

COUNCIL ACTION FORM

SUBJECT: REZONE 3.25 ACRES IN THE 100 - 200 BLOCK OF KELLOGG AVENUE CORRIDOR FROM HIGHWAY-ORIENTED COMMERCIAL (HOC) TO DOWNTOWN SERVICES CENTER (DSC)

BACKGROUND

On January 25, 2011, the City Council directed staff to initiate rezoning all properties in the 100 and 200 blocks of Kellogg Avenue from Highway-Oriented Commercial (HOC) to Downtown Services Center (DSC). (See Attachment A: Location Map and Attachment B: Current and Proposed Zoning Map) This directive followed Council approval of a Land Use Policy Plan Map amendment to change the land use designation for the subject property to Downtown Services Center. The purpose of this LUPP change was to encourage investments in preservation and incremental development and redevelopment that promotes the economic vitality of the Downtown and the Kellogg corridor, and to strengthen visual connections between Lincoln Way and Main Street. The existing pattern of buildings in this area is already similar to the Main Street streetscape, being characterized by buildings placed at the property lines without parking in front. This pattern visually reinforces Kellogg Avenue as a vehicle and pedestrian entrance to the Downtown from Lincoln Way, which is both a highway and major arterial street.

In conjunction with this LUPP change and associated rezone, the Council is also considering adding this Kellogg corridor to the Downtown Façade Program of grants and tax abatement. This program provides grants and partial property tax abatement for improvements to front building facades that meet certain design guidelines, and which are consistent with the development standards of Downtown Services Center zoning. Properties on Main Street and in the rest of the Main Street Cultural District are already zoned Downtown Services Center.

This area is already developed and served by all City infrastructure. The City recently reconstructed the street and sidewalk and added new decorative street lights and other streetscape amenities similar to those in the downtown to the north. This infrastructure has the capacity to serve future infill development of a type, use, and scale similar to the existing development.

Under the standards of the proposed zoning designation, individual properties are not required to provide off-street parking for non-residential uses. There is a limited amount of existing off-street parking that is less than what would be required for the total building area under the current commercial zoning designation. Accordingly, the current parking nonconformity under the existing zoning would be eliminated under the proposed zoning.

In Section 29.397, the zoning ordinance describes nonconformities as “uses, structures and

lots that were lawfully established but that do not conform to one or more existing requirements of this Ordinance.” Nonconformities are always a concern when developed areas are rezoned. In this case, many of the property improvements were made before the current zoning was established and some nonconformities already exist. These include ten buildings within required setbacks, lack of required parking for six buildings, all buildings exceeding the maximum floor area ratio or maximum building coverage, and lack of minimum landscaped area.

Generally, the Ames regulations regarding nonconformities promote continued use of properties and the reuse and rehabilitation of properties, as well as reasonable limits on expansions of nonconformities. The permitted uses of both the existing and proposed zoning are very similar, so the proposed rezoning does not create any nonconforming uses; neither would it create any nonconforming lots. (There are no nonconforming lots under either the existing or proposed zoning standards).

The rezoning would create some nonconformities in terms of building and parking placement, as follows:

- Front yard parking is permitted in the current HOC zoning designation, but not allowed in the proposed DSC zoning designation. Front yard parking that exists on three properties in the subject area would become nonconforming. Nonconforming parking is categorized in the code as “other nonconformity”, and is to be eliminated “as quickly as practicable.” (See Section 29.307(5)). This would likely occur if the building is ever demolished and a new building is built.
- Minimum building height in the proposed DSC zoning designation is two stories. Only two existing buildings meet this standard.
- Minimum Floor Area Ratio (ratio of total floor area in the building to the total area of the lot) in the proposed DSC zoning designation is 1.0. Only two existing buildings meet this standard.

Eliminating these latter two nonconformities of the structure would be required for any additions or for renovation or rebuilding if the structure is damaged to more than 70% of its assessed value (Section 29.307(3)(c)). There are two different standards for the Zoning Board of Adjustment to approve an exception to this requirement. One standard is that the “restoration will be made to fullest extent possible in conformance with the applicable zoning standards” (Section 29.307(3)(c)). The other standard is that the lot “size and shape is not conducive to a multi-story structure . . . and . . . there is a direct benefit to the community to have a one-story structure at the proposed location” (Section 29.808(4)). It should also be noted that in the current downtown zoning district there are dozens of properties that do not conform to one or more of these zoning requirements. These nonconformities could be eliminated by a zoning text amendment that would make an exception for pre-existing buildings. However, this may not provide much benefit to the Kellogg Corridor for two reasons. First, most buildings are nonconforming even under the current zone (albeit for different reasons). Secondly, maintaining the existing buildings’

current nonconformities would negate one of the more significant benefits of rezoning this area to Downtown Service Center, which is to create visual draw to the downtown by building upon the same visual characteristics of the downtown.

With the action the Council has already taken to change the land use designation from HOC to DSC, it can be concluded that the proposed rezoning is consistent with the adopted goals and policies of the Land Use Policy Plan and the Land Use Policy Plan Map. It can also be concluded that the change in land use will not create any additional impacts on infrastructure and City services than would otherwise occur under the existing zoning designation.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

At the Planning and Zoning Commission rezoning hearing on February 16, 2011, Laura Cram addressed the Commission about her property and business, Laura's Cabinet Gallery, at 203 Kellogg. She asked for more details about the implications of nonconformities to her property. She stated that her property was at one time owned by the railroad and that deed restrictions remain on the property that would prevent building to conform to the standards of the proposed Downtown Service Center zone, including a two-story building and placing the building any closer to Kellogg Avenue than its current location. Because of these uncertainties, she was not in favor of changing the zoning at this time. The Commission discussed further the policies on nonconformities and also the intent of rezoning the area. The Commission voted unanimously to recommend that the City Council approve rezoning the properties along both sides of Kellogg Avenue between the Union Pacific Railroad and Lincoln Way from Highway-Oriented Commercial to Downtown Services Center based on the conclusions in the Commission Action Form of February 16, 2011.

ALTERNATIVES:

1. The City Council can approve rezoning of the properties along both sides of Kellogg Avenue between the Union Pacific Railroad and Lincoln Way from Highway-Oriented Commercial to Downtown Services Center based on the above conclusions.
2. The City Council can deny the rezoning of the properties along both sides of Kellogg Avenue between the Union Pacific Railroad and Lincoln Way, leaving it Highway-Oriented Commercial.
3. The City Council can refer this request back to staff for more information.

CITY MANAGER RECOMMENDATION:

Since the Planning and Zoning Commission meeting date, staff has met with Laura Cram at her property. Although redevelopment of her property in conformance to the standards of the Downtown Services Center zoning ordinance is restricted, conforming to these standards will only be required if the building is destroyed by more than 70% of its value. If

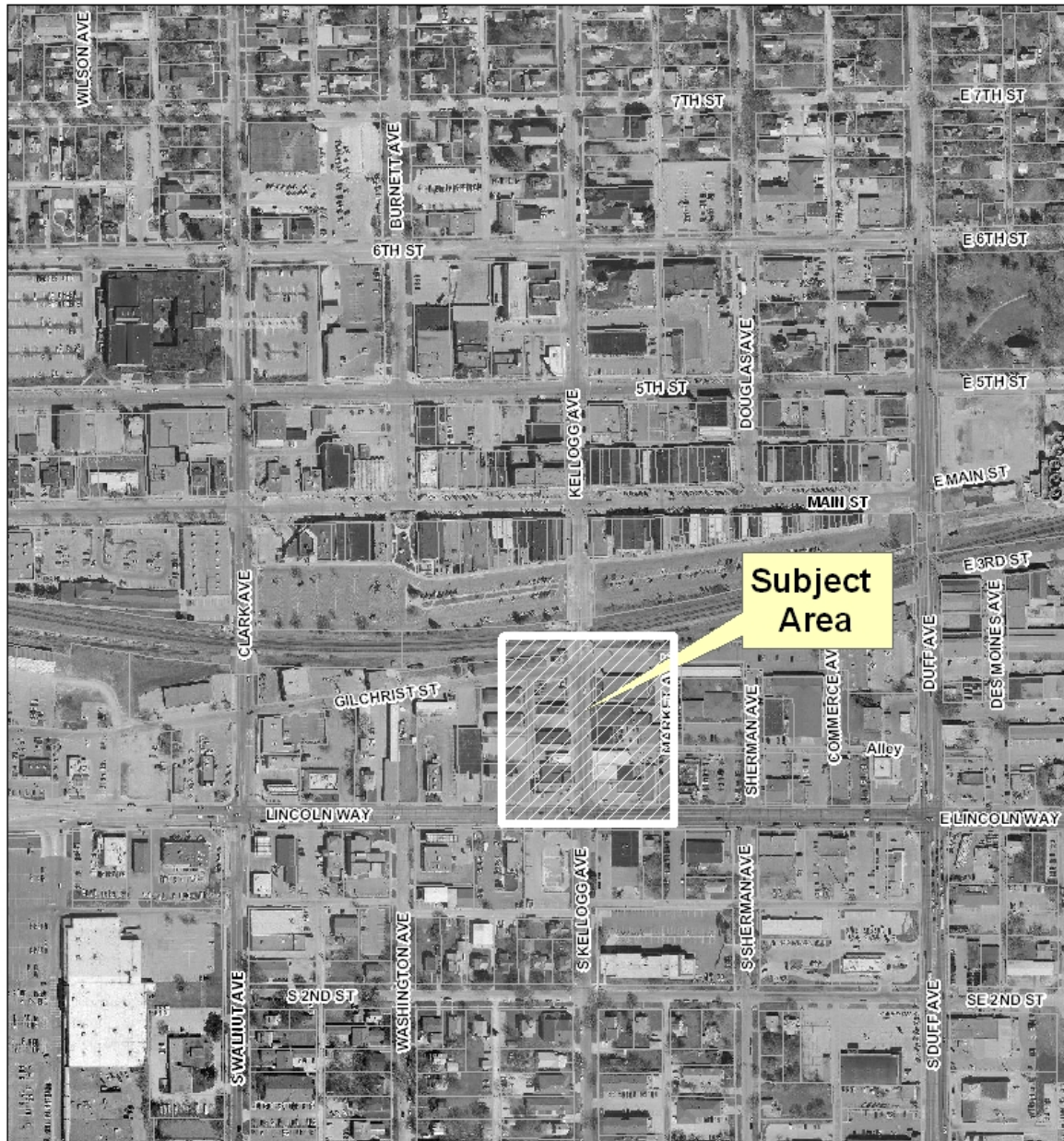
that is the case, there is also an option available whereby the Zoning Board of Adjustment can allow redevelopment that does not conform to those standards. Also, the building is *now* nonconforming to the current Highway-Oriented Commercial zoning standards for setbacks, required parking, maximum floor area ratio, maximum building coverage, minimum landscaped area and parking lot dimensions, and landscaping. The Zoning Board of Adjustment would therefore have to approve a variance to allow rebuilding even under the current zoning designation.

The proposed rezoning will implement the recent change to the Land Use Policy Plan map designating this area appropriate for Downtown Service Center zoning. The Downtown Services Center zone will help preserve existing characteristics that are similar to the Downtown north of the railroad, and that are also consistent with the Downtown Façade Improvement Program. It will also guide new infill development and redevelopment in a way that is more consistent with the downtown area, so incremental change is to be expected over time. This will provide an incentive for redevelopment that improves Kellogg Avenue as a traditional retail block and as an entrance to the Downtown.

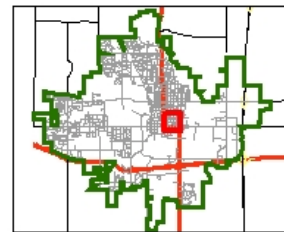
Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, thereby approving the rezoning of the properties along both sides of Kellogg Avenue between the Union Pacific Railroad and Lincoln Way from Highway-Oriented Commercial to Downtown Services Center based on the above conclusions.

If it is the intent of the City Council to extend the downtown façade improvement program to the subject area, it can approve a resolution to set April 26, 2011, as the public hearing date for a revision to the Downtown Urban Revitalization Area to include the properties along both sides of Kellogg Avenue between the Union Pacific Railroad and Lincoln Way. At that time the City Council can also consider changing the boundaries for the Downtown Façade Improvement Grant program.

ATTACHMENT A

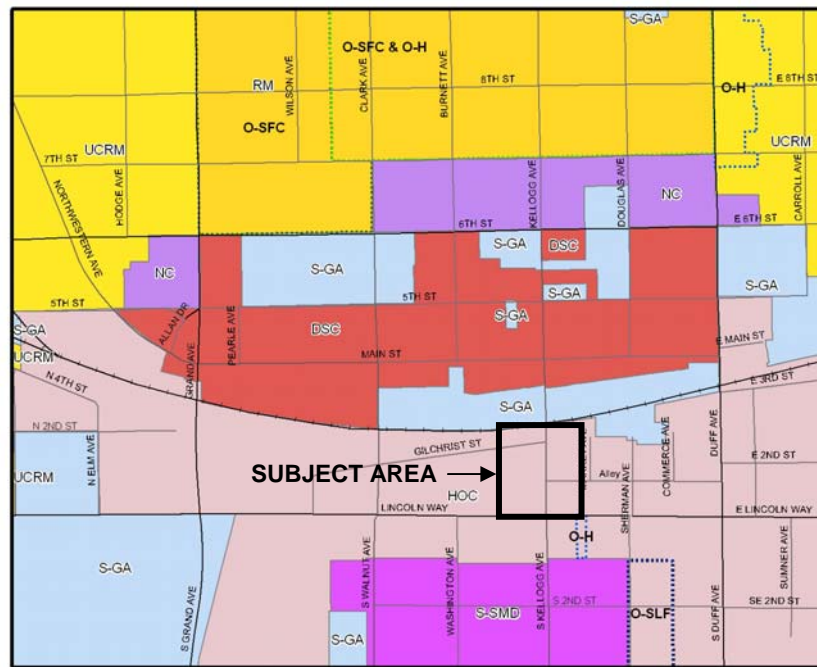


**Location Map
Kellogg Corridor**



ATTACHMENT B

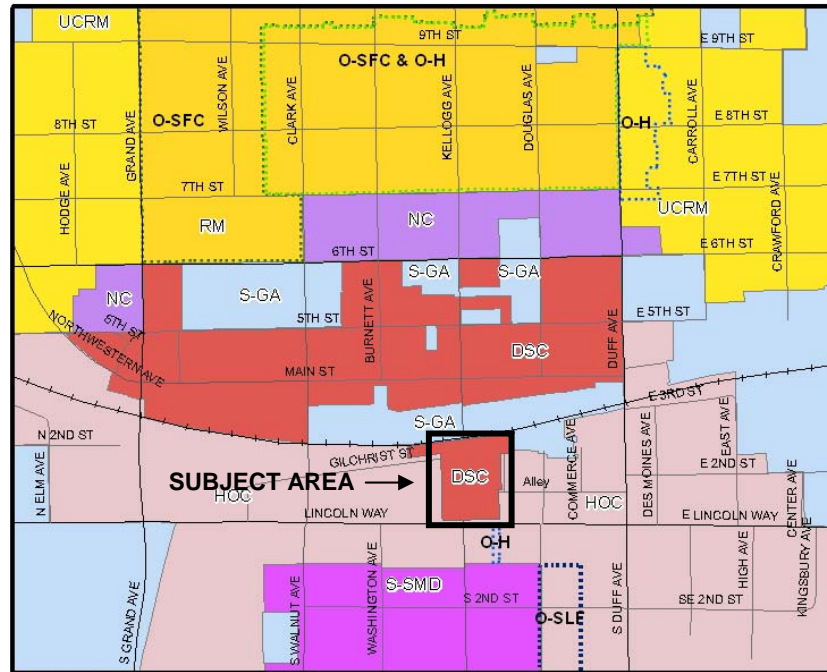
Current Zoning



DSC – Downtown Services Center
HOC – Highway Oriented Commercial
RM – Residential Medium Density
O-H – Historic Overlay

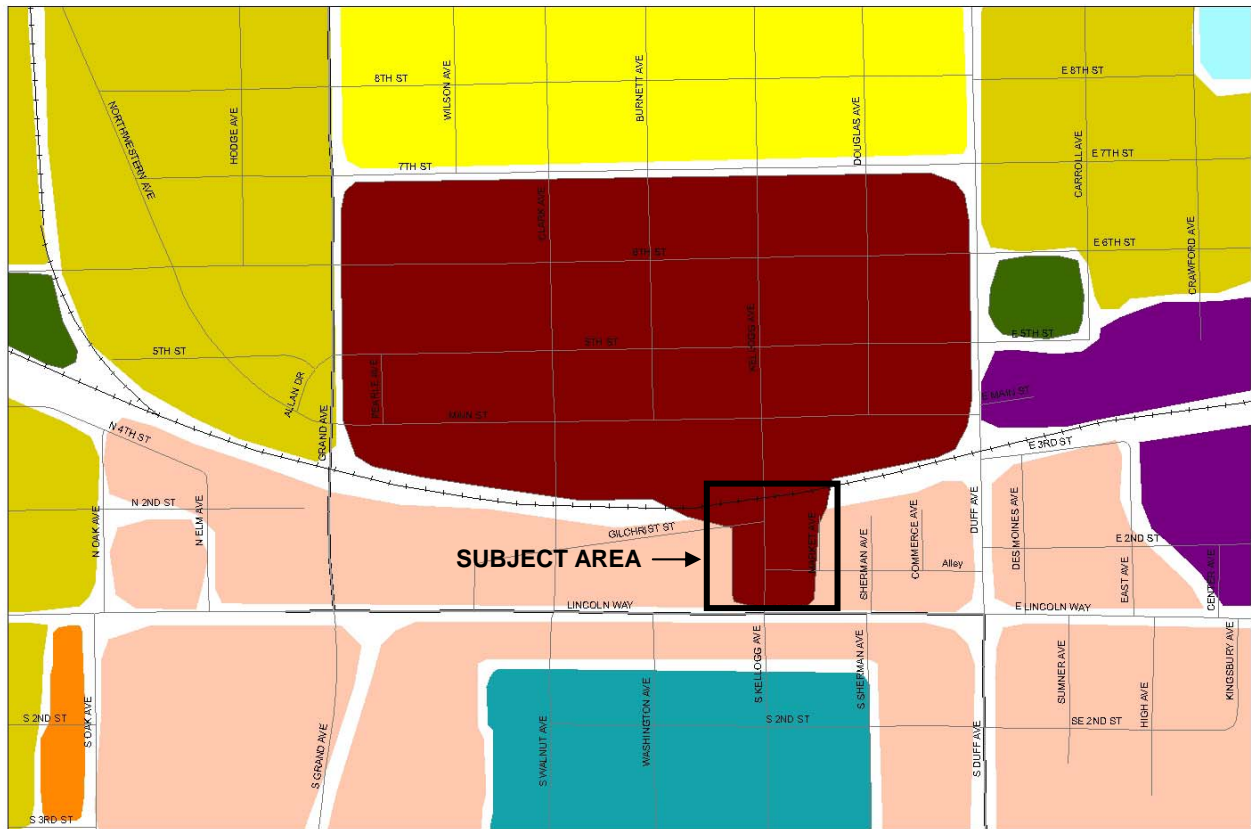
O-SFC – Single Family Conservation Overlay
S-GA – Special-Government/Airport
S-SMD – Special-South Lincoln Mixed Use
UCRM – Urban Core Residential Medium Density

Proposed Zoning









ATTACHMENT C

Land Use Policy Plan Map



City Land Use Designations

 One- & Two-Family Medium-Density Residential	 Downtown Services Center	 South Lincoln Sub-Area Mixed Use District
 Medium-Density Residential	 Highway-Oriented Commercial	 Parks and Open Space

DO NOT WRITE IN THE SPACE ABOVE THIS LINE, RESERVED FOR RECORDER
Prepared by: Douglas R. Marek, Ames City Attorney, 515 Clark Avenue, Ames, IA 50010 Phone: 515-239-5146
Return to: Ames City Clerk, P.O. Box 811, Ames, IA 50010 Phone: 515-239-5105

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 along both sides of Kellogg Avenue between the Union Pacific Railroad and Lincoln Way, is rezoned from Highway-Oriented Commercial (HOC) to Downtown Service Center (DSC).

Real Estate Description: Beginning at the southwest corner of Lot 1 in Lee and Munn's Subdivision; thence north along the west line of Lots 1 through 13 of said subdivision a distance of 313.3 feet to the northwest corner of Lot 13 in said subdivision; thence continuing north a distance of 30 feet across the right-of-way of Gilchrist Street to a point on the north right of way line of said street; thence west a distance of 183.4 feet along said north right-of-way line; thence north a distance of 40 feet to a point on the south line of the railroad right-of-way; thence east a distance of 280 feet along said railroad right-of-way line to the intersection of said railroad right-of-way line and the west right-of-way line of Kellogg Avenue; thence east a distance of 66 feet across said right-of-way line of Kellogg Avenue to the northwest corner of Parcel A of the Plat of survey recorded in Story County, Iowa, on July 5, 1995, as Instrument No. 95-05546; thence east a distance of 219.85 feet along the north line of said Parcel A to the northeast corner of said Parcel A; thence south a

distance of 49.58 feet to the southeast corner of Lot 11 of Ames Grain and Coal Company 2nd Addition; thence west a distance of 49.95 feet along the north right-of-way line of Market Avenue; thence south a distance of 23.8 feet along the west right-of-way line of Market Avenue to southeast corner of said Parcel A; thence south along the east line of Lots 9 through 15 in Ames Grain and Coal Company Addition a distance of 175 feet to the southeast corner of Lot 9 in said Addition; thence south a distance of 16 feet across the alley right-of-way to a point on the north line Lot 12 in Lockwood's Addition; thence west to the northeast corner of Lot 13 in Lockwood's Addition; thence south a distance of 135 feet along the east line of said Lot 13 to the southeast corner of said Lot 13; thence west a distance of 155.5 feet along the south line of said Lot 13 to the southwest corner of said Lot 13; thence 66 feet across the right-of-way of Kellogg Avenue to the southeast corner of Lot 1 of Lee and Munn's Subdivision; thence west a distance of 96 feet along the south line of said Lot 1 to the Point of Beginning.

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 _____, 2011.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor