the developer's request. This would allow for the best commercial area to be reserved for smaller scale neighborhood services near the intersection of Crystal Street and allow for the remainder of land to be developed with multi-family housing.*

3. Retain no Highway Oriented Commercial and designate the entire area as High Density Residential.

*This option would eliminate the small commercial component and favor 100% development of High Density Residential. High Density Residential can permit commercial trade use, but only in a mixed use format rather than as a standalone commercial building.*

Staff considered other options but has discarded those options from further consideration. Staff has not proposed alternative residential options to the Commission out of the belief that the area is not strongly suited to low density development due to the neighboring uses. Staff has considered medium density options during the past year, but does not feel that a lower density would significantly affect the evaluation of the site as suitable for multi-family residential housing options. Additionally, staff does not find that a different type of commercial designation is appropriate for the area either as Highway Oriented Commercial is the most flexible type available and marketable to a wide range of users.

Although the initial request included land along Kitty Hawk Drive for residential, staff believes that the Kitty Hawk Drive area should be maintained as commercial and that lands along Kitty Hawk should not be included in the LUPP Amendment as potential residential sites. The scope of the amendment should only include the acreage controlled by Mr. Jensen.

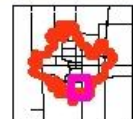
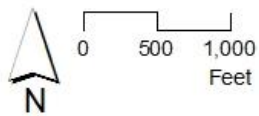
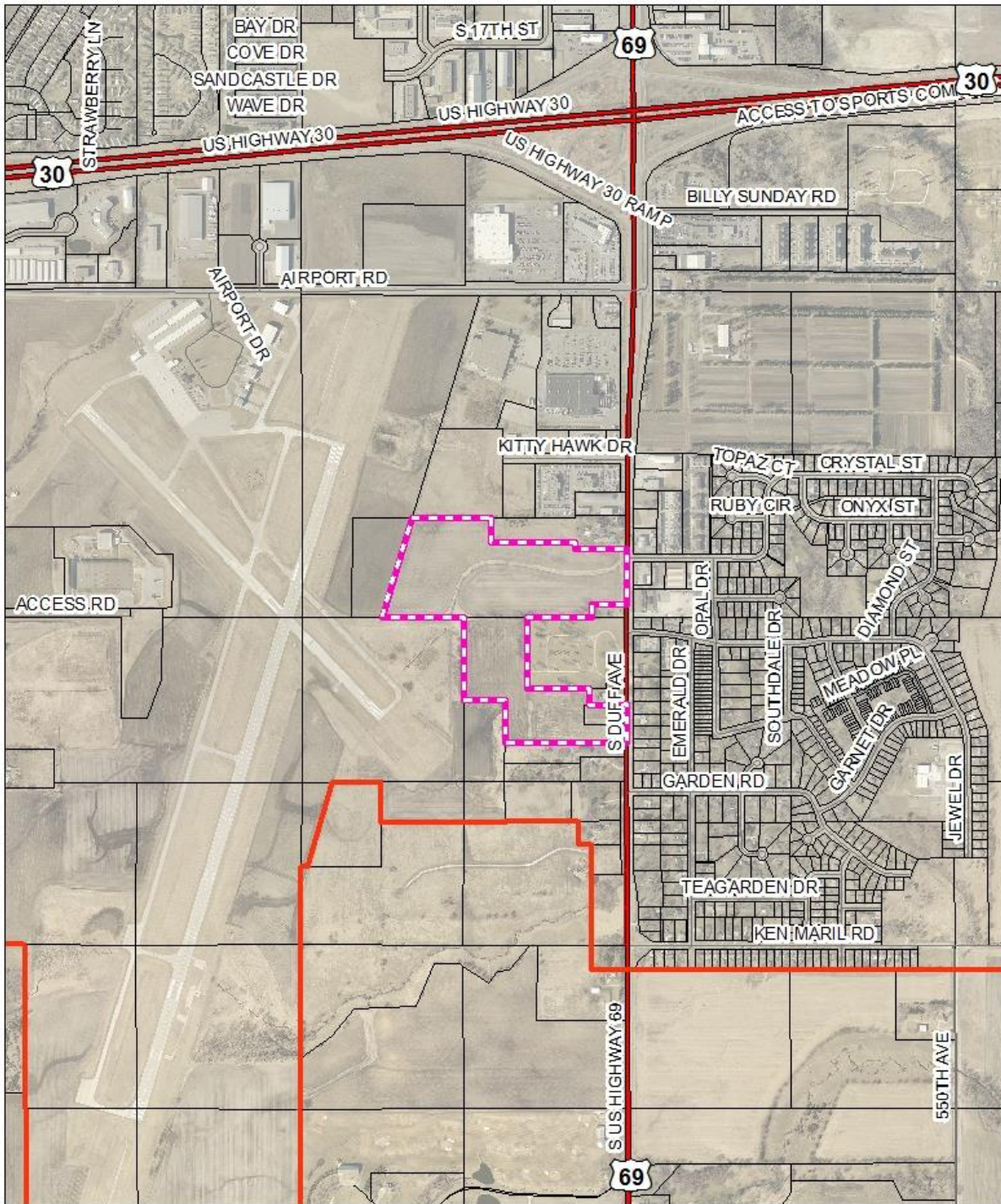
**ALTERNATIVES:**

1. The Planning and Zoning Commission recommends to the City Council that Highway Oriented Commercial be retained for the frontage along S Duff Avenue north of the cemetery and designate the remainder as High Density Residential (Option 2, above).
2. The Planning and Zoning Commission recommends to the City Council decline to continue with the Amendment process and maintain commercial land use for the site (Option 1, above).
3. The Planning and Zoning Commission can make an alternative recommendation for additional uses or issues to be reviewed as part of the Land Use Policy Plan Amendment.

**RECOMMENDED ACTION:**

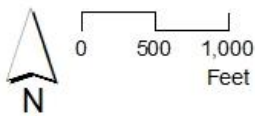
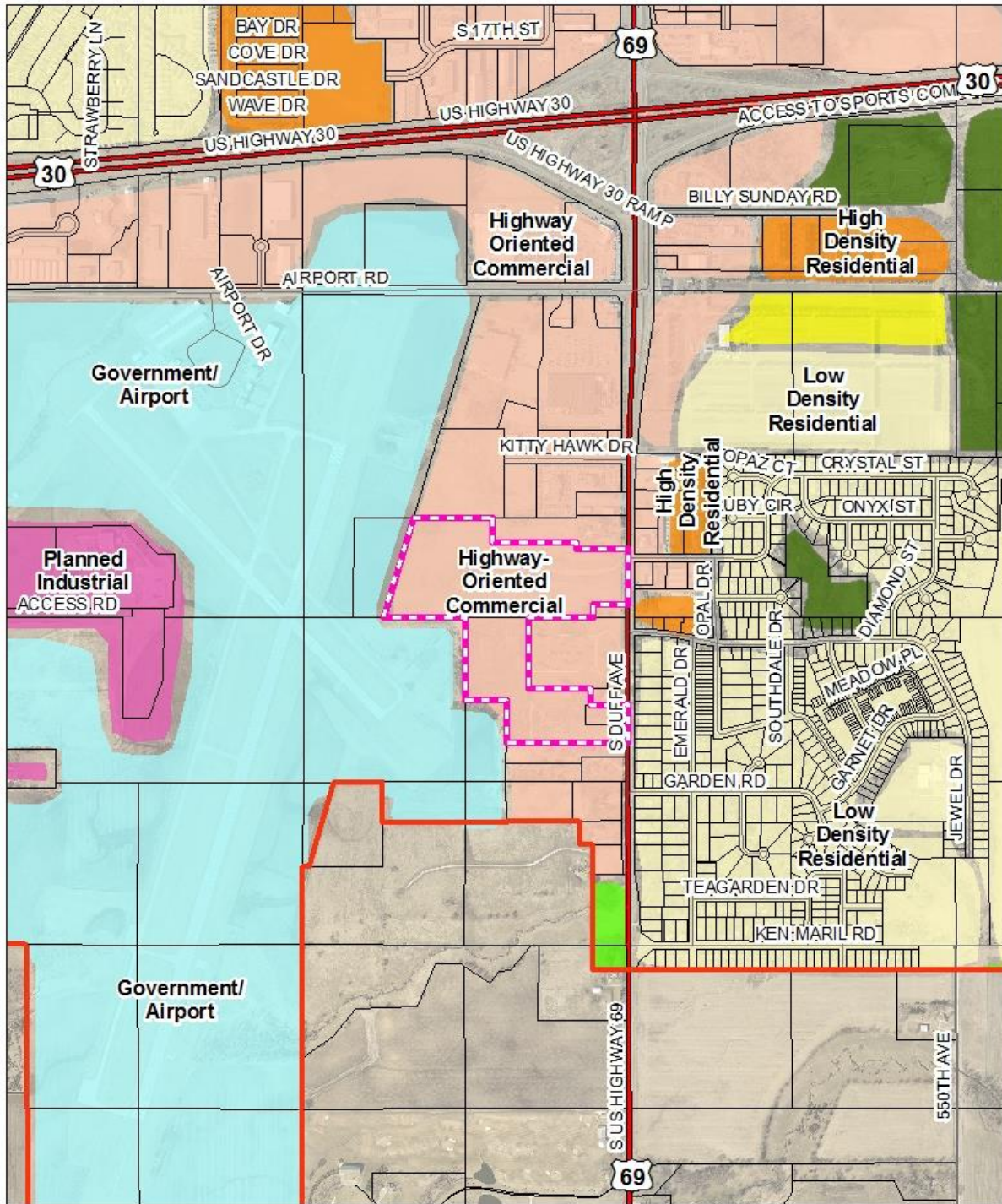
Staff believes that any of the land use change options can be accommodated with infrastructure improvements identified in the traffic and storm water studies. City staff believes the most viable option, compared to keeping Highway Oriented Commercial for the whole site, is to keep an area reserved for smaller scale commercial uses at Crystal Street in combination with High Density Residential. Therefore, staff recommends Alternative #1 be forwarded to the City Council for consideration in the LUPP Amendment.

# Attachment A: Location

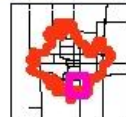




**Attachment B: Existing LUPP Future Land Use Map [Excerpt]**



- Legend**
- Ames City Limits
  - Subject Site



## **Attachment C: LUPP Amendment Considerations [Excerpt]**

Appendix C of the Land Use Policy Plan describes what considerations should be given when evaluating proposed amendments to the LUPP. These considerations should be kept in mind as the Commission works to develop alternatives to present to the City Council.

*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 amendment. 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.*

## **Attachment D: LUPP Amendment Process [Excerpt]**

**Step 3 - Initial Open House.** The public process begins with an open house to introduce the Council's approved review items to the public, receive input, identify potential alternatives, and to facilitate questions and answers. The open house is intended to facilitate casual exchange and dialogue and to identify issues and potential approaches that would be addressed during the next step of the process. The open house is conducted by Planning staff. Planning & Zoning Commission members may attend and observe the proceedings of the open house, but should generally not participate in the proceedings.

**Step – 4 Workshop.** The next step following the open house is to conduct public workshops. These are more structured in terms of information presented, ideas to be explored, and information to be gleaned. They are intended to facilitate focused discussion with, and participation of, interested parties. Workshops include work stations where the public may focus on items of particular interest. They may be as casual or structured as the issue and public interest dictate. Stations are manned by staff, but participants may help with follow-up research and assignments.

A workshop should proceed as follows:

- a. A workshop is held at least 30 days prior to formal public hearing before the Planning and Zoning Commission. If participants have suggestions or questions that require additional research and/or additional time in workshop settings, follow-up workshops may be scheduled. However, additional workshops should not delay review by the Planning & Zoning Commission more than 90 days from the date of the initial workshop to the date of Commission review.
- b. A workshop summary is prepared by Planning Staff, outlining the issues discussed during workshops, the information acquired, and the alternatives identified.
- c. Based upon the workshop summary, Planning Staff will prepare a list of potential amendments that would be prepared for Planning and Zoning Commission consideration and submittal to the City Council.

**Step 5 - Review by the Planning and Zoning Commission.** From input received at the workshop, the Planning staff and Commission will develop a list of recommended amendment options to submit for City Council consideration.

**Step 6 - Initial Review by City Council.** The Planning & Zoning Commission's recommended options will be forwarded to the City Council for its initial review. This provides the Council an opportunity to comment on the recommended amendment options and to determine if they are within the parameters Council established for the major update. The Council's comments are forwarded back to the Planning & Zoning Commission to help the Commission develop a formal draft of amendments for public input.

**Step 7 - Public Hearing Before the Planning and Zoning Commission.** The Commission conducts a formal public hearing on the draft amendments, and develops a final draft that is then forwarded to the City Council.

**Step 8 - Public Hearing Before the City Council.** The Council considers the final draft of the Planning & Zoning Commission's recommended amendments to the LUPP.