

ITEM #: 30  
DATE: 09-13-11

## COUNCIL ACTION FORM

**REQUEST:** REZONING OF PROPERTY AT 2910 WEST STREET FROM NEIGHBORHOOD COMMERCIAL (NC) TO RESIDENTIAL HIGH DENSITY (RH)

**OWNER/APPLICANT:** Mother Lode Enterprises, Inc.  
David Blakeley and Joel Paulson  
1318 Arthur Drive  
Ames, Iowa 50014

**LOCATION:** 2910 West Street

**ACREAGE:** Approximately 0.17 Acres

**LUPP DESIGNATION:** Residential High Density

**ATTACHMENTS:**

A: Location Map	F: Plat of Survey
B: Proposed Zoning	G: Site Sketch
C: Applicant Statement	H: Applicable Laws and Policies
D: Land Use Map	I: Findings of Fact
E: Existing Zoning	J: Land Use Policy Plan Goals & Objectives

### **BACKGROUND:**

The subject property, 2910 West Street, is a parcel of approximately 7,200 square feet located on the south side of West Street near the intersection of Woodland Street and Campus Avenue. On the property is a single family home originally built in the early 1900's. The home has five bedrooms and the current Neighborhood Commercial Zoning District (NC) only allows up to three unrelated people (a "family") to occupy one dwelling unit.

The owners, David Blakeley and Joel Paulson, of Mother Lode Enterprises, submitted a request to City Council in June for consideration of a text amendment to allow up to five unrelated people in the home. City Council chose not to refer the request for application, expressing some concern over the broader implications of a text amendment. The Council determined that rezoning the property to the abutting RH zone might be preferable because that zone would allow up to five unrelated individuals under the current text. The applicant has therefore activated a rezoning application that was on hold pending the Council's consideration of a potential text amendment.

There are two nonconformities that would be created as a result of the proposed rezoning. One is the **location** of parking (front yard), the other is the **side setback distance**. The two front yard parking areas are gravel. One straddles the lot line on the northwest corner of the lot and one is along the east property line. The proposed RH zoning prohibits front yard

parking. The existing NC zone only prohibits it directly between the building and the street. The **type** of parking surface (gravel) is also non-conforming currently. Gravel parking has been allowed to continue administratively as long as it is not expanded in any way. Recently, rental inspectors have improved the enforcement of this by requiring a perimeter be installed.

The property line on the east side was recently adjusted via a Plat of Survey to provide adequate area on-site to meet rental housing requirements. Therefore, the owner is not dependent on the single gravel parking space on the northwest corner to meet city requirements. The existing gravel parking area located along the east property line transitions into the existing gravel parking on the commercial lot next door. The Council approved the Plat of Survey adjusting the east lot line on July 26, 2011, but it has not yet been recorded.

The existing NC zone does not have a **side setback distance** requirement; however, the proposed RH zone requires an eight foot side setback for a two story building. The actual setback on the west side is 7.68 feet. Therefore the building would be three inches too close to the west property line, at its closest point. Three inches is not a discernable distance in the field so the non-conformity would not be significant. Furthermore, the three-inch encroachment would be limited to only a small portion of the setback because the building is not parallel to the lot line, meaning that the building setback becomes increasingly wider.

**Future Land Use.** This parcel, as well as all others adjacent to it are designated High Density Residential on the Future Land Use Map. The following table identifies the Future Land Use Map designations, existing zoning, and existing land use of the properties surrounding the property proposed for rezoning.

DESCRIPTION OF SURROUNDING AREA			
Area	LAND USE PLAN MAP DESIGNATION	EXISTING ZONING	EXISTING LAND USE
North	High Density Residential	Residential High Density	Residential / Apts.
West	High Density Residential	Residential High Density	Residential / Apts.
South	High Density Residential	Residential High Density	Residential
East	High Density Residential	Neighborhood Commercial	Commercial / Pub

See the attached Future Land Use Map and Existing Zoning Map

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

### **ANALYSIS:**

**Commercial Land Supply.** Although the property is designated High Density Residential on the Future Land Use Map, the City still has the discretion to weigh the impacts of the loss of Neighborhood Commercial zoned land. There are growing trends in many

communities to place retail services within walking distance of residents. Therefore, the loss of one NC zoned parcel may be a small detriment to potential pedestrian scale redevelopment in this area. There are four NC zones in the City. One is just west of Iowa State University, one is just north of Downtown between 6<sup>th</sup> and 7<sup>th</sup> streets, one is just west of the railroad tracks at North Dakota Avenue, and the fourth is vacant land on South 16<sup>th</sup> Street in front of the manufactured home parks. These NC zones were created as part of the city-wide rezoning in 2000. They were intended to incorporate existing dense commercial development that did not fit the description of any other zones. The owner at the time of the rezoning also owned the grocery store next door to the east and the house to the south, therefore requesting the same zoning designation for all three.

**Other Studies.** A sub-area plan of the University Impacted Areas was completed in 2005. This resulted in adoption of the “West University” and “East University” Overlay zones, which are intended to protect the integrity of the areas around campus. The West street area is mentioned in the study as being a long standing commercial corridor that serves as a pedestrian corridor link between housing and Iowa State University.

The applicant identifies the purpose statement of the West University Impacted Overlay Zone as the key support for this rezoning request, chiefly regarding the increase in housing density. The Applicant statement is included in Attachment C.

**Access.** The layout of the property is illustrated in Attachment G. The property is currently accessed from the gravel parking lot to the east and also from the small gravel parking area off West Street. Because the approved Plat of Survey provides parking on-site, the curb cut from West Street is not needed to meet City requirements. Furthermore, the curb cut is very close to the intersection. The closure of it would be a safety improvement to the area. The site plan approved in 2000 for the property to the west included the conversion of the remnant gravel area to green space. Therefore, the closure of that curb would be consistent with that earlier approval. The subject property could similarly be required to convert their side of the gravel space into green space as a condition of the rezoning. As stated above, this single parking space on the northwest corner of the lot is not needed to meet on-site parking requirements, and eliminating it would reduce the amount of non-conformities created as a result of the rezoning. **However, it should be noted that the applicants are not in favor of eliminating even a single parking space in this neighborhood, because of the high demand for parking. Therefore, they oppose the conversion of any gravel area of the site to green space.**

**Impacts.** The surrounding zones on three sides are RH; therefore, rezoning this one parcel would be a simple extension of that zone. However, this would leave only two parcels zoned NC on this corner of the intersection. While that may leave fewer options for commercial redevelopment on this corner, it should be noted that the original designation of the NC zone did not necessarily specify the need for commercial zoning on this property. In fact, the reason for the NC designation city-wide was an attempt to establish a zone that fit existing development. In the case of this particular lot, the owner at the time of the zone designation also owned the other two adjacent lots on this corner. They therefore requested that the City designate all three lots the same even though only one was a commercial use (grocery store at the time). There are some benefits of the existing zoning in terms of how it furthers some of the goals of the Land Use Policy Plan for pedestrian

connectivity and neighborhood “sense of place” (see below). However, the subject property is at the periphery of that zone and includes a building that was built for residential and can be redeveloped for continued use as residential. And that can have positive aspects in terms of 1) maintaining community character and 2) renovating existing buildings, which is more “green” than new construction / demand for new building material. While the rezoning alone does not guarantee that new construction will not happen, the owner has in this case already made substantial investment into the renovation of this rental home.

**Goals of the Land Use Policy Plan.** Several of the 10 goal statements of the LUPP speak indirectly to this request. However, Goal 4 seems most related, regarding connectivity of living areas to work areas, as well as a greater “sense of place.”

**Goal No. 4.** It is the goal of Ames to create a greater sense of place and connectivity, physically and psychologically, in building a neighborhood and overall community identity and spirit. It is the further goal of the community to assure a more healthy, safe, and attractive environment.

**Objectives.** In achieving an integrated community and more desirable environment, Ames seeks the following objectives:

- 4.A. Ames seeks to establish more integrated and compact living/activity areas (i.e. neighborhoods, villages) wherein daily living requirements and amenities are provided in a readily identifiable and accessible area. Greater emphasis is placed on the pedestrian and related activities.
- 4.B. Ames seeks to physically connect existing and new residential and commercial areas through the association of related land uses and provision of an intermodal transportation system.
- 4.C. Ames seeks to psychologically connect the various living/activity areas through closer proximity of residential areas and supporting commercial uses, common design elements, and inclusion of community amenities such as parks and schools. The connections should promote community identity.

**Public Notice.** Notice was mailed to property owners within 200 feet of the rezoning area and a sign was posted on the subject property.

**Conclusions.** Based upon the above analysis, staff believes that the proposed rezoning is consistent with the Future Land Use Map, as well as the Goals and Objectives of the Ames Land Use Policy Plan (LUPP), as long as the small front yard parking area on the northwest corner of the lot is converted to green space and the curb cut is closed. Although this area is an established commercial corridor, the loss of one lot on the perimeter of the zone, which is not currently used as commercial land, does not detract from the overall commercial viability of the area to the east. Converting the small gravel area on the northwest corner of the lot to green space would be more consistent with the character of the proposed RH zone, and closing the curb would ensure protection of the green space from snow plows and other traffic, while also improving safety. The existing gravel parking along the east property line is much larger than the small area on the northwest corner, but because it is abutting the commercial use, it has a lesser impact on the residential character of the area to the west. If it were to be eliminated, it would be difficult to establish



enough on-site parking to comply with the proposed use because of the narrow, angled lot lines. Therefore, allowing this non-conformity as a result of the rezone is consistent with the goals and policies of the City.

Staff further concludes that the request for rezoning complies with the relevant sections of the *Municipal Code* for the submittal and processing of the rezoning application.

**Recommendation of the Planning & Zoning Commission.** At its meeting of August 17 2011, with a vote of 7-0, the Planning and Zoning Commission recommended approval of the rezoning of property at 2910 West Street from Neighborhood Commercial (NC) to Residential High Density (RH) with the conditions that the front yard parking area on the northwest corner of the lot be converted to green space and the curb cut be closed within one year of publication of rezoning, and that a recorded copy of the Plat of Survey and resolution be submitted to the City Clerk prior to the third reading of the rezoning. One person spoke against the proposed rezoning because of the existing congestion and parking issues in the area.

#### **ALTERNATIVES:**

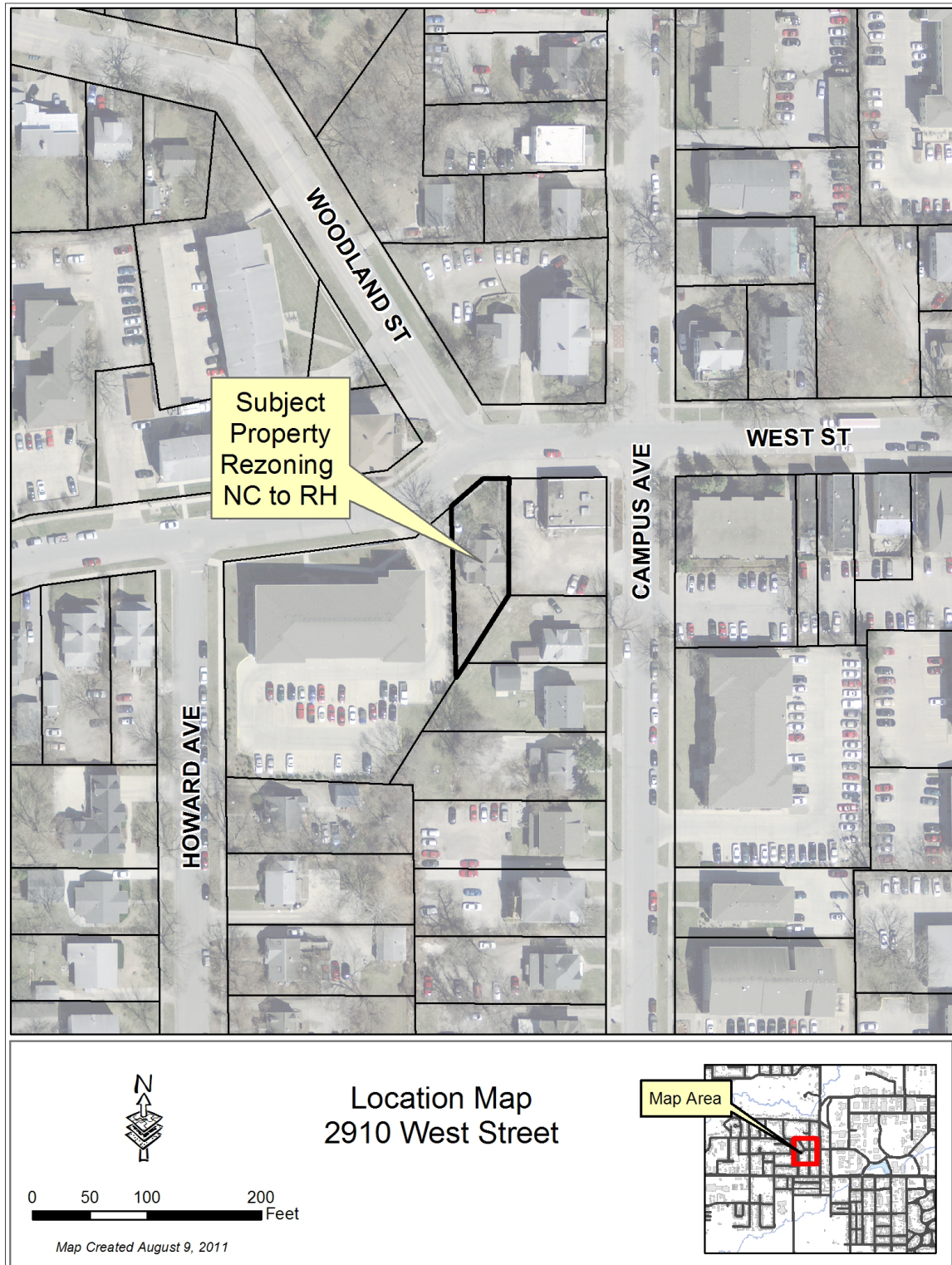
1. The City Council can approve the rezoning of the property located at 2910 West Street from Neighborhood Commercial (NC) to Residential High Density (RH) with the conditions that the front yard parking area on the northwest corner of the lot be converted to green space and the curb cut be closed within one year of publication of rezoning, and that a recorded copy of the Plat of Survey and resolution be submitted to the City Clerk prior to the third reading of the rezoning.
2. The City Council can approve the rezoning of the property located at 2910 West Street from Neighborhood Commercial (NC) to Residential High Density (RH) without conditions.
3. The City Council can deny the rezoning of the property located at 2910 West Street from Neighborhood Commercial (NC) to Residential High Density (RH) 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:**

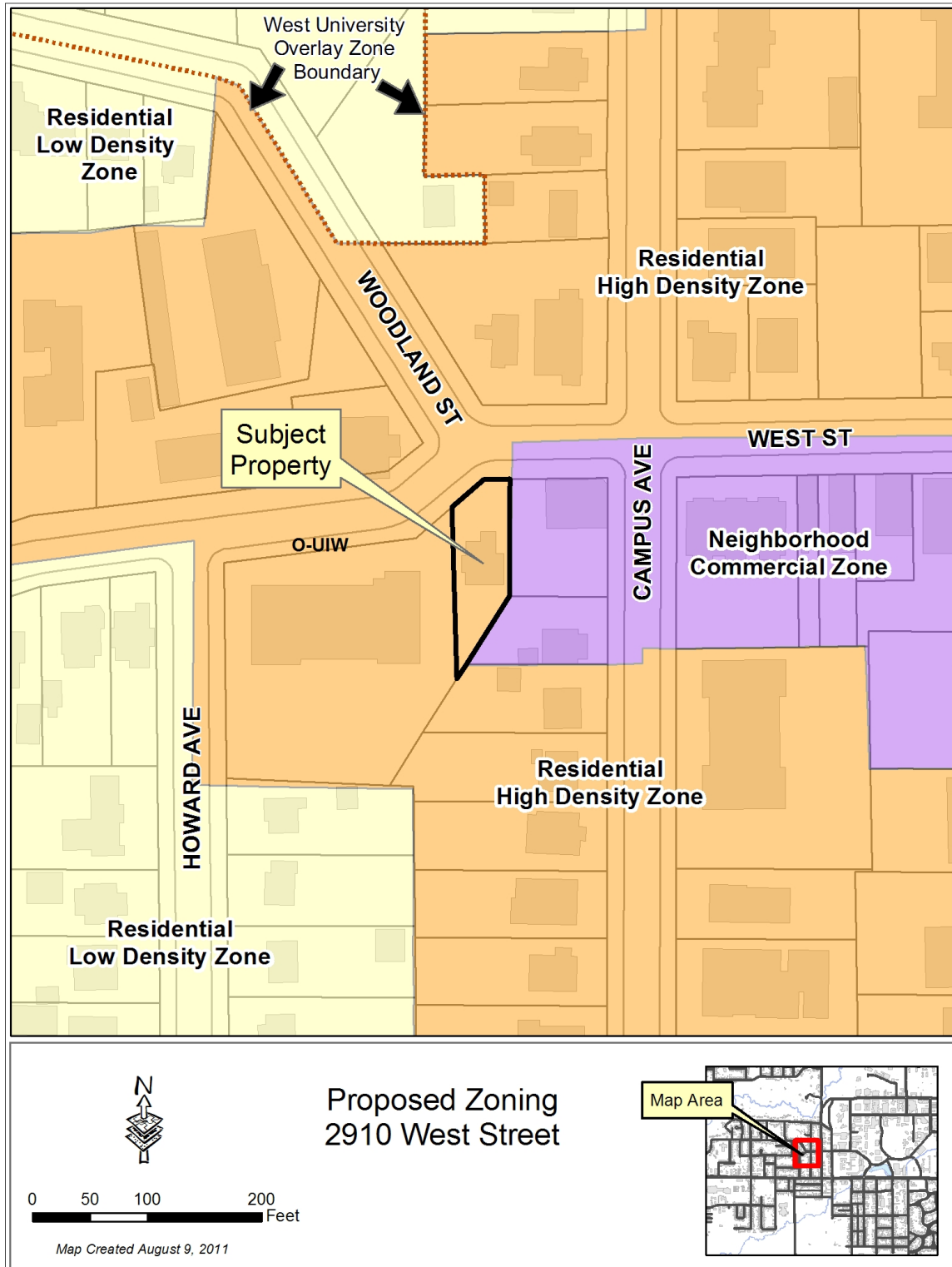
The proposed rezoning of the property located at 2910 West Street from Neighborhood Commercial to Residential High Density is consistent with the land use policies of the City. Removing the curb cut and small graveled area on the northwest corner of the lot is a relatively small improvement that could have noticeable positive impacts on the safety and aesthetics in this transitional area.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1, which is to approve the rezoning of the property located at 2910 West Street from Neighborhood Commercial to Residential High Density with the conditions that the front yard parking area on the northwest corner of the lot be converted to green space and the curb cut be closed within one year of publication of rezoning, and that a recorded copy of the Plat of Survey and resolution be submitted to the City Clerk prior to the third reading of the rezoning.

# Attachment A Location Map



## Attachment B Proposed Zoning



**Attachment C  
Applicant Statement**

**Rezoning Application**  
*by: David Blakeley*



**REASON FOR REZONING**

The request is to change the zoning designation of 2910 West Street from Neighborhood Commercial (NC) to Residential High Density (RH). The higher density zoning more accurately describes the surrounding area, and will allow the house to be occupied by one tenant per bedroom, in compliance with Ames rental property codes. Neighborhood commercial would restrict the property to 3 unrelated tenants.

**LAND USE POLICY PLAN**

This property is located within the West RH District of the University Impacted area as established by the Land Use Policy Plan of the City of Ames.

This request is consistent with the city's land use plan for this University Impacted Area. On May 28, 2002 the City Council established the general purpose and scope for this subject area. City land use policy call for more businesses and more housing here where it can serve the needs of people who wish to be near ISU.

**"O-UIW" West University Impacted District**

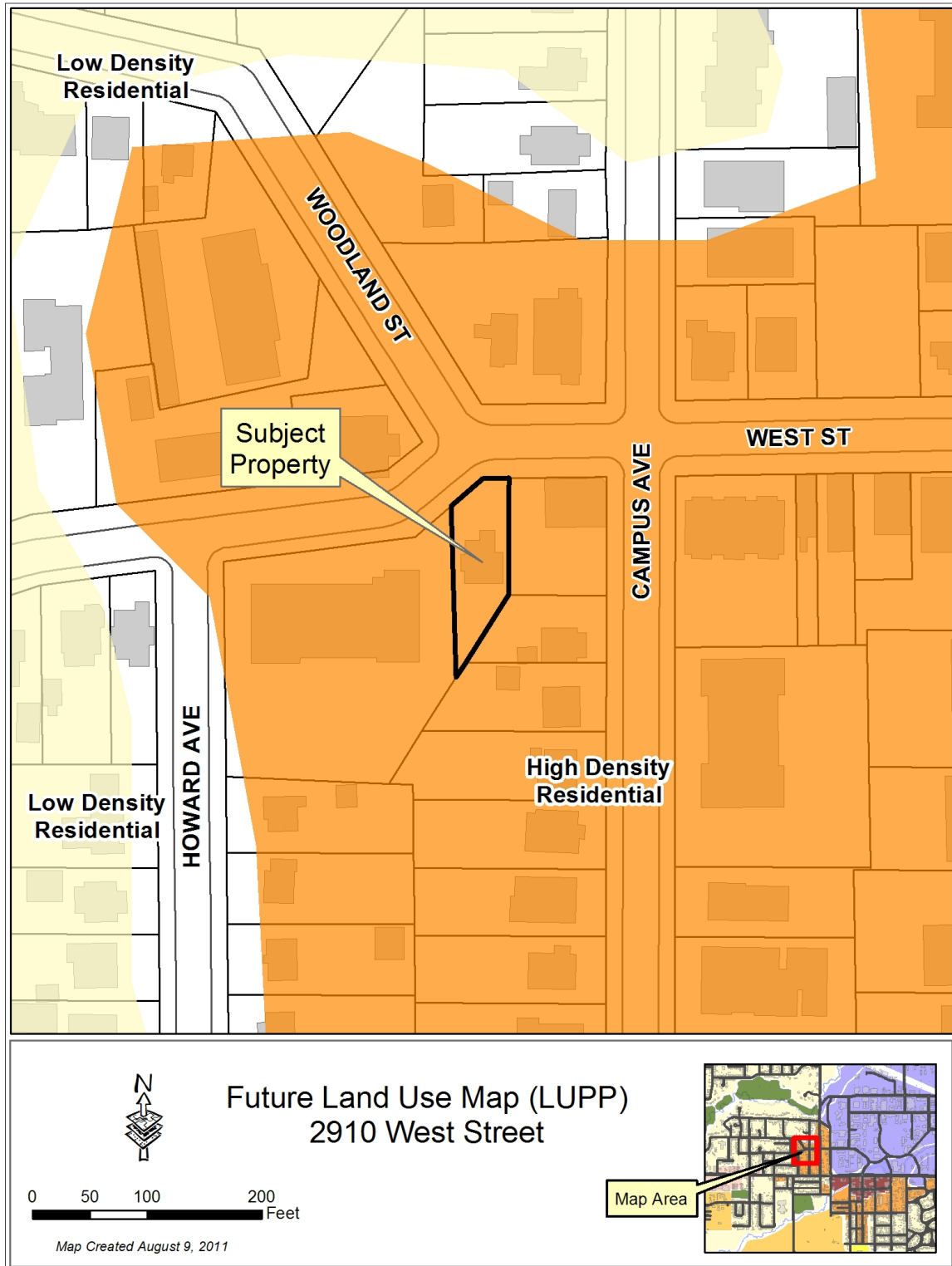
(Section 29.1111 - <http://www.cityofames.org/attorneyweb/pdfs/Chap29A11.pdf>)

The purpose of the West University Impacted District is to include areas adjacent to the Iowa State University campus and affiliated facilities, in order to increase housing diversity opportunities and housing density, to the extent that base zoning would allow, while assuring the provision of such requirements as adequate parking and architectural compatibility with the valued characteristics of existing structures, such as location, height, materials and the appearance of façades facing streets.

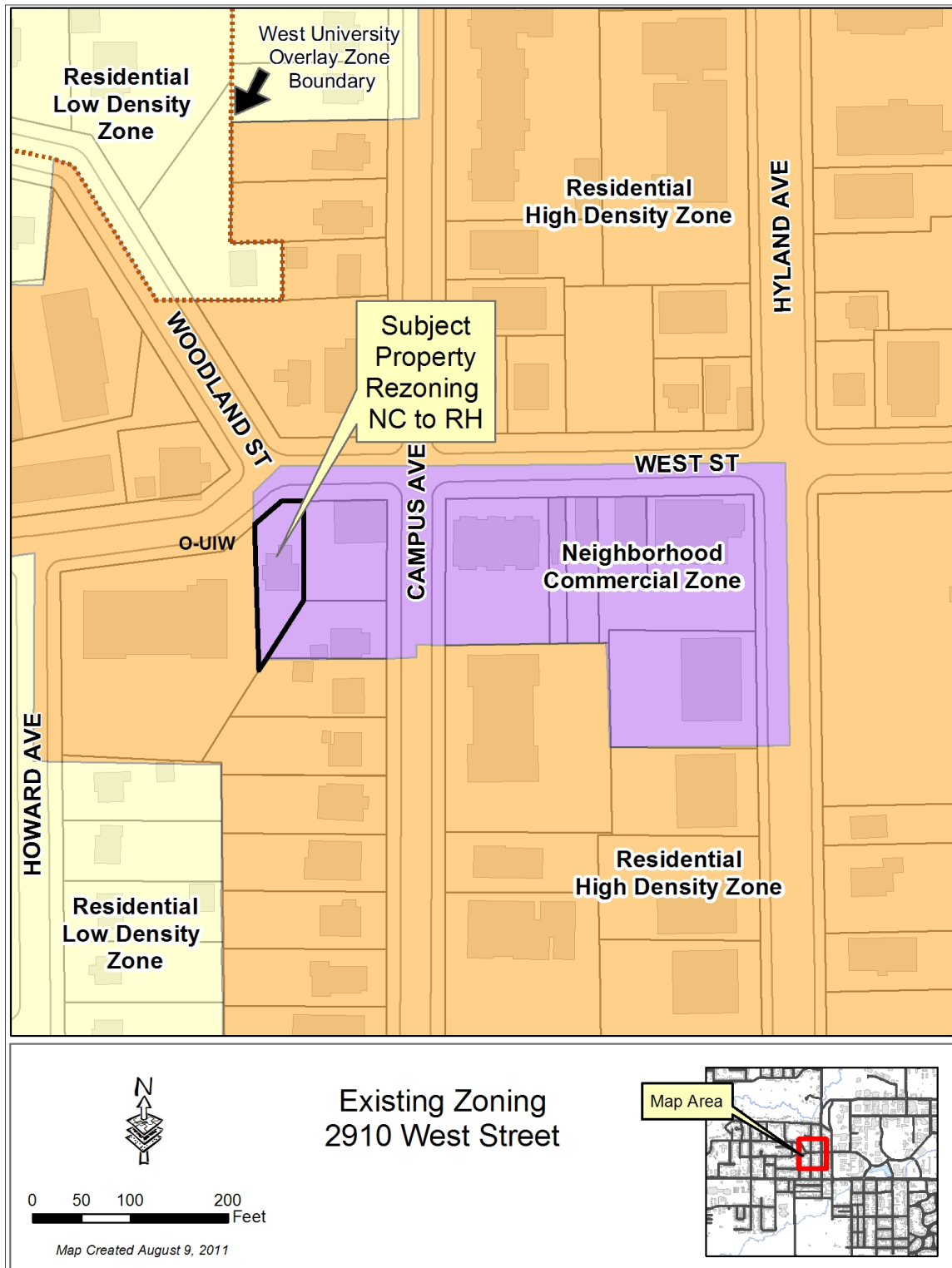
This property has traditionally been occupied by ISU students.



**Attachment D  
Future Land Use Map**



## Attachment E Existing Zoning



R. BRADLEY STUMBO
P.O. BOX 1664
AMES, IOWA 50010
515-233-3689

# PLAT OF SURVEY

## WEST STREET (66')

**FOUND 1/2" REBAR W/ DESTROYED CAP**

**N88°50'44"E 76.08'**

**N88°50'44"E 31.87'**

**N89°13'16"(R) 36.48'**

**N89°17'41"E 36.55'(R)**

**FOUND 1/2" REBAR**

**NE COR. LOT 8 FOUND 'X' CUT IN CONCRETE (TYPICAL)**

**WOODLAND PARK ADDITION**

**ATHLETIC PARK ADDITION**

**PARCEL C**  
7948.80 SQ FT  
0.18 ACRES

**15' ACCESS EASEMENT (7.50' EACH SIDE)**  
N90°00'00"W 69.05'

**PARCEL B**  
7187.35 SQ FT  
0.16 ACRES

**LOT 7**

**LOT 8**

**LOT 9**

**CAMPUS AVENUE (60')**

**SET 1/2" REBAR W/ YELLOW CAP #17161 (TYPICAL)**

**SE COR. LOT 8 FOUND 1/2" PIPE W/ YELLOW CAP #3988 (TYPICAL)**

**SW COR. LOT 8 FOUND 1" PIPE**

**GRAPHIC SCALE 1"=30'**

**RECEIVED**  
JUL 06 2011  
CITY OF AMES, IOWA  
DEPT. OF PLANNING & HOUSING

**PROPRIETOR: MOTHER LODE ENTERPRISES**  
**SURVEY REQUESTED BY: DAVE BLAKEY**

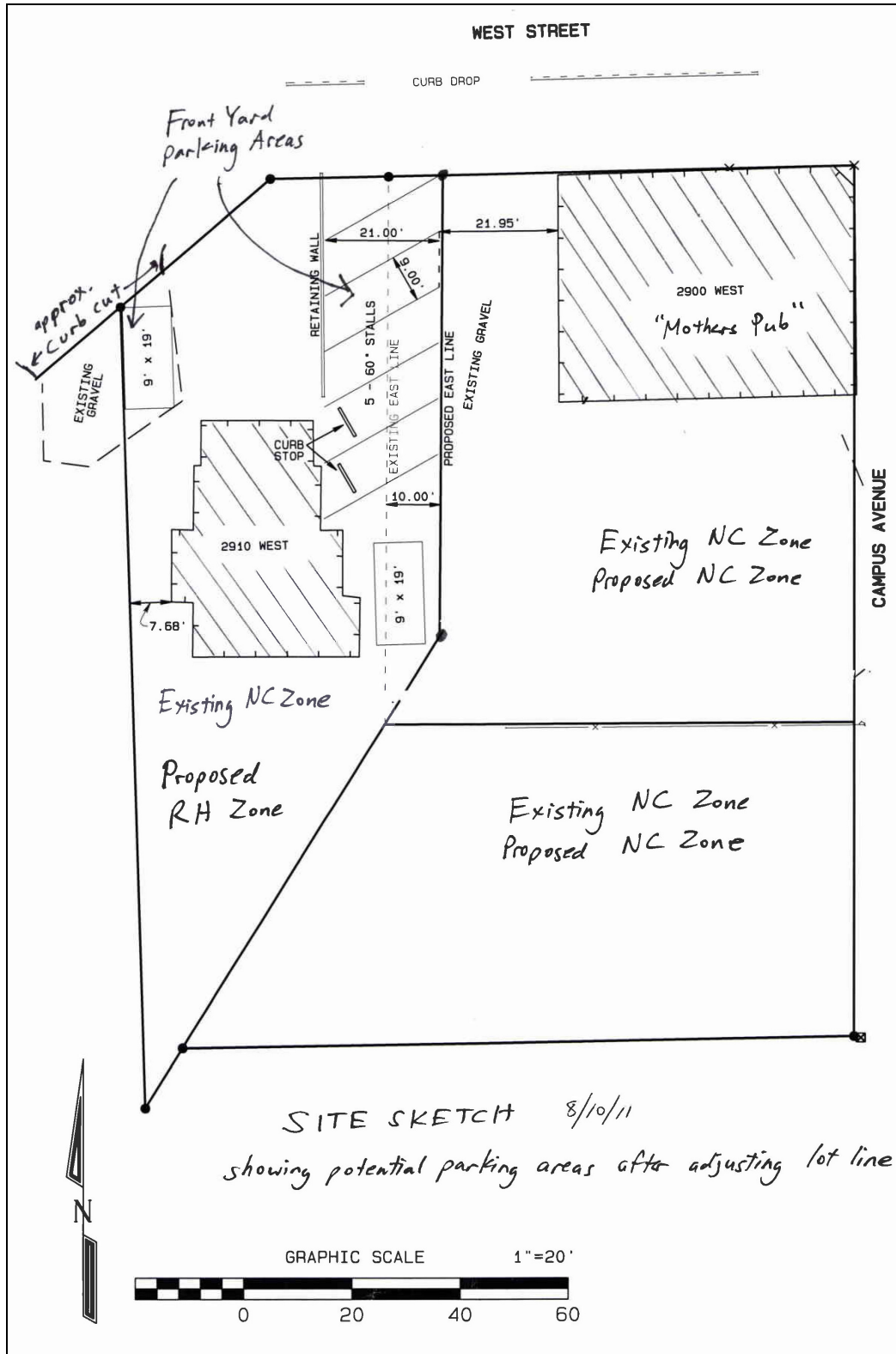
Certification: I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

R. Bradley Stumbo License #17161  
My license renewal date is December 31, 2011  
Job #16364PS Date: 7/05/11 Page 1 of 2  
Fieldwork Completed: 7/01/11

Date: \_\_\_\_\_



# Attachment G Site Sketch



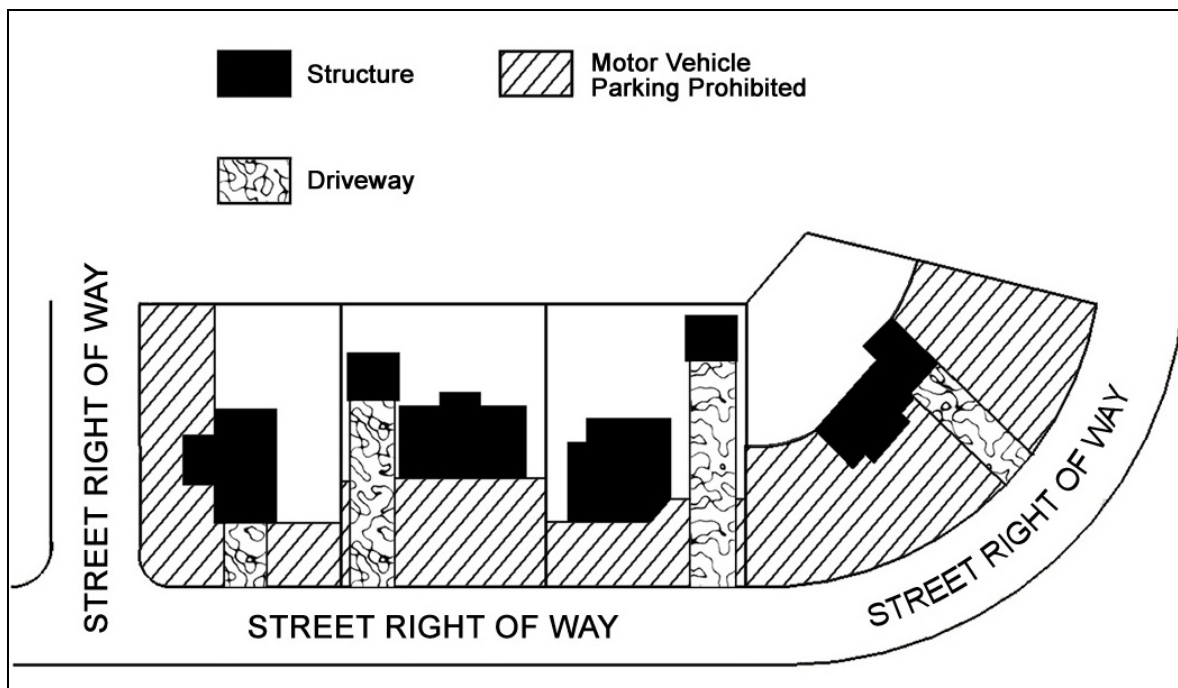
## Attachment H Applicable Laws and Policies

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.

- 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 704, Residential High Density includes a list of uses that are permitted in the RH zoning district and the zone development standards that apply to properties in that zone.
- Ames *Municipal Code* Chapter 29, Section 801, Neighborhood Commercial Zone includes a list of uses that are permitted in the NC zoning district and the zone development standards that apply to properties in that zone.
- Ames Municipal Code Chapter 29, Article 4, Section 7(e) outlines the zoning districts that prohibit front yard parking. A graphical illustration is included in the code:



## **Attachment I 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 May 19, 2011. The application was placed on hold by the applicant pending the outcome of a request for text amendment. On July 27 the applicant requested re-activation of the application. The Planning & Zoning Commission is to file its recommendations with the City Council within 90 days of when the application was received, which is October 18, 2011.
3. The subject property has been designated on the Land Use Policy Plan (LUPP) Future Land Use Map as Residential High Density.
4. The uses allowed in the Residential High Density (RH) zone are found in Table 29.704(2) of the *Municipal Code*.
5. The City's Traffic Engineer has recommended that if the front yard area on the northwest corner of the lot is to be converted into green space, a curb should be installed to prevent damage to it and better guide vehicular traffic.

**Attachment J**  
**Goals and Objectives of the Ames Land Use Policy Plan**

***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.***

- 1.A. Ames seeks to diversify the economy and create a more regional employment and market base. While continuing to support its existing economic activities, the community seeks to broaden the range of private and public investment.
- 1.C. Ames seeks to manage a population and employment base that can be supported by the community's capacity for growth. A population base of 60,000-62,000 and an employment base of up to 34,000 is targeted within the City. Additionally, it is estimated that the population in the combined City and unincorporated Planning Area could be as much as 67,000 and the employment base could be as much as 38,000 by the year 2030.

***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.***

- 2.A. Ames seeks to provide between 3,000 and 3,500 acres of additional developable land within the present City and Planning Area by the year 2030. Since the potential demand exceeds the supply within the current corporate limits, alternate sources shall be sought by the community through limited intensification of existing areas while concentrating on the annexation and development of new areas. The use of existing and new areas should be selective rather than general.
- 2.B. Ames seeks to assure the availability of sufficient suitable land resources to accommodate the range of land uses that are planned to meet growth. Sufficient land resources shall be sought to eliminate market constraints.
- 2.C. Ames seeks a development process that achieves greater compatibility among new and existing development.
- 2.D. Ames seeks a development process that achieves greater conservation of natural resources and compatibility between development and the environment.

***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.***

- 3.A. Ames seeks to provide biodiversity through the inclusion of plant and animal habitats. Their inclusion shall be provided through such methods as conservation management, protection, replacement, etc.
- 3.B. Ames seeks 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.
- 3.C. Ames seeks to protect and conserve its water resources for the following purposes: aquifer protection; water quality protection; user conservation management; plant and animal life support; water-borne recreation; scenic open space; and, provision of a long-term/reliable/safe source of water for human consumption and economic activities.

***Goal No. 4. It is the goal of Ames to create a greater sense of place and connectivity, physically and psychologically, in building a neighborhood and overall community identity and spirit. It is the further goal of the community to assure a more healthy, safe and attractive environment.***

- 4.A. Ames seeks to establish more integrated and compact living/activity areas (i.e. neighborhoods, villages) wherein daily living requirements and amenities are provided in a readily identifiable and accessible area. Greater emphasis is placed on the pedestrian and related activities.
- 4.B. Ames seeks to physically connect existing and new residential and commercial areas through the association of related land uses and provision of an intermodal transportation system.

***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.***

- 5.C. Ames seeks the continuance of development in emerging and infill areas where there is existing public infrastructure and where capacity permits.
- 5.D. Ames seeks to have the real costs of development borne by the initiating agent when it occurs outside of priority areas for growth and areas served by existing infrastructure.

***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.***

Objectives. In achieving a more mobile community, Ames seeks the following objectives.

- 7. A. Ames seeks to establish a comprehensive and integrated transportation system that includes automotive, public transit, pedestrian, bicycle and ride-sharing modes.
- 7. B. Ames seeks a transportation system that is linked with the desired development pattern of the overall community and areas therein.
- 7. C. Ames seeks to establish new transportation corridors that have been planned, in part, to minimize impacts on significant natural resources.
- 7. D. Ames seeks to increase the efficiency of existing traffic movement in reducing air pollutants from automobiles (e.g. improving intersection movements to minimize delays and conserve energy).
- 7. E. Ames seeks a development pattern that protects and supports the airport and its flight approach zones.

***Goal No. 9. It is the goal of Ames to promote expansion and diversification of the economy in creating a base that is more self-sufficient and that is more sustainable with regard to the environment.***

- 9.A. Ames seeks more diversified regional employment opportunities involving technology-related services and production, office centers and retail centers.
- 9.D. Ames seeks economic activities that are compatible and sustainable with its environment.

**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 2910 West Street, is rezoned from Neighborhood Commercial (NC) to Residential High Density (RH).

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**Real Estate Description:** A part of Lot 8 in Woodland Park Addition to the City of Ames, Story County, Iowa, being more particularly described as follows: Beginning at the Northwest Corner of said Lot 8; thence following the Northerly boundary of said Lot 8 N49°17'41"E, 36.49 feet; thence N88°50'44"E, 31.87 feet; thence departing said line S00°24'00"W, 85.88 feet to the Southeasterly line of said Lot 8; thence S31°36'59"W, 103.63 feet to the Southwest Corner thereof; thence N01°45'39"W, 149.75 feet to the point of beginning, containing 0.16 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 \_\_\_\_\_, 2011.

\_\_\_\_\_  
Diane R. Voss, City Clerk

\_\_\_\_\_  
Ann H. Campbell, Mayor