

COUNCIL ACTION FORM

**SUBJECT: REZONING OF PROPERTY AT 615, 725, AND 729 EAST LINCOLN WAY
FROM HIGHWAY-ORIENTED COMMERCIAL TO GENERAL INDUSTRIAL**

BACKGROUND:

On January 28, 2010, Kurt Friedrich submitted an application requesting rezoning of three adjacent properties under single ownership by R. Friedrich & Sons, Inc. The three properties are located at 615, 725, and 729 E. Lincoln Way. An application for approval of a Final Plat to change the boundaries of these three properties and establish Lots 1, 2, and 3 of Friedrich's Commercial Subdivision, Second Addition is being processed concurrently with the request for rezoning (see the Proposed Final Plat attached to this report).

The property at 615 E. Lincoln Way is zoned as "HOC." The developer proposes to add a narrow strip of land from the abutting property to the north at 725 E. Lincoln Way to include in proposed Lot 1. This narrow strip of land is presently zoned as "GI." The proposal is to rezone this narrow strip from "GI" to "HOC" which will result in the "HOC" zoning designation for all of Lot 1.

The proposed Final Plat shows the property at 725 E. Lincoln Way as Lot 3. Lot 3 includes a strip of land 25 feet wide that extends south to provide lot frontage on E. Lincoln Way. This 25-foot strip of land is presently zoned as "HOC." The remainder of Lot 3 is zoned as "GI." The proposal is to rezone this 25-foot strip of land from "HOC" to "GI" which will result in the "GI" zoning designation for all of Lot 3.

The proposed Final Plat shows the property at 729 E. Lincoln Way as Lot 2. Lot 2 is an expansion of the property occupied by United Parcel Services (UPS). The owner proposes to add a part of the parcel of land at 725 E. Lincoln Way to the parcel at 729 E. Lincoln Way to create the proposed Lot 2. The part of Lot 2 presently occupied by UPS is zoned as "HOC." The parcel of land to be added to the UPS site as the rest of Lot 2 is zoned as "GI." The proposal is to rezone the "HOC" portion of Lot 2 to "GI" which will result in the "GI" zoning designation for all of Lot 2.

On January 26, 2010, the City Council approved a resolution to change the LUPP land use designation of Lots 2 and 3 from "HOC" to "GI." Changing the zoning as proposed would bring the zoning into conformance with these land use designations. It would also resolve the non-conforming status of United Parcel Services on proposed Lot 2. This is an "industrial use" in the "Warehouse and Freight Handling" category of Table 29.501(4)-4 of the *Municipal Code*. "Parcel services" is a nonconforming use of the property in the current "HOC" zoning district. The proposed zoning change of the property to "GI" would bring the "parcel services" use of this property into conformance with the "GI" district. That would facilitate UPS's desires to expand their facilities to the north inside the boundaries of proposed Lot 2. Uses on Lots 1 and 2 of the rezoned area would be unaffected by the

rezone because the rezone only applies to expanded portions of lots already zoned to accommodate those uses.

Surrounding Area. The following table identifies the Future Land Use Map designation, existing zoning, and existing land use of the properties surrounding the property proposed for rezoning.

DESCRIPTION OF SURROUNDING AREA			
Area	FUTURE LAND USE MAP DESIGNATION	EXISTING ZONING	EXISTING LAND USE
North	General Industrial	S-GA (Government/Airport)	City of Ames Electric Utility
South	Highway-Oriented Commercial	HOC (Highway Oriented Commercial)	Commercial Service
East	General Industrial	GI (General Industrial)	Commercial Retail
West	Highway-Oriented Commercial	HOC (Highway Oriented Commercial)	Commercial Office

Sidewalk Requirements. A public sidewalk has been constructed along the frontage of proposed Lot 1 and ends at its east property line. Under the current HOC zoning, an extension of this sidewalk to the east across Lot 2 (the UPS site) would be required as part of the approval of a final plat to create new lot lines for the UPS property. This requirement is based upon Section 23.403(14)(a) of the *Municipal Code*, which reads as follows:

- *“Section 23.403(14)(a). “... A minimum of a four-foot wide concrete sidewalk shall be installed in the public right-of-way along each side of any street within residentially and commercially zoned areas and along at least one side of any street within industrially zoned areas. Such a sidewalk shall connect with any sidewalk within the area to be subdivided and with any existing or proposed sidewalk in any adjacent area...”*

If the proposed rezoning to General Industrial is approved by the City Council, a sidewalk will not be required along Parcel 2’s frontage since it already exists on the south side of Lincoln Way. This would meet the requirement for sidewalk on one side of the street in industrially zoned areas. However, it would result in the existing sidewalk along Lot 1 ending abruptly in the grass area near the driveway to the UPS site, with no future requirement for extension across the site. To provide a terminus to the end of the sidewalk which leads to a building, instead of ending in the grass portion of the street right-of-way, City staff recommends that a 20 foot section of sidewalk be constructed at the end of the existing sidewalk and be oriented to the north for access to the building west of the UPS site. This would provide a more useable connection for pedestrians instead of a sidewalk terminating in the grass area of the street right-of-way. The need to install a sidewalk terminus was addressed by staff at the City Council meeting on January 26, at the time Council approved a change to the land use designation of these properties on the Future Land Use Map.

Applicable Laws and Policies. The laws and policies that are applicable to this case are included in *Attachment A*.

Findings of Fact and Conclusions. Based upon the findings of fact in *Attachment B* and the analysis contained in this report, staff has concluded that the proposed rezoning of property at 615, 725, and 729 E. Lincoln Way is consistent with the Land Use Policy Plan (LUPP) Future Land Use Map. Staff has also concluded that the request for rezoning complies with the relevant sections of the *Municipal Code* for the submittal and processing of the rezoning application. Staff further concludes that the uses of land on the properties proposed for rezoning are permitted in the zoning districts that are proposed, and that the existing buildings meet the minimum required building setbacks for the proposed zoning of the land, as shown on the proposed Final Plat of Friedrich's Commercial Subdivision, Second Addition. Finally, staff concludes that the public health, safety and interest will be served by the proposed rezone, provided that the sidewalk that abuts the UPS site on its west property line is properly terminated to direct pedestrians away from the driveway and onto a safer location on the property at 615 E. Lincoln Way.

Conditions of Approval. Staff believes the proposed rezoning of property at 615, 725, and 729 E. Lincoln Way complies with relevant codes and policies. However, it should be noted that the Final Plat of Friedrich's Commercial Subdivision, Second Addition, is being processed concurrently with this request for rezoning and that the lots proposed by this new subdivision (Lots 1, 2, & 3) are referenced throughout this report as the boundaries for the proposed zoning lines. Therefore, approval of the rezoning request is recommended subject to the following conditions:

- A. The proposed rezoning of properties at 615, 725, and 729 E. Lincoln Way shall be approved only in conjunction with the approval of the Final Plat of Friedrich's Commercial Subdivision, Second Addition, and that the zoning boundaries follow the platted lots lines between Lot 1 and Lot 3, and between Lot 2 and Lot 3, as shown on the Final Plat of Friedrich's Commercial Subdivision, Second Addition.
- B. The rezoning shall not be effective until the recording of the Final Plat of Friedrich's Commercial Subdivision, Second Addition.
- C. Prior to recording the Final Plat with Story County, a section of sidewalk (approximately 20 feet in length) shall be constructed by the property owner at the end of the existing sidewalk, which will be oriented to the north for access to the building at 615 E. Lincoln Way. If the property owner chooses not to construct the sidewalk, at this time, financial security in an amount sufficient to cover the cost of installation shall be provided to the City, prior to recording the Final Plat.

Recommendation of the Planning & Zoning Commission. At its meeting of March 3, 2010, with a vote of 7-0, the Planning and Zoning Commission recommended approval of the rezoning with the same conditions as described above, except that the Commission recommended an agreement for sidewalk installation accompany the financial security. Staff has since determined that financial security will suffice without a separate agreement.

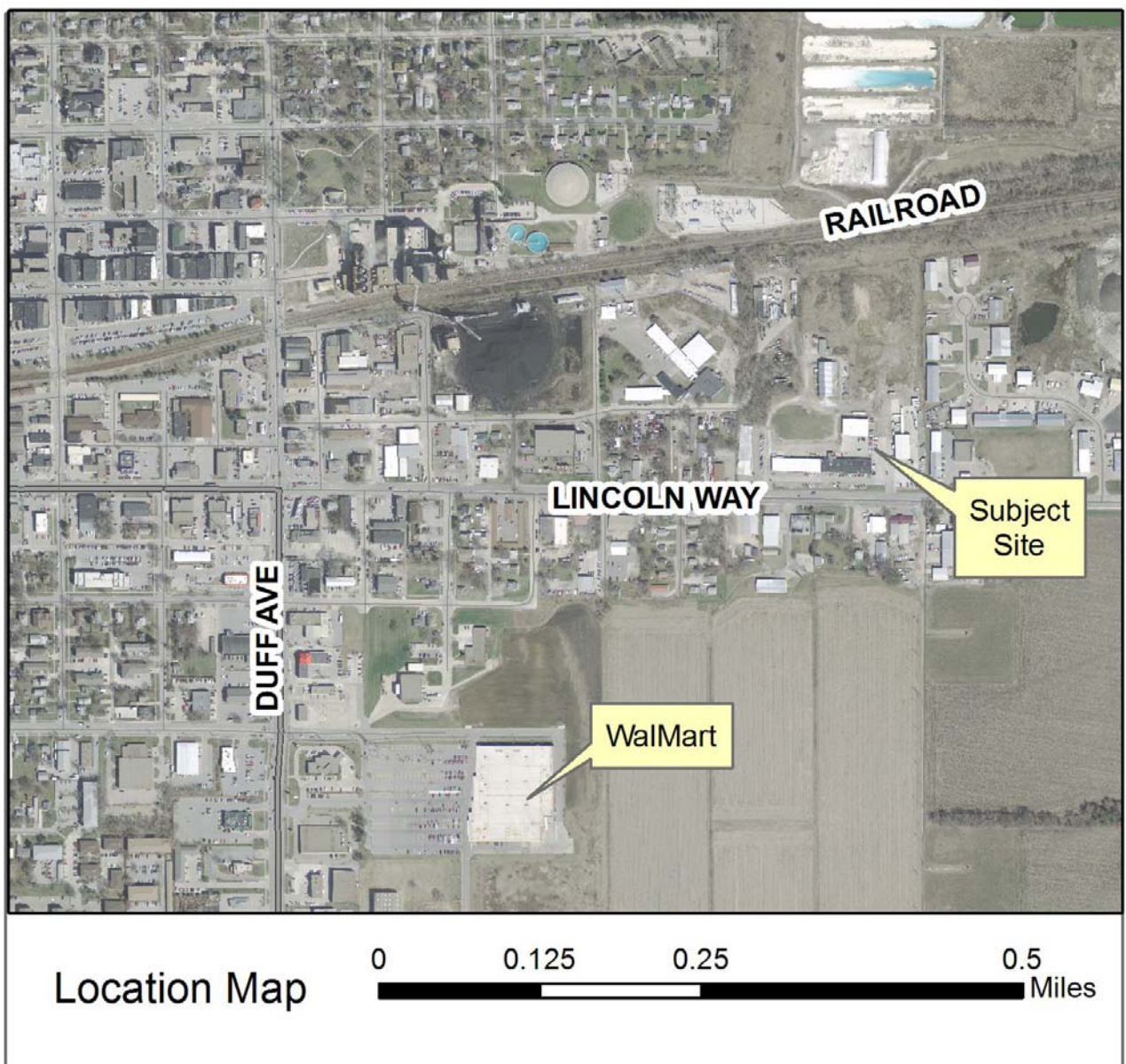
ALTERNATIVES:

1. The City Council can approve the rezoning of:
 - A narrow strip of land located at 615 E. Lincoln Way from “GI” (General Industrial) to “HOC” (Highway-Oriented Commercial); and,
 - A portion of the proposed lots located at 725 and 729 E. Lincoln Way from “HOC” (Highway-Oriented Commercial) to “GI” (General Industrial), by adopting the attached findings of fact and conclusions, with the following conditions:
 - A. That the proposed rezoning of properties at 615, 725, and 729 E. Lincoln Way be approved only in conjunction with the approval of the Final Plat of Friedrich’s Commercial Subdivision, Second Addition, and that the zoning boundaries follow the platted lots lines between Lot 1 and Lot 3, and between Lot 2 and Lot 3, as shown on the Final Plat.
 - B. That the rezoning shall not be effective until the recording of the Final Plat of Friedrich’s Commercial Subdivision, Second Addition.
 - C. Prior to recording the Final Plat with Story County, a section of sidewalk (approximately 20 feet in length) shall be constructed by the property owner at the end of the existing sidewalk, which will be oriented to the north for access to the building at 615 E. Lincoln Way. If the property owner chooses not to construct the sidewalk at this time, financial security in an amount sufficient to cover the cost of installation shall be provided to the City prior to recording the Final Plat.
2. The City Council can approve the rezoning of the described area with specific conditions deemed reasonable and necessary to satisfy public needs which are directly caused by the requested change and by justifying such conditions by adopting their own findings of fact and conclusion.
3. The City Council can deny the rezoning of the described area if the Commission finds and concludes that the proposed rezoning is not consistent with adopted policies and regulations, or that the rezone will impose impacts that cannot be reasonably mitigated.
4. The City Council can defer action on this request and refer it back to City staff and/or the applicant for additional information.

MANAGER’S RECOMMENDED ACTION:

The proposed rezoning is consistent with the LUPP Future Land Use Map. The existing uses are consistent with the uses allowed in the proposed zones. Condition “A” ensures that the proposed zoning boundaries will be consistent with the lot lines shown on the Final Plat proposed for the subject properties.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 as outlined above.



Attachment A

Applicable Laws and Policies:

The laws applicable to this case file are as follows:

- Land Use Policy Plan (LUPP) Goals, Policies and the Future Land Use Map:

The Land Use Policy Plan (LUPP) Future Land Use Map identifies the land use designations for the properties proposed for rezoning.

The LUPP goals and policies that apply to the rezoning request were analyzed and considered by the Planning and Zoning Commission and the City Council, at the time the Future Land Use designations were changed for the properties under consideration in December, 2009, and January, 2010.

- Ames *Municipal Code* Chapter 29, Section 1507, Zoning Text and Map Amendments includes requirements for owners of land to submit a petition for amendment, a provision to allow the City Council to impose conditions on map amendments, provisions for notice to the public, and time limits for the processing of rezoning proposals.
- Ames *Municipal Code* Chapter 29, Section 804, “HOC” Highway-Oriented Commercial includes a list of uses that are permitted in the “HOC” zoning district and the zone development standards that apply to properties in that zone.
- Ames *Municipal Code* Chapter 29, Section 901, “GI” General Industrial Zone includes a list of uses that are permitted in the “GI” zoning district and the zone development standards that apply to properties in that zone.

Attachment B

Findings of Fact:

Based upon an analysis of the proposed rezoning and laws are pertinent to the applicant's request, staff makes the following findings of fact:

1. *Ames Municipal Code Section 29.1507(2)* allows owners of 50% or more of the area of the lots in any district desired for rezoning to file an application requesting that the City Council rezone the property. The property represented by the applicant is entirely under one ownership, which meets the minimum requirements for ownership of the property requested for rezoning.
2. The application was received on January 28, 2008. The Planning & Zoning Commission is to file its recommendations with the City Council within 90 days of when the application was received, which is April 28.
3. Notice of the proposed zoning map amendment was mailed to owners of property within 200 feet of the site on February 23, 2010. This is in addition to the notice required no less than 7 days prior to the hearing before the City Council (*Ames Municipal Code Section 29.1507(4)*). In addition, a sign providing public notice of the request for rezoning has been placed at the site proposed for rezoning.
4. The property at 615 E. Lincoln Way has been designated on the Land Use Policy Plan (LUPP) Future Land Use Map as "Highway-Oriented Commercial."
5. The property at 725 and 729 E. Lincoln Way has been designated on the Land Use Policy Plan (LUPP) Future Land Use Map as "General Industrial."
6. The uses allowed in the Highway-Oriented Commercial (HOC) zone are found in Table 29.804(2) of the *Municipal Code*. Staff has analyzed the existing uses of the property at 615 E. Lincoln Way for compliance with this table.
7. The Zone Development Standards for the Highway-Oriented Commercial (HOC) Zone are found in Table 29.804(3) of the *Municipal Code*. Staff has examined compliance of the building on the property at 615 E. Lincoln Way with the minimum required building setbacks.
8. The uses allowed in the General Industrial (GI) zone are found in Table 29.901(2) of the *Municipal Code*. Staff has analyzed the existing uses of the properties at 725 and 729 E. Lincoln Way for compliance with this table.
9. The Zone Development Standards for the General Industrial Zone are found in Table 29.901(3) of the *Municipal Code*. Staff has examined compliance of the buildings on the property at 725 and 729 E. Lincoln Way with the minimum required building setbacks.

10. Section 23.403(14)(a) of the *Municipal Code* requires sidewalks on both sides of the street in a “commercial zone.” The site currently has no sidewalks along the frontage. Changing the zone to “GI” will eliminate this requirement. However, the sidewalk on the site at 615 E. Lincoln Way was terminated in a manner to facilitate its future extension across the subject site.

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 615 and 725 East Lincoln Way, is rezoned from General Industrial (GI) to Highway-Oriented Commercial (HOC).

Real Estate Description: Beginning at the Northwest (NW) corner of Lot Two (2), Friedrich's Commercial Addition (also known as the Auditor's Plat of Friedrich's Commercial Addition), in the City of Ames, Story County, Iowa: thence S89°23'08"E, 436.70 feet; thence N02°18'55"W, 12.91 feet; thence N90°00'00"W, 298.97 feet; thence S87°42'32"W, 191.06 feet; thence S89°23'08"E, 53.72 feet to the Point of Beginning, containing 4,303 square feet or 0.0988 acres; and,

and, further, that the real estate, generally located at 725 and 729 East Lincoln Way, is rezoned from Highway-Oriented Commercial (HOC) to General Industrial (GI).

Real Estate Description: Beginning at the Northeast (NE) corner of Lot Ten (10), Friedrich's Commercial Addition (also known as the Auditor's Plat of Friedrich's Commercial Addition), in the City of Ames, Story County, Iowa; thence S02°18'55"E, 290.05 feet; thence N90°00'00"W, 205.02 feet; thence N02°18'55"W,

141.26 feet; thence N06°10'48"W, 74.18 feet; thence N02°18'55"W, 77.23 feet; thence S89°23'08"E, 210.13 feet to the Point of Beginning, containing 60,213 square feet or 1.3823 acres.

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 _____, 2010.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor