

ITEM #: 18
DATE: 01/22/08

COUNCIL ACTION FORM

SUBJECT: REZONING OF PROPERTY LOCATED AT 329 SOUTHEAST FIFTH STREET FROM AGRICULTURAL (“A”) TO HIGHWAY-ORIENTED COMMERCIAL (“HOC”)

BACKGROUND:

This is a request to rezone a rectangular parcel located on the north side of Southeast Fifth Street and east of South Duff Avenue. It is a 4.67-acre parcel owned by SunTrust Bank as Trustee for Darrell R. Crane.

The Land Use Policy Plan (LUPP) designation for the site is Highway-Oriented Commercial. The applicant proposes to rezone the property from Agriculture (“A”) to Highway Oriented Commercial (“HOC”). It is also in the General Flood Plain Overlay District. After rezoning and protection from flooding, it would be available for development for the wide range of commercial uses allowed in the Highway-Oriented Commercial zoning district. (See attached Maps)

Currently the property is vacant and in the past has primarily been used for row crop agriculture. It is legally described as Parcel AG of Plat of Survey Instrument No. 2006-00001039 of the Story County Recorder, and is a platted lot within the City of Ames; no further platting is required in order to develop. Southeast Fifth Street is the only public street providing frontage and access. A private drive owned by Target Stores is adjacent to the subject property on the west. The property is served by City sewer, water, and electric services. See attached Location Map and Utilities Map.

Description of Surrounding Area.

Area	LUPP Designation	Zoning	Land Uses
North	Highway-Oriented Commercial	HOC (Highway-Oriented Commercial)	Commercial
South	Highway-Oriented Commercial	HOC (Highway-Oriented Commercial)	Commercial
East	Environmentally Sensitive Area	A (Agriculture)	Agriculture
West	Highway-Oriented Commercial	HOC (Highway-Oriented Commercial)	Commercial

Also, see the attached Land Use Policy Plan Map and Existing Zoning Map.

Land Use Policy Plan (LUPP) goals and pertinent to this proposal are described below, with each goal followed by a statement of compliance.

Goal No. 1. Recognizing that additional population and economic growth is likely, it is the goal of Ames to plan for and manage growth within the context of the community's capacity and preferences. It is the further goal of the community to manage its growth so that it is more sustainable, predictable and assures quality of life.

The subject area has never been previously developed. However, redevelopment of older Highway-Oriented Commercial areas for newer Highway-Oriented Commercial development has occurred or is occurring on three sides of the subject site, and the site has been designated as Highway Oriented Commercial (HOC) on the City's Land Use Policy Plan map, which reflects the City's preferences for use of the site.

Goal No. 2. In preparing for the target population and employment growth, it is the goal of Ames to assure the adequate provision and availability of developable land. It is the further goal of the community to guide the character, location, and compatibility of growth with the area's natural resources and rural areas.

One of the City's objectives under this goal is to assure the availability of sufficient suitable land resources to accommodate the range of land uses that are planned to meet growth and sufficient to eliminate market constraints. The proposal provides a small amount of commercial land in a location identified for this use in the Land Use Policy Plan. Also, no known unique or sensitive natural resources are known on this property. While the site is within the City's floodway fringe, the City's flood plain regulations anticipate that development within the floodway fringe will not raise floodwaters within the floodway by more than one foot, which is allowable under both City and State law. (See Ames Municipal Code Section 9.1.3(a))

Goal No. 3. It is the goal of Ames to assure that it is an "environmentally-friendly" community and that all goals and objectives are integrated with this common goal. In continuing to serve as a concentrated area for human habitat and economic activity, Ames seeks to be compatible with its ecological systems in creating an environmentally sustainable community.

One objective is to maintain and enhance the value of its stream corridors as drainage ways and flood management areas, plant and animal habitats, recreational and scenic areas, and pathways for linking the overall community. The City supports this objective in this area by preserving a floodway area adjacent the Skunk River that is large enough to accommodate the 100-year flood event even if the adjacent floodway fringe is filled. It also is seeking opportunities to provide a multi-use trail connection closer to the Skunk River than the subject property.

Five City wells are located east of the subject property, one of which is within 500 feet. This close proximity of the wellhead raises concerns over pollutants reaching the wellhead as a result of development of the subject site. However, through development of the subject property, storm water management design standards are required to be met. This includes grading, facilities, improvements, or some combination thereof, which results in no increase in the rate of runoff when compared to the undeveloped condition of the area to be developed. In designing the storm water management control for this site, the proximity to the City's well system, over 350 feet to the nearest well, will need to be taken into consideration. Chemical applications to ground surface within 200 feet of a City well are prohibited. Therefore, with storm water design standards imposed during the development review process, there is no need to address storm water management during the rezoning process.

Goal No. 5. It is the goal of Ames to establish a cost-effective and efficient growth pattern for development in new areas and in a limited number of existing areas for intensification. It is a further goal of the community to link the timing of development with the installation of public infrastructure including utilities, multi-modal transportation system, parks, and open space.

This proposal is consistent with the related objective to seek the continuance of development in emerging and infill areas where there is existing public infrastructure and where capacity permits. The site is served by an eight-inch diameter water main, an 18-inch diameter sanitary sewer, and a 60-inch diameter storm sewer, all adequate to serve the area of commercial use that this site accommodates. Southeast Fifth Street is an existing concrete roadway along the entire length of the subject property.

Goal No. 7. It is the goal of Ames to provide greater mobility through more efficient use of personal automobiles and enhanced availability of an integrated system including alternative modes of transportation.

If development of the site generates more than 100 trips in a peak hour, or more than 750 trips per day a Traffic Impact Study (TIS) for the site will be required. Preliminary trip calculations do not indicate that a TIS will be needed.

The five other goals of the City's land use policy are not directly related to this rezoning proposal and are being carried through other policies and projects. All of these goals and objectives can be found on pages 14 through 23 in Chapter One of the Land Use Policy Plan.

The Land Use Policy Plan calls for most of the community's new commercial growth to be in nodes rather than strips. Since the Land Use Policy Plan adoption, through zoning, the City has added 54 acres to convenience and community commercial nodes and provided for 235 acres of planned regional commercial. Currently, 56 acres of zoned convenience and community commercial node is undeveloped, and 235 acres of zoned planned regional commercial is undeveloped. In contrast, other than the zoned highway-oriented commercial area at the city's southeast entry, most of the recent and ongoing corridor

development has been redevelopment of existing commercial corridors, such as South Duff Avenue and Lincoln Way. The proposed four-acre parcel of new commercial development land embedded in a redeveloping corridor is not inconsistent with the City's goals and policies for future commercial uses.

The proposed rezoning converts productive agricultural land to development. The City does preserve row cropland within its corporate limits in locations not suitable for development due to floodway or other environmental conditions. Although the property east of the subject property meets these criteria, the subject property does not because it is not directly in the floodway. Furthermore, City policies support urban expansion within corporate limits, in part, through policies that support rural preservation in its urban fringe by preserving 94% of the high value agricultural land within two miles of Ames.

Although the subject property is within the Floodway Fringe District, City policy anticipates that said Floodway Fringe District could be fully developed and still leave enough area for waters in the Floodway District to rise by no more than one (1) foot as allowed by State law. (See Ames Municipal Code Section 9.1(3)(a)). Any project on the subject property will be required to obtain a Conditional Use Permit in the General Floodplain (Overlay) District. Therefore, the proposed rezoning is consistent with this City policy.

Through design of the storm water management controls for the subject property, the proximity to the City's well system shall be considered. Ames Municipal Code Section 23.407 and 29.406 provides for storm water management through the site planning process.

As mentioned above, the existing City utilities are adequate to serve the area of commercial use that this site accommodates. Through the site planning process, the City may need to obtain an easement for an existing sewer.

The traffic generated by development of this site is related to the size of the site and the specific type of use. Preliminary calculations indicate that even under the most traffic-intensive assumptions, the projected traffic will not exceed the thresholds for which a traffic impact study is required.

FINDINGS. The following findings of facts are pertinent to this proposal:

1. Ames Municipal Code Section 29.1507(2) allows owners of 50% or more of the area desired for rezone to file an application requesting City Council to rezone the site. The applicant is the only owner of the site proposed for rezoning, which equates to 100% ownership of the requested rezone area.
2. The application was received on November 16, 2007. The deadline for the Planning & Zoning Commission to file its recommendation to the City Council (pursuant to Ames Municipal Code Section 29.1507(2)) is February 16, 2008.

3. Notice of the map change was mailed to owners of property within 200 feet of the site on December 26, 2007. This is in addition to the notice required no sooner than 7 days prior to the hearing before the City Council (Ames Municipal Code Section 29.1507(4)). Notice of the hearing before the City Council was mailed on January 8, 2008.
4. The property at 329 Southeast Fifth Street is designated on the Land Use Policy Plan (LUPP) Map as Highway-Oriented Commercial (HOC).
5. Section 29.804 of the Ames Municipal Code states in part that it is the intent of the HOC zone to allow auto-accommodating commercial development in areas already predominantly developed for this use and to allow a full range of retail and service businesses with a large local or citywide market.
6. The subject property is within the floodway fringe, where City policy allows development if measures are taken to protect people and property from flood hazards. A Conditional Use Permit will be required before any development takes place.
7. The property proposed for rezoning is within 500 feet of the City's wellhead(s).
8. An eight-inch diameter water main, an 18-inch diameter sanitary sewer, and a 60-inch diameter storm sewer serve the subject site. A public street serves the site with capacity for traffic that is expected from commercial development on a 4.27-acre site.

CONCLUSIONS. The following conclusions are based upon the above findings:

1. The proposed establishment of the "HOC" (Highway-Oriented Commercial) zone on the subject site is consistent with the Land Use Policy Plan.
2. The proposed designation of the subject site as Highway-Oriented Commercial is consistent with the intent of this zoning district in that it will allow commercial development that accommodates automobiles in the largest and most intensively used such area in the city.
3. Rezoning of the subject site is consistent with the City's flood protection policies.
4. Storm water management design will need to take into consideration the proximity to the City wells. If special measures are needed to protect the City's wellheads, these will be determined during the site plan review process.
5. The existing infrastructure is adequate to serve the uses allowed by the proposed zoning designation for the subject site.
6. All rezoning application and processing requirements as specified by State and local codes have been met.

Recommendation of the Planning & Zoning Commission. At its meeting of January 2, 2008, with a vote of 6-0, the Planning and Zoning Commission recommended approval of the rezoning of 4.67 acres of land of Parcel AG of Plat of Survey Instrument No. 2006-00001039 of the Story County Recorder from "A" (Agricultural) to "HOC" (Highway-Oriented Commercial).

ALTERNATIVES:

1. The City Council can approve the rezoning of 4.67 acres of land of Parcel AG of Plat of Survey Instrument No. 2006-00001039 of the Story County Recorder from "A" (Agricultural) to "HOC" (Highway-Oriented Commercial), based upon the staff's findings and conclusions.
2. The City Council can approve the rezoning of 4.67 acres of land of Parcel AG of Plat of Survey Instrument No. 2006-00001039 of the Story County Recorder from "A" (Agricultural) to "HOC" (Highway-Oriented Commercial) with specific conditions deemed reasonable and necessary to satisfy public needs which are directly caused by the requested change.
3. The City Council can deny the rezoning of 4.67 acres of land of Parcel AG of Plat of Survey Instrument No. 2006-00001039 of the Story County Recorder from "A" (Agricultural) to "HOC" (Highway-Oriented Commercial) if the Council finds and concludes that the proposed rezone is not consistent with adopted policies and regulations, or that the rezone will impose impacts that cannot be reasonably mitigated.
4. Action on this request can be postponed and referred back to City staff and/or the applicant for additional information.

MANAGER'S RECOMMENDED ACTION:

It is clear that rezoning of the subject property to the Highway-Oriented Commercial zoning district is consistent with the Land Use Policy Plan Map and therefore consistent with surrounding uses. The issues to be decided have to do with impact of the use at this time, how to mitigate those impacts, and how the property is developed for commercial purposes. The conclusions based on the above findings indicate that the impacts of commercial development have been anticipated as the City has provided for infrastructure in this area, and that any requirements arising from conditions at or near the site can be established during the permitting process under existing development standards.

It is City Manager's recommendation that the City Council act in accordance with Alternative #1, which is to recommending that the City Council approve the rezoning of 4.67 acres of land of Parcel AG of Plat of Survey Instrument No. 2006-00001039 of the Story County Recorder from "A" (Agricultural) to "HOC" (Highway-Oriented Commercial), based upon the staff's findings and conclusions.

Applicable Law

The laws applicable to this case file include, but are not limited to, the following: (verbatim language is shown in *italics*, other references are paraphrased):

Section 29.804. Highway-Oriented Commercial.

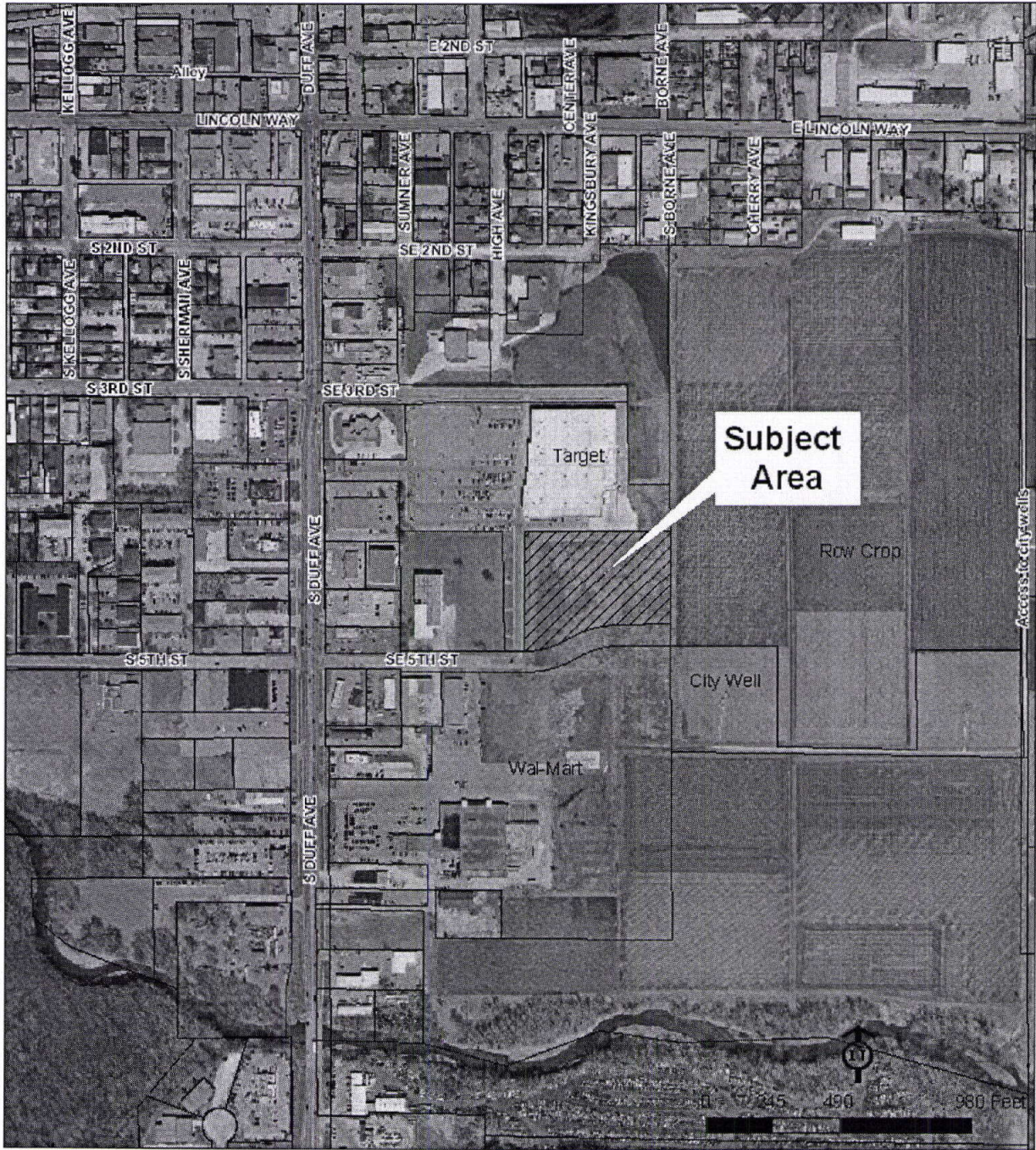
(1) Purpose. The Highway-Oriented Commercial (HOC) Zone is intended to allow auto-accommodating commercial development in areas already predominantly developed for this use. The zone allows a full range of retail and service businesses with a large local or citywide market. Development is expected to be generally auto-accommodating, with access from major traffic ways. The zone's development standards are intended to promote an open and pleasant street appearance; development that is aesthetically pleasing for motorists, pedestrians and the businesses themselves; and compatibility with adjacent residential areas.

Table 29.804(2). Highway-Oriented Commercial (HOC) Zone Uses. This table defines the uses allowed in the "HOC" zone.

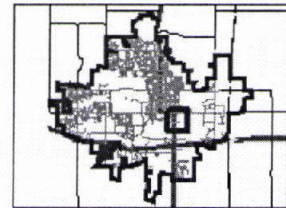
Table 29.804(3). Highway-Oriented Commercial (HOC) Zone Development Standards. This table defines the development standards in the "HOC" Zone.

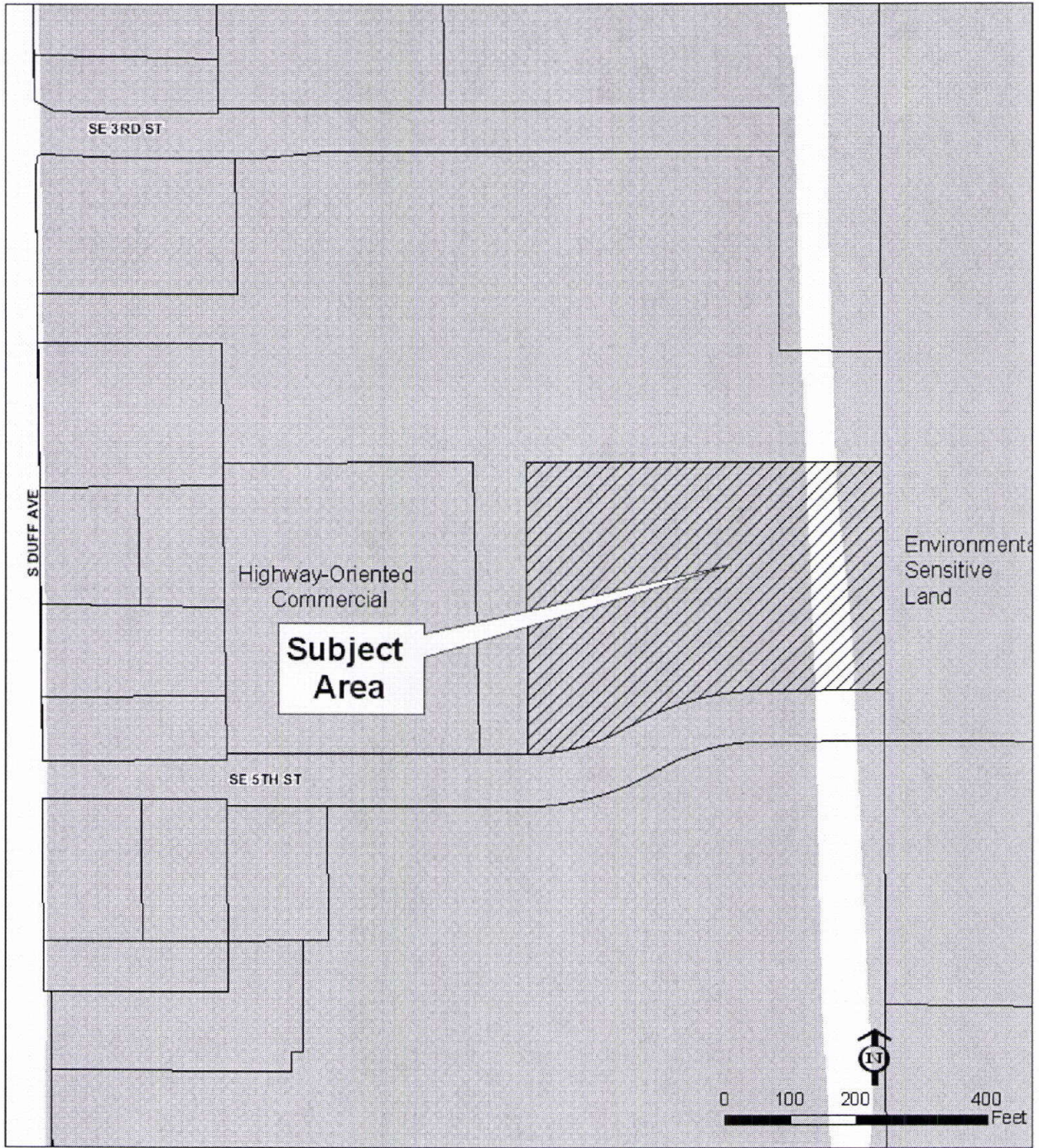
Section 29.1507. Zoning Text and Map Amendments. This section describes the process for reviewing and approving a rezoning proposal.

Iowa Code Section 414.5 Changes – protest. This section allows the City Council to impose reasonable conditions on map amendments, provided that the conditions have been agreed to in writing by the property owner before the required public hearing or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs, which are directly caused by the requested change. Affected property owners may file a protest of the change prior to or at the public hearing.



Location Map
329 S.E 5th Street





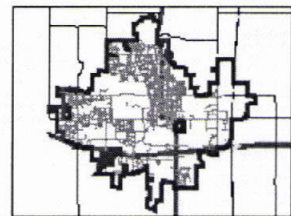


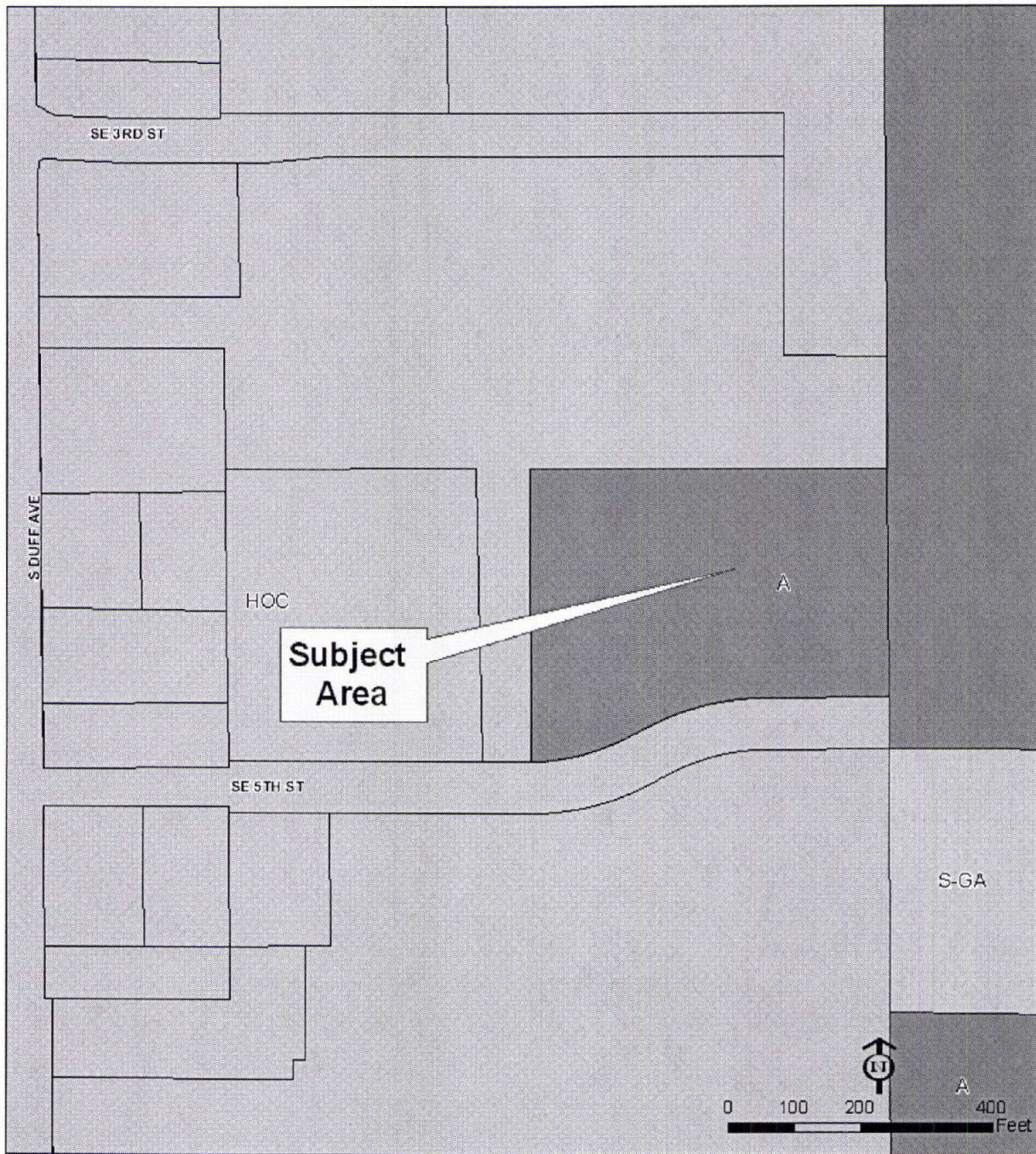
Land Use Policy Plan Map

329 S.E 5th Street

Legend




-  Highway-Oriented Commercial
-  Environmentally Sensitive Land

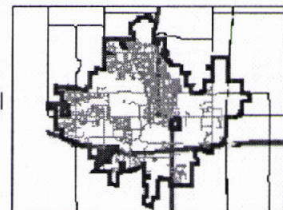


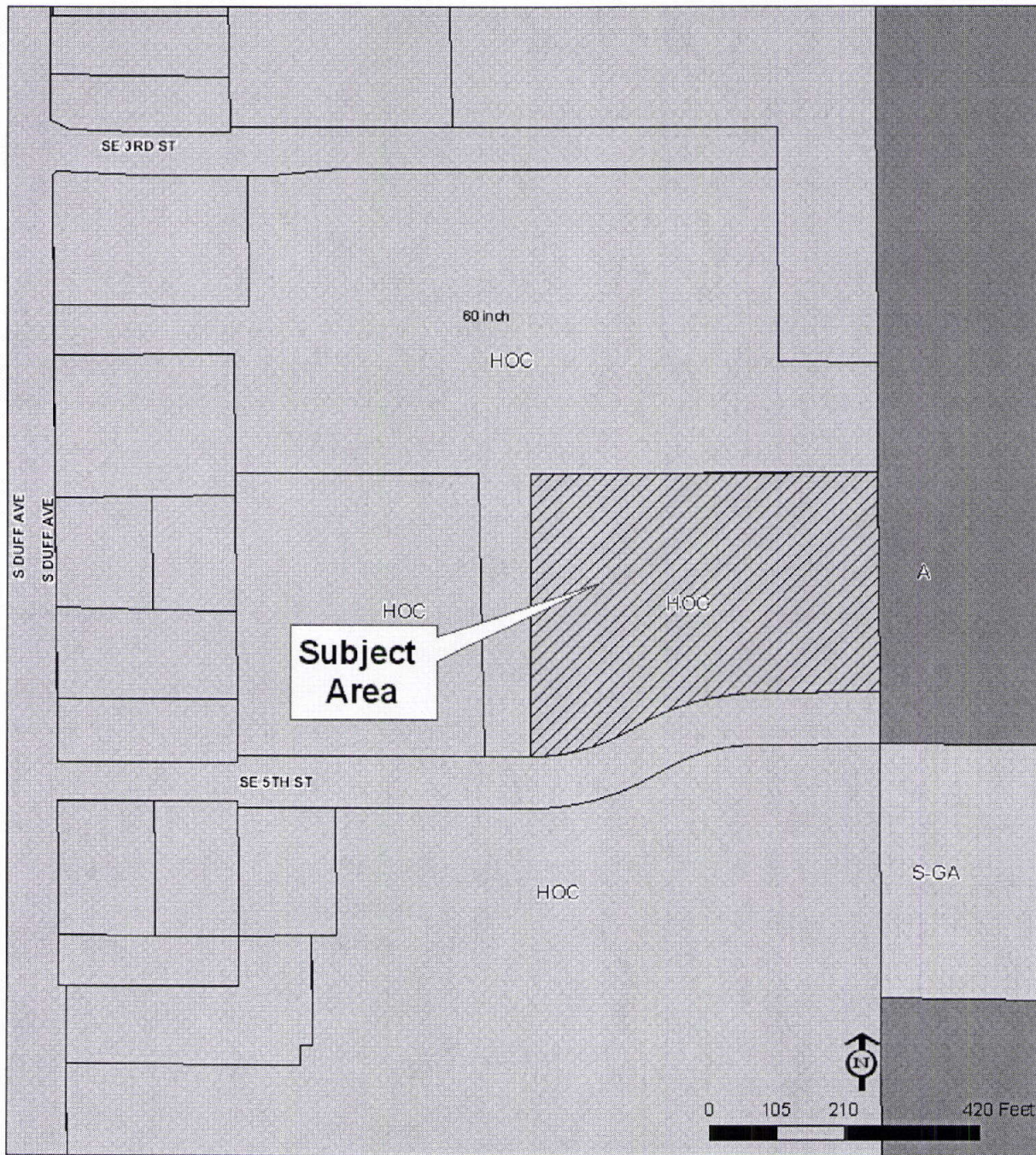


Existing Zoning Map
329 S.E 5th Street

Legend

-  Highway-Oriented Commercial
-  Agricultural
-  Government/Airport






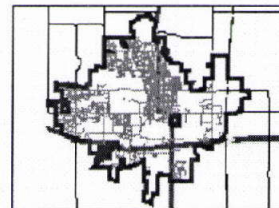


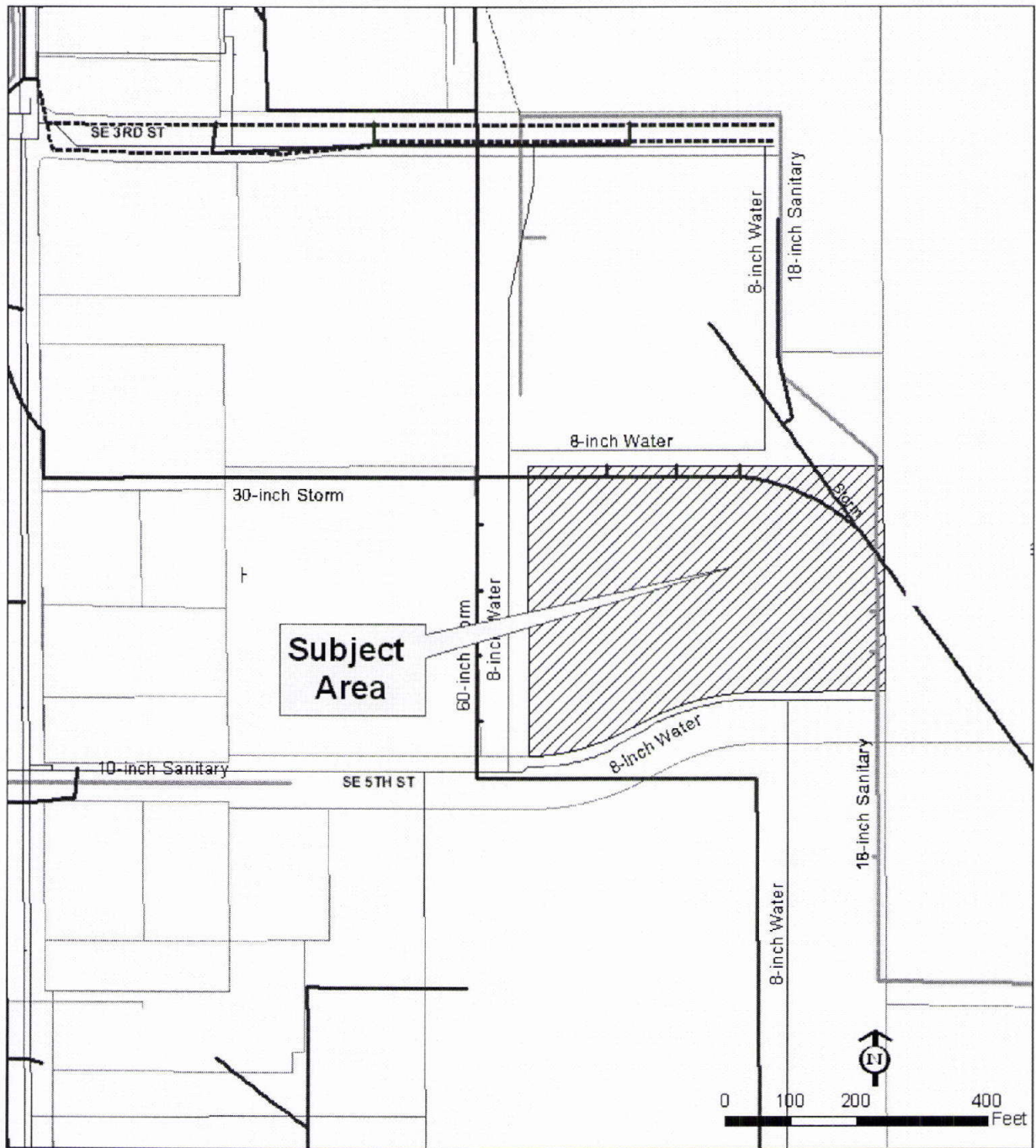
Proposed Zoning Map

329 S.E 5th Street

Legend

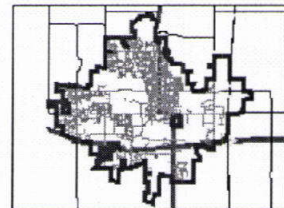
-  Highway-Oriented Commercial "HOC"
-  Agricultural "A"
-  Government/Airport District "S-GA"





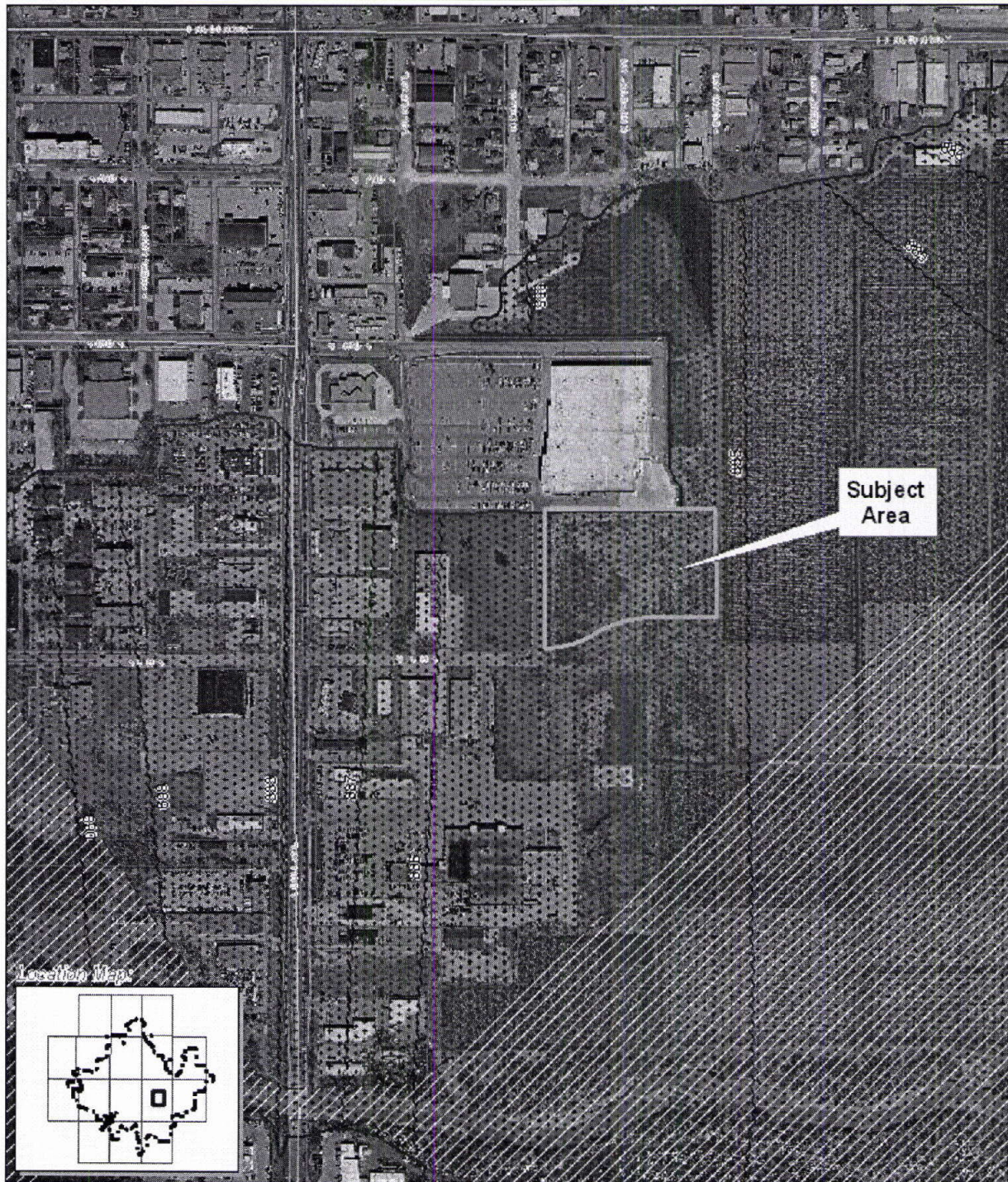
Utilities Map
329 S.E 5th Street

- Legend**
- Storm System
 - Sanitary System
 - Water System



Flood Insurance Rate Map (FIRM)

FEMA - City of Ames Flood information



329 S.E. Fifth Street
1 inch equals 442 feet

330 0 330 660 Fe

FEMA Flood Hazard Zone

- 0.2% Annual Chance of Flood
- 1% Annual Chance of Flood
- Outside 0.2% Annual Chance of Flood Floodway Boundary

FEMA Flood Hazard Zone Line

- 0.2% Annual Chance of Flood Boundary
- 1% Annual Chance of Flood Boundary
- Bill of Deeded Study Area

Map Number: 1902540012D
Prepared by: Planning and Housing
Map Revised: July 16, 2004

CAF APPROVAL

SS W BK _____ SL _____

DM Jay JP _____

To be sent to:

Tyler Dingel
6900 Westown Parkway
West Des Moines, Iowa 50266

Jennifer K. Pritchard
SunTrust Bank
1777 Main Street
Sarasota, FL 34236

Douglas R. Marek, City Attorney, 515 Clark Avenue, Ames, Iowa 50010 (515)239-5146
Return document to: City Clerk's Office, P.O. Box 811, Ames, IA 50010

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 329 Southeast Fifth Street, is rezoned from "A" (Agricultural) to "HOC" (Highway-Oriented Commercial).

Real Estate Description: A tract of land being part of Parcel "L" of Plat of Survey as recorded in Book 15, Page 158 as Instrument No. 98-04769 of the Story County Recorder of Deeds Office, being part of the South Half of the Northeast Quarter of Section 11, Township 83 North, Range 24 West of the 5th P.M., City of Ames Story County, Iowa, to wit:

Commencing at a found Cross in a Manhole at the East Quarter Corner of said Section 11, thence along the east line of said Section N00°13'02"W 329.25 feet to a found iron pipe; thence leaving said east line N89°06'26"W 1,319.97 feet to a found iron rod at the Southeast Corner of said parcel; thence along the east line of said parcel N00°20'04"W 400.07 feet to a found iron rod; thence N00°23'16"W 80.01 feet to a set iron rod at the point of beginning; thence leaving said east line S89°36'44"E 190.19 feet to a set iron rod; thence along a curve deflecting to the left having a radius of 380.00 feet, an arc length of 205.51 feet, a chord bearing of S74°07'09"W, a chord distance 203.01 feet to a set iron rod; thence along a curve

deflecting to the right having a radius of 300.00 feet, an arc length of 165.14 feet, a chord bearing of S74°23'43"W, a chord distance of 163.06 feet to a found iron rod at the northeast corner of said Southeast Fifth Street, also being on the west line of said parcel; thence along said west line N00°05'28"W 444.28 feet to a found iron rod at the Northwest Corner of said parcel; thence along the north line of said parcel N89°57'37"E 540.88 feet to a found iron rod at the Northeast Corner of said parcel; thence along the east line of said parcel S00°23'16"E 343.95 feet to the point of beginning, containing 4.67 acres, subject to any and all easements, restrictions, conditions, etc., of record.

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 _____, 2008.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor