

COUNCIL ACTION FORM

SUBJECT: REZONING OF PROPERTY LOCATED AT 2008 24th STREET FROM RESIDENTIAL LOW DENSITY (RL) TO RESIDENTIAL HIGH DENSITY (RH)

BACKGROUND:

On June 7, 2012, First Evangelical Free Church (property owner) and Northcrest Community (applicant) submitted a letter to the Ames City Council requesting that the City Council consider their request to grant a Land Use Policy Plan Map Change and a rezoning of the same property at 2008 24th Street from Low-Density Residential to High-Density Residential.

On July 10, 2012, the City Council passed a motion directing that the Land Use Policy Plan Map Change be processed as a “minor amendment.”

On August 2, 2012, the applicant submitted a completed application for a Land Use Policy Plan (LUPP) Map Change for analysis by City staff and consideration by the Planning and Zoning Commission and City Council. Northcrest Community intends to purchase the land from First Evangelical Free Church upon City Council approval of the LUPP Map Change and rezoning of the subject property for development as High-Density Residential.

On September 25, 2012 the City Council approved the minor amendment to change the LUPP land use designation to High Density Residential. The City Council also approved a motion for staff to work with the applicant to include conditions on the rezoning that would mirror the existing uses by Northcrest.

The City of Ames laws and policies that are applicable to this proposed rezoning are included in ***Attachment E***.

If approved, the proposed rezoning would bring the subject property into conformance with the Future Land Use Map (***see Attachment B***). The following tables provide the future land use designation and zoning of the subject property and other surrounding properties.

Direction from Subject Property	LUPP Map Designation	Zoning Map Designation
Subject Property	High-Density Residential	“RL” (Residential Low-Density)
North	Village/Suburban Residential	“S-GA” (Government/Airport)
East	High-Density Residential	“RH” (Residential High-Density)

South	Low-Density Residential	"RL" (Residential Low-Density)
West	Low-Density Residential	"RL" (Residential Low-Density)

Land uses that occupy the subject property and other surrounding properties are described in the following table:

Direction from Subject Property	Existing Land Uses/ Ownership of Properties
Subject Property	Church/ First Evangelical Free Church
North	Vacant Land/ Ames Community Schools
East	Senior Housing/ Northcrest Community
South	Single-Family Homes/ Individual Home Owners
West	Single-Family & Two-Family Homes/ Individual Home Owners

The subject area is already a developed lot and served by all City infrastructures. Public utility mains and streets are immediately adjacent to the subject property with infrastructure to serve a redevelopment of the site.

The present configuration of the subject property allows for access to the north onto 24th Street. If the rezoning is approved, it is the intent of the property owner to complete the purchase of the subject property and consolidate their existing property with the subject property into a single parcel of land.

The rezoning of this one parcel would be an extension of the "RH" (Residential High-Density) zone abutting the east property line of the subject property. The subject property is in a prime location as an infill site for high-density residential development given the access to 24th Street (a minor arterial), and access to 20th Street (a collector).

It should be noted that the Northcrest Community development abuts not only the subject property, but also presently abuts the low-density residential development to the south, occupied by single-family detached homes. Expansion of the Northcrest development would extend senior housing facilities to abut other single-family homes that front Prairie View East Street to the south and two-family dwellings that front Prairie View West Street along the western boundary of the site.

The back yards of the single-family lots to the south serve as a landscaped buffer between the houses and the subject property. It could be reasoned that the existing development as a religious institution is more intense in its nature than would be the extension of senior housing facilities on the subject property. The openness of the existing Northcrest Community development is very different than the large amount of impervious surface composed of buildings and parking lots/drives on the developed

church site. Extension of Northcrest and demolition of the existing church facilities, if developed in a manner similar to the existing senior housing facilities, would greatly increase the on-site open space and landscaped areas for storm water infiltration as compared to the more auto-dependent church development.

This zoning change to high-density residential is particularly compelling because it is a logical extension of high-density residential development to the west, and will transition to lower density development with landscaped back yards to the south and two-family dwellings to the west.

Several of the ten goal statements of the LUPP speak indirectly to this request for rezoning. However, Goal No. 5 seems to address the rezoning proposal most directly since it states that “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.” Objective 5.C.states: “Ames seeks continuance of development in emerging and infill areas where there is existing public infrastructure and where capacity permits.” This site could allow for intensification of development in an already developed area by utilizing an existing infill site for development of residential units, in an area where the public utilities are already in place to serve the site.

Based upon an analysis of the proposed rezoning and laws 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 subject property has been designated on the Land Use Policy Plan (LUPP) Future Land Use Map as “High-Density Residential.”
3. The “High-Density Residential” land use designation is implemented through the “RH” (Residential High-Density) zoning designation, which is what the applicant is requesting.

Based upon the analysis in this report, staff concludes that the proposed rezoning of the subject property is consistent with the Future Land Use Map, as well as the Goals and Objectives of the City of Ames Land Use Policy Plan. Staff believes the rezoning of the subject land would be a logical extension of the “RH” (Residential High Density) zoning to the east of this site.

If the zoning classification is changed to High-Density Residential but the subject property is not developed as senior housing, apartment buildings could be constructed on this land. The Zoning change could be approved with conditions that the use of the site be limited to uses, consistent with or existing on the current Northcrest senior care facility property. That could include such uses as senior housing consisting of townhome or apartment style residences, assisted living facilities, nursing care facilities

or specialized care facilities. There could also be a condition to not exceed existing building heights or be limited to 50 feet or 4 stories (this would be in line with the RM zoning district).

Recommendation of the Planning & Zoning Commission. At its meeting of November 28, 2012, with a vote of 6-0, the Planning and Zoning Commission recommended that the City Council approve the rezoning of 2008 24th Street from RL (Residential Low Density) to RH (Residential High Density) with the following conditions;

- 1) The use of the site be limited to only senior housing and/or senior services facilities, consistent with or existing on the current Northcrest senior care facility property, such as; senior housing consisting of townhome or apartment style residences, assisted living facilities, nursing care facilities or specialized care facilities, and
- 2) The maximum building height not exceed the existing building height of the current Northcrest property or 50 feet or 4 stories, whichever is lower.

Mr. David Miller, President of Northcrest, asked that the commission add language regarding “senior services” to the conditions outlined by staff. A member of the community asked the Commission if there was a study done on adjacent property values and also asked if the deal between the church and Northcrest fell through could apartments be built on the site. The Commission clarified that the conditions being discussed would limit the uses to mimic the existing Northcrest facility. Mr. Terry Dezonias, representing the First Evangelical Free Church thanked the staff for their work on this case as well as Northcrest and First Evangelical Free Church. He stated that he and the church are fully supportive of the project.

Conditions of Rezoning Request. Staff has met with the Northcrest representatives and has reviewed the Zoning Ordinance to determine what services can be permitted under the zoning classification of “RH” High Density Residential to accommodate the request from Northcrest and the condition of the Planning and Zoning Commission to allow for “senior services” on the property. Staff has found that uses listed under both categories of Group Living and Community Facilities could be limited for the property to accommodate the needs of the Northcrest facilities and still be in line with code for RH zoning. Staff also notes that a height condition as recommended by the Planning and Zoning Commission could also be included to help to minimize the impact to the surrounding properties and be consistent with the Council request to mimic the existing Northcrest facilities.

1. **Group Living:** *Defined as, “Residential occupancy of a structure by a group of people who do not meet the Household Living definition. Size is larger than the average household size. Average length of stay is 60 days or longer. Structures generally have a common eating area for residents. Residents may receive any combination of care, training, or treatment, or none of these as long as they also reside at the site.”*

Uses for the site be conditioned to include Group Living uses, limited to Assistant Living Facilities, Congregate Housing primarily dedicated to senior facilities, Hospices, and Nursing and Convalescent Homes and any

accessory recreational facilities permitted under the code accessory to the senior housing or nursing care provided on the site.

2. Community Facilities: *Defined as, “Uses generally providing a local service to people of the community. Services are generally provided on the site or employees are at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time (e.g. any senior citizen could join a senior center). The use may also provide special counseling, education, or training or a public, nonprofit or charitable nature. Alternative incarceration centers are not included in this definition.”*

Uses for the site be conditioned to include Community Facilities, limited to Community Centers, Senior Centers, and any accessory uses permitted under the code that would be accessory to the senior services provided on the site such as, offices, meeting rooms, food preparation areas, health and therapy areas, day care uses primarily dedicated to senior clients, and athletic facilities.

3. **The maximum building height not exceed the existing building height of the current Northcrest property or 50 feet or 4 stories, whichever is lower.**

If agreed upon by the Council, a development agreement has been drafted that accommodates the three use conditions as outlined in the report for the rezoning of the property at 2008 24th Street.

ALTERNATIVES:

1. The City Council can approve on first reading the ordinance to rezone the land located at 2008 24th Street from “RL” (Residential Low Density) to “RH” (Residential High Density) with the conditions noted in the attached development agreement.
2. The City Council can approve on first reading the ordinance to rezone land located at 2008 24th Street from “RL” (Residential Low Density) to “RH” (Residential High Density) without conditions.
3. The City Council can deny the request for rezoning of land located at 2008 24th Street from “RL” (Residential Low Density) to “RH” (Residential High Density).
4. The City Council can defer action on this request and refer it back to City staff and/or the applicant for additional information.

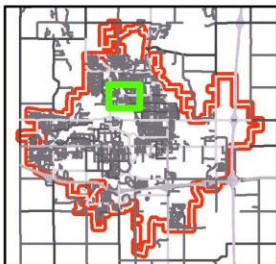
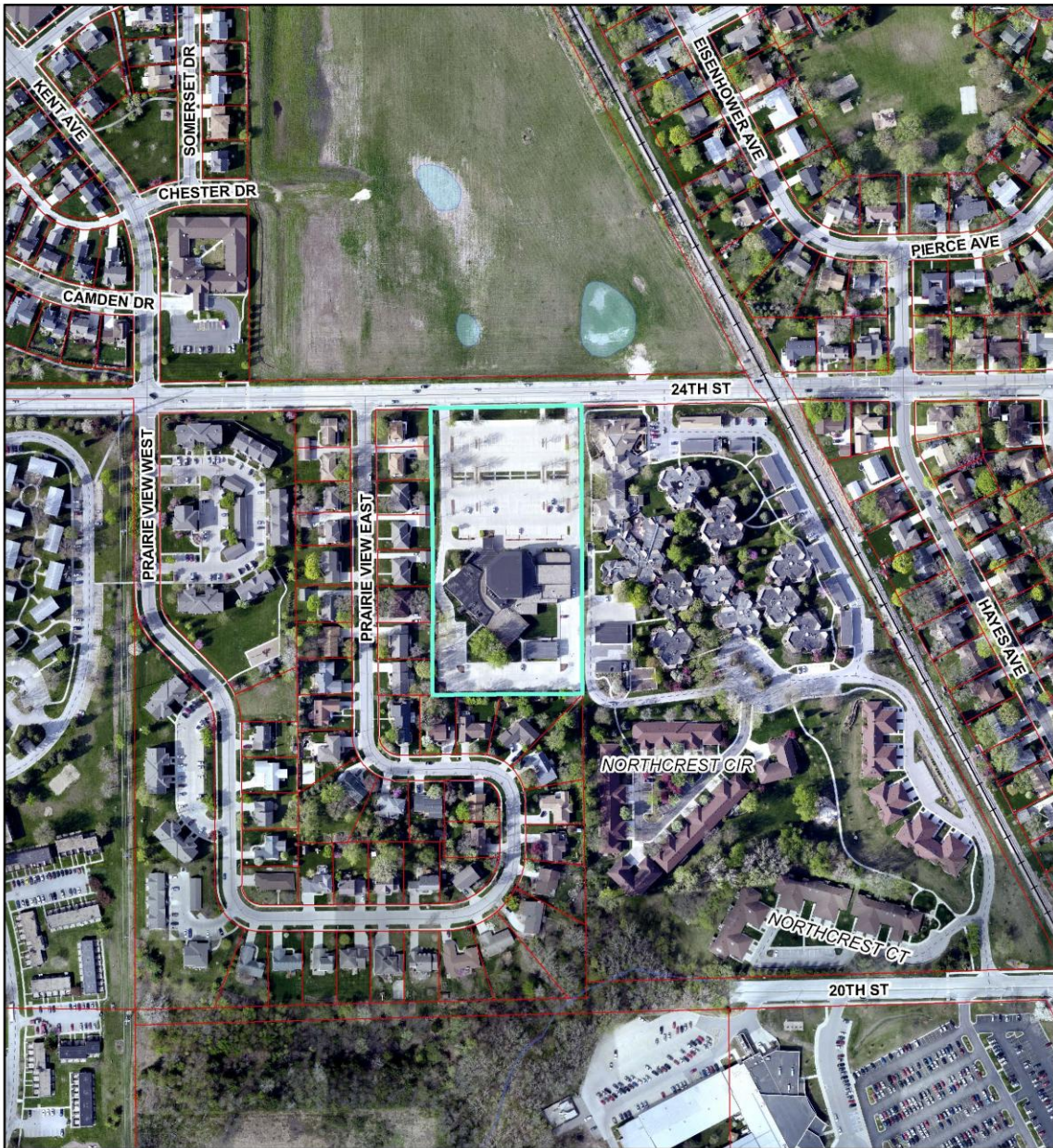
MANAGER’S RECOMMENDED ACTION:

With the inclusion of the outlined conditions of use which are in line with the request of the City Council and consistent with the City’s adopted Land Use Policy Plan, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby

approving on first reading the ordinance to rezone the land located at 2008 24th Street from “RL” (Residential Low Density) to “RH” (Residential High Density) with the conditions noted and outlined in the development agreement.

Attachment A

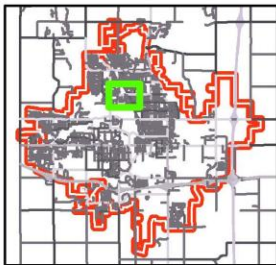
Location Map



Location Map

Attachment B

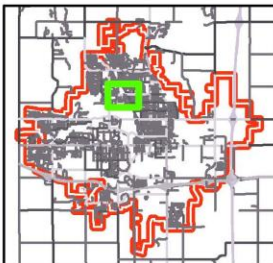
LUPP Future Land Use Map



Land Use Policy Plan Map

Attachment C

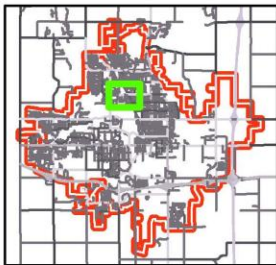
Existing Zoning



Existing Zoning

Attachment D

Proposed Zoning



Proposed Zoning

Attachment E

Applicable Laws and Policies

The laws applicable to the proposed rezoning at 2008 24th Street 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 property 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* Section 29. 701, Residential Low Density, includes a list of uses that are permitted in the Residential Low Density (RL) zoning district and the zone development standards that apply to properties in that zone.
- *Ames Municipal Code* Section 29. 704, Residential High Density, includes a list of uses that are permitted in the Residential High Density (RH) zoning district and the zone development standards that apply to properties in that zone

DO NOT WRITE IN THE SPACE ABOVE THIS LINE, RESERVED FOR RECORDER

Prepared by: Judy K. Parks, City of Ames Legal Department, 515 Clark Ave., Ames, IA 50010; 515-239-5146
Return recorded document to: City Clerk, City of Ames, 515 Clark Ave., P.O. Box 811, Ames, IA 50010

**DEVELOPMENT AGREEMENT PERTAINING TO
NORTHCREST EXPANSION SITE LOCATED AT 2008 24th STREET**

THIS AGREEMENT, made and entered into this ____ day of January, 2013, by and between the City of Ames, Iowa (hereinafter called “City”) and Northcrest, Inc. (hereinafter called “Developer”), their successors and assigns.

WITNESSETH THAT:

WHEREAS, First Evangelical Free Church owns property located at 2008 24th Street on which they have their main church structure and accessory uses, and Northcrest, Inc., is the owner of the property immediately to the south and abutting that of the church; and

WHEREAS, Northcrest, Inc., operates a continuing care retirement facility on the property immediately east of First Evangelical’s property, but Northcrest, Inc., finds that it needs additional land onto which it can expand its facilities; and

WHEREAS, the two entities have reached agreement whereby First Evangelical Free Church would sell its church building and land to Northcrest, Inc., contingent on a rezoning of the church parcel to allow for expansion of Northcrest’s facilities; and

WHEREAS, this proposal has been considered in open public meeting by the Ames City Council and conceptually approved with the first step being a Land Use Policy Plan map change; and

WHEREAS, the next step in furthering this would be a rezoning of the property, which the City has determined is appropriate if certain conditions are met; and

WHEREAS, this Agreement is to memorialize the conditions under which a rezoning is appropriate.

NOW, THEREFORE, the City and Northcrest, Inc., have agreed and do agree as follows:

I.
PURPOSE

- A. It is the purpose of this agreement to:
 - 1. Document, record and give notice of a certain plan of development with specific allowed uses and development conditions binding upon Developer as the prospective purchaser of this property, pursuant to which the City of Ames will rezone the property located at 2008 24th Street from RL (Low Density Residential) to RH (High Density Residential).
 - 2. Provide remedies to the City in the event the said plan of development is not adhered to or achieved by Developer.
- B. This agreement does not create or vest in any person, entity or organization, other than the City, any rights or cause of action with respect to any performance, obligation, plan, schedule or undertaking stated in this agreement with respect to the Developer. This agreement does not prevent the City from amending, modifying or releasing the Developer from some or all of the provisions of this agreement. No person shall have any cause of action or recourse against the City or Developer by reason of any such amendment, modification or release.

II.
CITY'S REMEDIES

- A. In that the Developer seeks to persuade and induce the City to approve a rezoning of the property for the development and improvement based on specific uses and intensities of development, the City shall not approve a Minor Site Development plan nor shall it issue a demolition permit, building permit, occupancy permit or any other approval or permit of the City with respect razing, excavation, construction, reconstruction, remodeling or use on the site unless said work and use are undertaken in accordance with the provisions of this agreement. No occupancy permit shall be granted for any use on the site which is not in conformance with the provisions of this agreement.
- B. All ordinances, regulations and policies of the City now existing, or as may hereafter be enacted, shall apply to the site.

III. USE RESTRICTIONS

A. Uses Restricted to Group Living and Community Facilities.

1. The Developer agrees that it shall restrict its uses on this site to either Group Living or Community Facilities, as follows:

Group Living is defined as “Residential occupancy of a structure by a group of people who do not meet the Household Living definition under the City of Ames Zoning ordinance. Size is larger than the average household size. Average length of stay is 60 days or longer. Structures generally have a common eating area for residents. Residents may receive any combination of care, training or treatment, or none of these, as long as they also reside at the site.”

Uses that the City will allow under “Group Living” that fit within the Developer’s intent are Assistant Living Facilities, Congregate Housing primarily dedicated to senior facilities, Hospices, Nursing and Convalescent Homes. Recreational facilities are the only permitted accessory use, defined as any building, structure, portions thereof, land or water designed and used for exercise, relaxation or enjoyment. These facilities shall be primarily dedicated to senior users.

Community Facilities are defined as “Uses generally providing a local service to people of the community. Services are generally provided on the site or employees are at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time (e.g. any senior citizen could join a senior center). The use may also provide special counseling, education or training of a public, nonprofit or charitable nature. Alternative incarceration centers are not included in this definition.”

Uses that the City will allow under Community Facilities that fit within the Developer’s intent are Community Centers and Senior Centers. Accessory uses can include offices, meeting rooms, food preparation areas, health and therapy areas, day care uses primarily dedicated to senior care, and athletic facilities primarily dedicated to senior users.

IV.
BUILDING HEIGHT RESTRICTION

A. Height restriction

The Developer agrees that it shall restrict the height of structures at or on this site to a maximum building height that does not exceed the existing building height of the current Northcrest, Inc., property, or fifty (50) feet, or four (4) stories, whichever is lower, for all buildings on this site.

V.
COVENANT WITH THE LAND

This agreement is binding on the premises legally described as follows:

The west one-half of the Northeast Quarter of the Southwest Quarter of the Northwest Quarter of Section 34, Township 84 North, Range 24 west of the 5th P.M., Ames, Story County, Iowa.

It is expressly understood that the terms and obligations of this agreement shall survive and remain in effect for the above-described premises regardless of whether these premises are consolidated or replatted with other land at a future time.

The obligations created by this agreement shall run with the land and shall be binding upon the Developer, its successors and assigns.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed effective as of the date first above written.

CITY OF AMES, IOWA, GRANTEE

By: _____
Ann H. Campbell, Mayor

Attest by: _____
Diane R. Voss, City Clerk

STATE OF IOWA, COUNTY OF STORY, ss:

On this _____ day of _____, 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared Ann H. Campbell, Mayor, and Diane R. Voss, City Clerk, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Notary Public in and for the State of Iowa

NORTHCREST, INC., GRANTOR

By: _____
David Miller, President

By: _____
Harris Seidel, Secretary

STATE OF IOWA, COUNTY OF STORY, ss:

This instrument was acknowledged before me on _____, 2013, by David Miller and Harris Seidel, as President and Secretary, respectively, of Northcrest, Inc.

Notary Public in and for the State of Iowa

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 at 2008 24th Street, is rezoned from Residential Low-Density (RL) to Residential High-Density (RH).

Real Estate Description: The West one-half of the Northeast Quarter of the Southwest Quarter of the Northwest Quarter of Section 34, Township 84 North, Range 24 West of the 5th P.M., Ames, Story County, Iowa, containing 5.07 acres, which includes 0.25 acres of existing public Right-of-Way.

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 _____, 2012.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor