

COUNCIL ACTION FORM

SUBJECT: MCFARLAND CLINIC REQUEST TO REZONE PROPERTIES AT 119 EAST 12TH STREET & 1215 CARROLL AVENUE FROM URBAN CORE RESIDENTIAL MEDIUM DENSITY TO HOSPITAL-MEDICAL

BACKGROUND:

On June 14, 2011, the City Council conducted a public hearing regarding rezoning eight properties west of Carroll Avenue and between 11th and 13th Streets from Urban Core Residential Medium Density to Hospital-Medical. The purpose of the rezoning was to allow McFarland Clinic to construct a new office building at this location to support medical use in the Hospital-Medical zone.

The maps distributed to Council, the Planning and Zoning Commission, and affected neighbors during that rezoning process were all correct, and all discussion and comment was based on the parcels shown on those maps. However, mistakes were subsequently found in the legal descriptions included in the published notices and ordinance. This led to two of the eight properties being inadvertently omitted when the final ordinance was adopted. The attached Location Map shows the location of those two properties.

Since those two parcels have only completed a portion of the rezoning process, the final steps to rezone those parcels need to be repeated. This time, however, the Planning and Zoning Commission does not need to deal with this matter, since the Commission relied only upon the maps and not the legal descriptions in its earlier deliberations. Mailed notice of this rezoning hearing has been sent to owners of property within 200 feet of the two properties, and a sign has been posted on the subject property. Notice has been published in the newspaper of record beginning October 17. The City Council is now being asked to consider an ordinance rezoning the two parcels.

At the public hearing on June 14, 2011, the City Council had before it two Council Action Forms: one for a Land Use Policy Plan amendment for the eight parcels and one for the rezoning of the eight parcels. These Council Action Forms contained detailed information concerning the proposed rezoning and its impacts. Those Council Action Forms also included information provided by the applicant and other interested parties. The old Council Action Form pertaining to the rezoning of the eight lots is attached for your review.

Recommendation of the Planning & Zoning Commission. At its meeting of May 18, 2011, with a vote of 5-1 and 1 abstention, the Planning and Zoning Commission recommended that the City Council approve the proposed zoning map amendment of all eight subject properties west of Carroll Avenue from Urban Core Residential Medium Density to Hospital-Medical.

ALTERNATIVES:

1. The City Council can approve the proposed zoning map amendment of the subject properties at 119 East 12th Street and 1215 Carroll Avenue from Urban Core Residential Medium Density to Hospital-Medical.
2. The City Council can deny the proposed zoning map amendment of the subject properties at 119 East 12th Street and 1215 Carroll Avenue from Urban Core Residential Medium Density to Hospital-Medical.
4. The City Council can refer this request back to staff or the applicant for more information.

MANAGER’S RECOMMENDED ACTION:

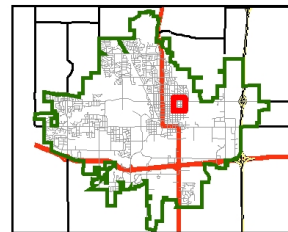
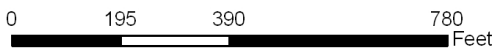
The proposed rezoning would be consistent with the Council’s previous action approving the Land Use Policy Plan Future Land Use Map amendment to change the land use designation of the subject properties west of Carroll Avenue from One-and Two-Family Medium-Density Residential to Medical. Furthermore, the City Council made a policy decision on June 14, 2011 to rezone eight properties to Hospital-Medical. The action being recommended now will correct a technical error related to two of these eight properties.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1, thereby approving the proposed zoning map amendment of the subject properties at 119 East 12th Street and 1215 Carroll Avenue from Urban Core Residential Medium Density to Hospital-Medical.

Location Map



**Location Map
E. 12th & Carroll Rezoning**



**PREVIOUS
COUNCIL ACTION FORM**

**SUBJECT: REQUEST FROM MCFARLAND CLINIC TO REZONE PROPERTIES
BETWEEN 11TH STREET AND 13TH STREET FROM URBAN CORE
RESIDENTIAL MEDIUM DENSITY TO HOSPITAL-MEDICAL**

BACKGROUND:

On April 6, 2011, the City Council referred to staff a letter from Steven E. Koger, CEO of McFarland Clinic, requesting a zoning map amendment for various properties west of Carroll Avenue between 11th Street and 13th Street, as well as a LUPP Future Land Use Map amendment to change the land use designation to Medical. On April 13, 2011, applications were received for this zoning map amendment and LUPP map amendment. This Council Action Form only addresses the zoning map amendment. A separate Council Action Form addresses the LUPP Future Land Use Map amendment.

McFarland Clinic proposes amending the zoning map to change zoning designation of the subject property from Urban Core Residential Medium Density (UCRM) to Hospital-Medical (See Attachment D: Existing Zoning for accompanying report on LUPP amendment and Attachment A: Proposed Zoning)

The subject property is comprised of eight parcels totaling 1.38 acres. The Clinic Building Company owns six of the parcels and Brenda Bowers and James H. Moore each own one of the parcels.

Surrounding Zoning. The UCRM zoning district extends to the east and south of the subject property for several blocks, except for three properties zoned S-HM just south of the subject property. The S-HM zoning district extends west to Kellogg Avenue and south several blocks. To the north of the subject property on the north side of East 13th Street the zoning district is Low Density Residential. (See Attachment D Existing Zoning for accompanying report on LUPP amendment)

Proposed Uses. McFarland Clinic has implied in the application materials that the proposed use will be offices for support operations for its clinics on the east side of Duff Avenue and one block west. The application includes only property for which McFarland Clinic can control the future use. The S-HM zoning ordinance will ultimately control the future uses of the property and permits the following uses: (Table 29.1001(2))

Hospital Clinic	Offices for Dental Care/Surgery
Medical Laboratory	Kidney Dialysis Facility
Pharmacy (including sale of sundries)	Child Day Care Facility
Pharmacy (limited to sale of prescription	Multi-Level Parking Facility
	Office of Ophthalmology, Optometrist, or

and nonprescription drugs)

Optician

The zoning ordinance also establishes several key physical development standards that affect intensity of use. One is that any building footprint may not occupy more than 65% of the area of its lot. Also, the lot area must have no more than 75% coverage by hard surfaces, such as rooftops, parking lots, and other paving. The rest of the area must be landscaping. The standards also set the minimum building height as 20 feet or two stories, whichever is greater, and the maximum building height is 80 feet or six stories, whichever is lower. (See entire Hospital/Medical Development Standards, Table 29.1001(3) in Attachment B)

Applicant's Statement of Support. The applicant has submitted the same narrative in support of this rezoning request that was submitted in support of the LUPP amendment. That narrative is Attachment G to the Commission Action Form on the LUPP amendment. That Commission Action Form also includes a summary of that narrative.

In reviewing the appropriateness of this site for rezoning to Hospital-Medical, staff's comments are similar to that made for the LUPP amendment. The Council Action Form on the LUPP amendment presented the analysis of the adequacy of existing infrastructure and city services and potential impacts of land use change.

Land Use Policy Plan. A concurrent request to designate this same subject property to Medical is also before the City Council. **If the City Council approves the proposed Land Use Policy Plan Future Land Use Map amendment to designate this land as Medical, then the requested rezoning is consistent with the Land Use Policy Plan.** In that case, the primary issue to consider separately from the LUPP amendment is whether there is any reason that the rezoning should not proceed at this time, but rather be delayed in order to draft enhanced development standards to mitigate concerns that have been raised.

Recommendation of the Planning & Zoning Commission. At its meeting of May 18, 2011, with a vote of 5-1 and 1 abstention, the Planning and Zoning Commission recommended that the City Council approve the proposed zoning map amendment of the subject properties west of Carroll Avenue from Urban Core Residential Medium Density to Hospital-Medical. Several people spoke in opposition to this proposed rezoning. The accompanying report on the LUPP amendment includes a summary of those comments.

ALTERNATIVES:

1. The City Council can approve the proposed zoning map amendment of the subject properties west of Carroll Avenue from Urban Core Residential Medium Density to Hospital-Medical.
2. The City Council can defer the proposed zoning map amendment of the subject properties west of Carroll Avenue from Urban Core Residential Medium Density to Hospital-Medical until staff has made recommendations to strengthen measures to mitigate the impacts of this land use change on other nearby uses and City Council

has taken action to enhance mitigation standards.

3. The City Council can deny the proposed zoning map amendment of the subject properties west of Carroll Avenue from Urban Core Residential Medium Density to Hospital-Medical.
4. The City Council can refer this request back to staff or the applicant for more information.

MANAGER’S RECOMMENDED ACTION:

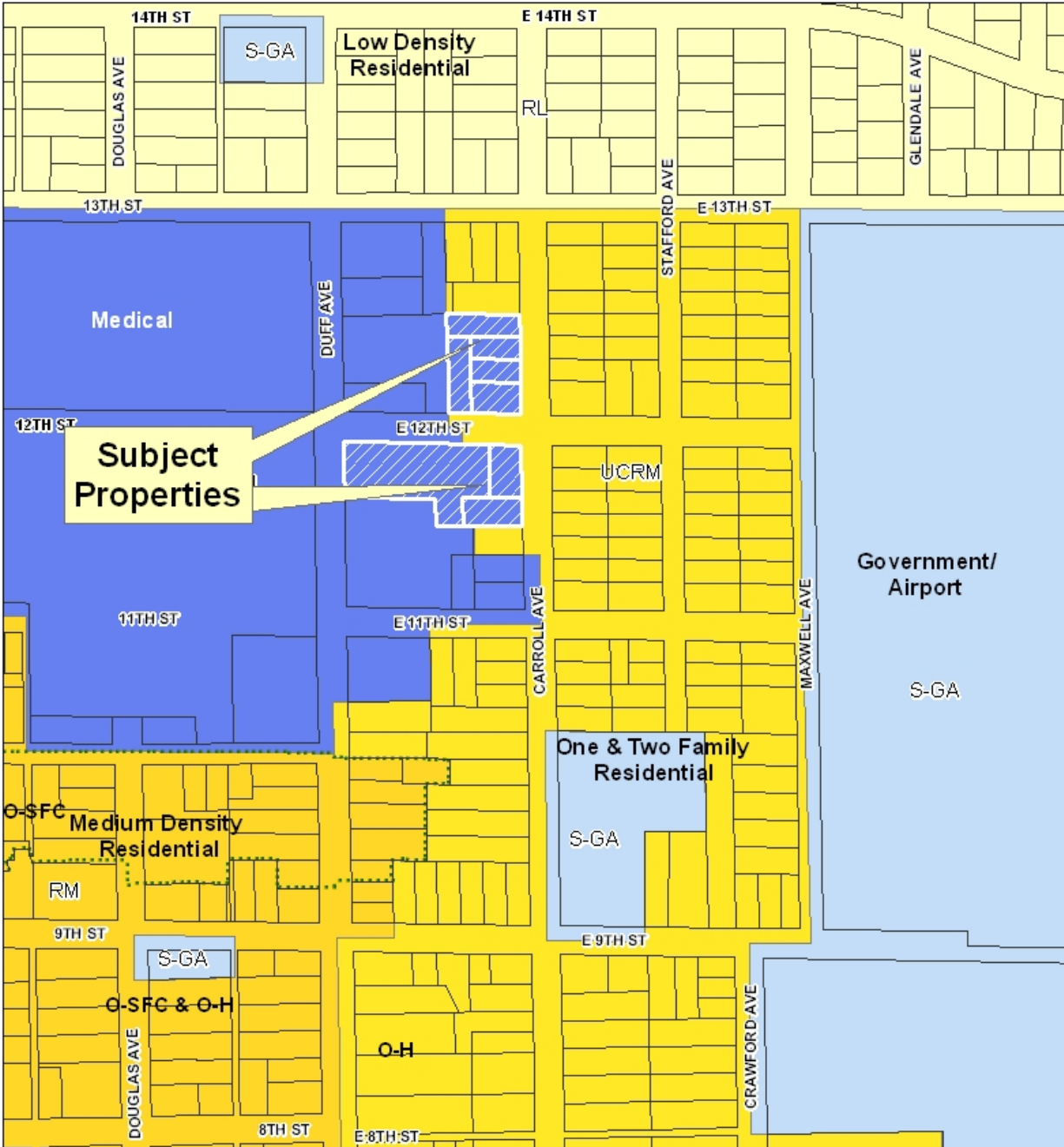
It is recommended that the City Council action on this proposed rezoning be consistent with the Council’s action on the proposed LUPP Future Land Use Map amendment to change the land use designation of the subject properties west of Carroll Avenue from One-and Two-Family Medium-Density Residential to Medical.

If the City Council approved the amendment to the LUPP Future Land Use Map, with no direction to work on additional measures to mitigate impacts of this land use change on nearby uses, it should act in accordance with Alternative #1, which is to approve the proposed zoning map amendment of the subject properties west of Carroll Avenue from Urban Core Residential Medium Density to Hospital-Medical.

If the City Council approved the amendment to the LUPP Future Land Use Map and also directed staff to make recommendations on strengthening measures to mitigate the impacts of this land use change on other nearby uses, it should act in accordance with Alternative #2, which is to defer the proposed zoning map amendment of the subject properties west of Carroll Avenue from Urban Core Residential Medium Density to Hospital-Medical until staff has made recommendations to strengthen measures to mitigate the impacts of this land use change on other nearby uses and City Council has taken action to enhance mitigation standards.

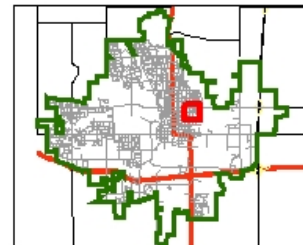
If the City Council denied the amendment to the LUPP Future Land Use Map, it should act in accordance with Alternative #3, which is to deny the proposed zoning map amendment of various properties west of Carroll Avenue from Urban Core Residential Medium Density to Hospital-Medical.

Attachment A Proposed Zoning



Proposed Zoning West Side Carroll 1100 & 1200 Blocks

0 265 530 1,060 Feet



Attachment B

Applicable Laws and Policies:

The laws applicable to this case file are as follows:

- 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 29.1001, “S-HM” Hospital/Medical includes a list of uses that are permitted in the “S-HM” zoning district.

Attachment B

Applicable Laws and Policies:

**Table 29.1001(3)
Hospital/Medical Design District ("S-HM") Development Standards**

DEVELOPMENT STANDARDS	REQUIREMENT
Minimum Lot Area	6,000 sq. ft
Minimum Principal Building Setbacks: Front Lot Line Side Lot Line Rear Lot Line Corner Lots	25 ft. 8 ft for 2 stories; 10 ft for 3 stories; 12 ft for 4 stories; 2 additional feet for each additional story 20 ft Provide 2 front yards and 2 side yards
Minimum Frontage:	35 ft @ street line; 50 ft @ building line
Maximum Building Coverage	65%
Maximum Site Coverage (includes all buildings, paving and sidewalks on lot)	75%
Minimum Landscaped Area	25%
Maximum Height Principal Building	80 ft. or 6 stories, whichever is lower
Minimum Height Principal Building	20 ft or 2 stories, whichever is greater (if any nonconforming structure is enlarged to the extent of 50% or more in floor area, whether through a single or cumulative expansions, such addition shall conform to this requirement)
Parking Between Buildings and Streets	Yes
Drive-Through Facilities	No
Outdoor Display	Yes
Outdoor Storage	No
Trucks and Equipment	Yes

(Ord. No. 3595, 10-24-00; Ord. No. 3911, 04-24-07)

(4) **Off-Street Parking Requirements.** The off street parking requirements for uses in the S-HM Design District are set forth in Table 29.406(2) of this Ordinance.

(5) **Landscaping, Screening and Buffering Requirements.** The landscaping, screening and buffering requirements applicable in the S-HM District for the purpose of providing a transition between S-HM District uses and adjacent residential areas, are set forth in Section 29.403 except as modified below.

(a) Where the boundary of the S-HM District is marked by a street, a buffer area not less than fifteen feet in width shall be maintained abutting the S-HM side of the street right-of-way. No structures shall be permitted in said buffer area except for a high screen or high wall that conforms to the requirements of Section 29.403(1)(c) or 29.403(1)(d), respectively. The buffer area shall be landscaped in accordance with the L1 standards set forth in Section 29.403(1)(a).

(b) Where the boundary of the S-HM District is marked by a lot line, a buffer area not less than eight feet in width shall be maintained abutting the S-HM side of the lot line. There shall be constructed and maintained in said buffer area, for its entire length, a high screen or high wall that conforms to the requirements of Section 29.403(1)(c) or 29.403(1)(d), respectively. The buffer area shall be landscaped in accordance with the L1 standards set forth in Section 29.403(1)(a).