

COUNCIL ACTION FORM

REQUEST: REZONE PROPERTY LOCATED AT 104 SOUTH HAZEL AVENUE FROM “S-GA” (GOVERNMENT/AIRPORT DISTRICT) TO “NC” (NEIGHBORHOOD COMMERCIAL)

BACKGROUND INFORMATION:

The owner of this property, Story County, is interested in rezoning approximately 1.24 acres at 104 South Hazel Avenue (See *Attachment A*) from “S-GA” Government/Airport District to “NC” Neighborhood Commercial.

Story County no longer uses the property or building for government services and desires to rezone the property for sale to a private social services organization known as Optima. The current building is principally an office building that previously was operated by Story County. Changing the zoning to NC would allow small scale commercial uses to operate on the property, subject to conformance with zoning standards. In contrast, if the property maintains its current S-GA zoning the property may only be allowed to be used for government related activities. This would considerably narrow the range of potential tenants or buyers.

The surrounding neighborhood consists primarily of single-family and some two-family homes and other uses along Lincoln Way. Story County owns and will continue to retain ownership of a group home facility on the property immediately south of this location.

The Ames Land Use Policy Plan (LUPP) Future Land Use Map shows the subject site with the One and Two Family Medium Density Residential land use designation. (See *Attachment C*) The applicant believes that the use of the site supports rezoning to NC because of the existence of a modern commercial office building on the property. To support the rezoning to NC, the Council would need to find the rezoning to be consistent with the LUPP overall, despite the lack of an underlying commercial zoning designation. Alternatively, the Council could determine that rezoning to UCRM is appropriate for the site based upon the underlying land use designation.

While NC zoning does not have its own distinct LUPP designation, the LUPP does describe this type of district as being integrated with residential neighborhoods. As stated in Chapter 2 of the Commercial Land Use Designations in the LUPP, *“Neighborhood Commercial represents existing clustered commercial land uses that integrate aesthetically and physically with existing adjacent residential neighborhoods. Since Neighborhood Commercial land use are among residential areas, higher design, building materials, and landscape standards apply.”*

Staff has reviewed the pattern of NC zoning across the community for consistency with

the above language from the LUPP and finds it to conform to the intent. NC zoning has been applied to areas with residential low density, residential high density, residential medium density, commercial, and Downtown Service Center. Generally, these areas reflect small sites with existing commercial uses that differ from their surrounding residential neighbors. Staff finds this to be the same situation for the Hazel site.

The Planning and Zoning Commission reviewed this request at its June 1 meeting and recommended rezoning 104 S Hazel from Neighborhood Commercial (NC) zoning district to Downtown Service Center (DSC) zoning district. Members of the public spoke concerning the allowed commercial use within the residential neighborhood. The Commission voted 6-1 in support of rezoning the site to NC.

CONTRACT REZONING:

Subsequent to the Planning and Zoning Commission, staff contacted the County to discuss if they would enter into a Contract Rezoning to limit use of the property to office and social service provider uses. These are the categories of use in the Zoning Ordinance that would best reflect the past 25 years of use of the site. County representatives indicated they are willing to contract rezone the property with the above limitation of use with NC zoning. The County has agreed to proceed with entering into a contract rezoning as discussed with staff (See Attachment F). This contract rezoning must be formally agreed to prior to the third reading of an ordinance for rezoning of a property.

ALTERNATIVES:

1. The City Council can approve on first reading rezoning of the property located at 104 South Hazel Avenue from “S-GA” (Government/Airport District Zone) to “NC” (Neighborhood Commercial), subject to a signed contract being completed with limits on the use of the site to office and associated social service provider uses prior to third reading.
2. The City Council can initiate a rezoning from “S-GA” (Government/Airport District Zone) to “UCRM” (Urban Core Residential Medium Density) for the property located at 104 South Hazel Avenue.
3. The City Council can deny the request for rezoning of the property located at 104 South Hazel Avenue, if the Council finds that the request is not consistent with the City’s regulations and policies.
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 fits within the context of the established use. The location along Lincoln Way is supportive of commercial uses and that the site – as a pre-existing modern commercial building – would be maintained as a permitted use rather than becoming a non-conforming structure in a residential zoning district. Adding a contract rezoning limitation that stipulates any future use must be an office use type can be justified based upon the nature of the proposed commercial designation and the interest to limit potential impacts to existing neighborhoods from an unanticipated future use of the property. Neighborhood Commercial zoning has standards in place and requirements for a special use permit based upon the specific site to ensure any future changes are designed to be compatible with the neighborhood.

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, thereby approving on first reading rezoning of the property located at 104 South Hazel Avenue from “S-GA” (Government/Airport District Zone) to “NC” (Neighborhood Commercial), subject to a signed contract being completed with limits on the use of the site to office and associated social service provider uses prior to third reading.

ADDENDUM

REZONING BACKGROUND:

Existing Site. The property totals approximately 53,940 square feet. The site has frontage along South Hazel Avenue and Lincoln Way. The current structure on the property was constructed in 1990 and has had parking additions constructed throughout the years.

The current site layout presents non-conformities with regard to lot size limits in the Neighborhood Commercial Zoning District. The primary issue is the site was not developed with a Special Use permit, which is required due to overall size of the site. Future construction or modifications to the current building will require a Special Use Permit to be obtained from the Zoning Board of Adjustment per the requirements of the Zoning Ordinance.

Existing Land Use Policy Plan. The LUPP Map designates the property as One and Two Family Medium Density Residential. The One and Two Family Medium Density designation exists all throughout the nearby neighborhood in all directions. Based on the LUPP Map, this designation supports both the UCRM Urban Core Medium Density Zone while also not prohibiting the NC Neighborhood Commercial Zone. Therefore it can be concluded that the proposed re-zoning of the property is consistent with the LUPP overall based upon the language describing the intent for neighborhood commercial locations that do not have a specified LUPP Map designation.

Zoning. The Government/Airport (S-GA) District exists on the property proposed for rezoning as well as the property to the immediate south abutting this property. The S-GA zoning designation is reserved for government facilities such as School, state, federal and City owned properties. The S-GA zoning has been in place at this location since 2000. S-GA is a unique zoning district that does not have specified base zone standards, but in turn has a limited range of allowed use targeted as government services.

The Neighborhood Commercial zone is intended for small areas in or near residential neighborhoods. Uses are restricted in size to promote local orientation to limit adverse impacts on nearby residential areas with development intended to be pedestrian oriented and compatible in scale with surrounding residential areas. Parking is strictly regulated to promote residential compatibility and character.

Infrastructure. The site is fully served by City infrastructure. Sanitary sewer and water are available, as is electric service.

Access. Vehicular access is provided to the site from South Hazel along the west side of the property. No traffic improvements are anticipated.

Applicant's Statements. (See Attachment D)

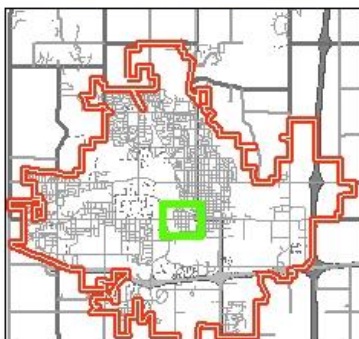
Findings of Fact. Based upon an analysis of the proposed rezoning and laws pertinent to the applicant's request, staff makes the following findings of fact:

1. Ames *Municipal Code Section 29.1507(2)* allows owners of fifty percent (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 owner of this single parcel has requested the rezoning.
2. The subject property has been designated on the Land Use Policy Plan (LUPP) Future Land Use Map as "One and Two Family Medium Density Residential."
3. The "One and Two Family Medium Density Residential" land use designation can also accommodate the "NC" (Neighborhood Commercial) zoning designation as described within Chapter 2 for Commercial uses.
4. Under the "NC" zoning designation, small scale office development can be accommodated subject to the Zone Development Standards allowed within this zone, as described in Chapter 29, Article 7, of the Municipal Code.
5. Infrastructure is available to this site. The owner will need to ensure any necessary upgrades to the services at this site are coordinated through public works should a new structure be constructed on this site in the future.
6. Access to this site is from South Hazel Avenue, a public street right-of-way. There is no direct access to the arterial roadway of Lincoln Way.

Public Notice. Notice was mailed to property owners within 200 feet of the subject site and a sign was posted on the subject property. As of this writing, no comments have been received.

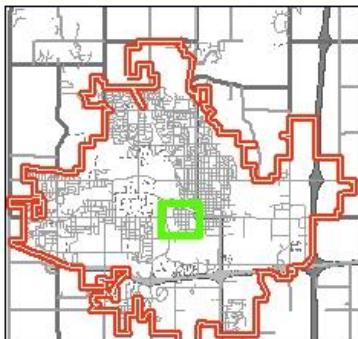
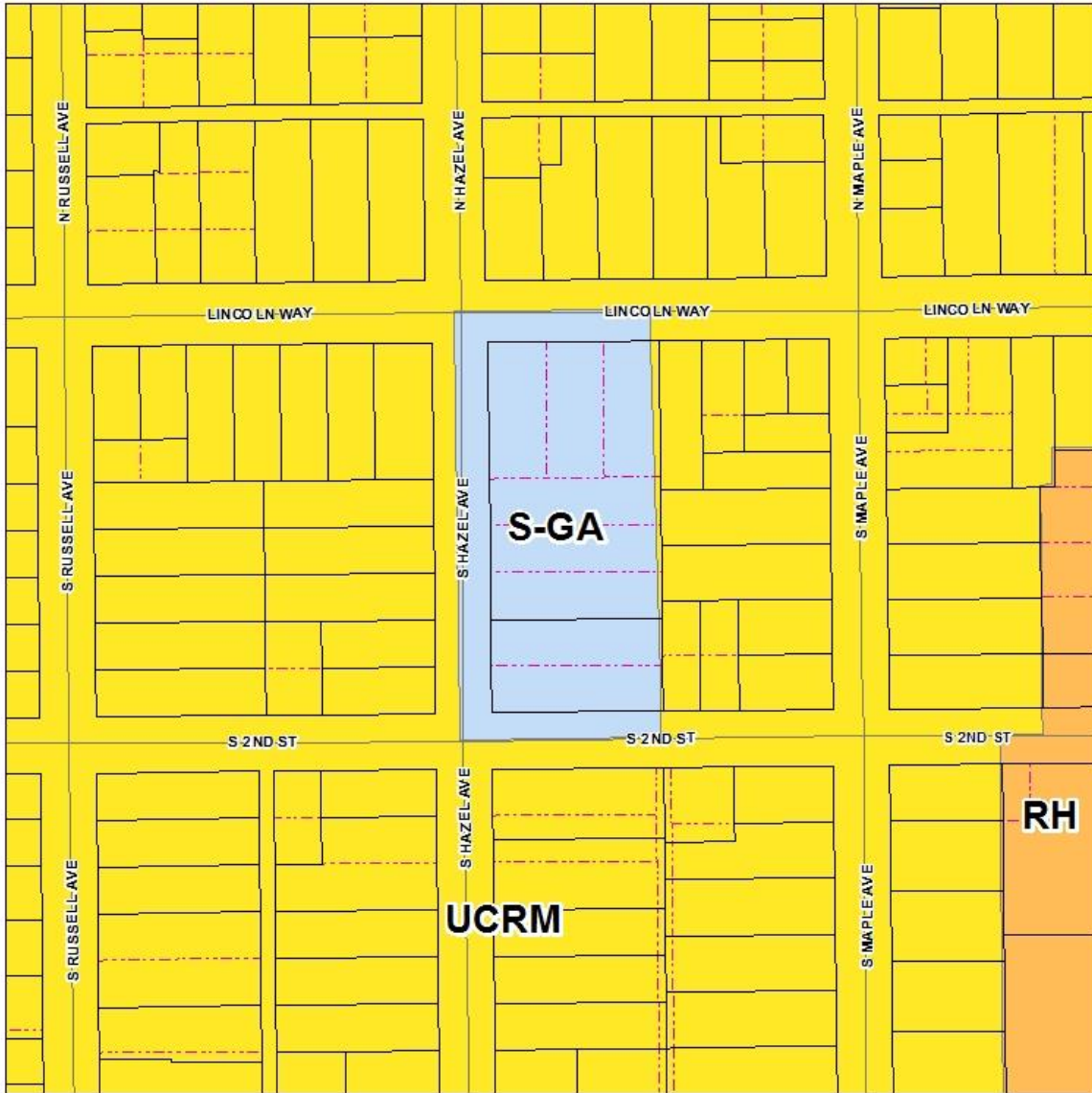
Conclusions. Based upon the analysis in this report, staff concludes that the proposed rezoning of the subject property is consistent with the Future Land Use Map, as well as the Goals and Objectives of the City of Ames Land Use Policy Plan.

Attachment A- Location Map



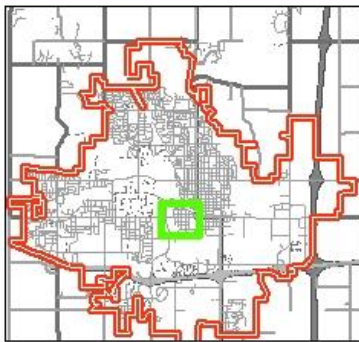
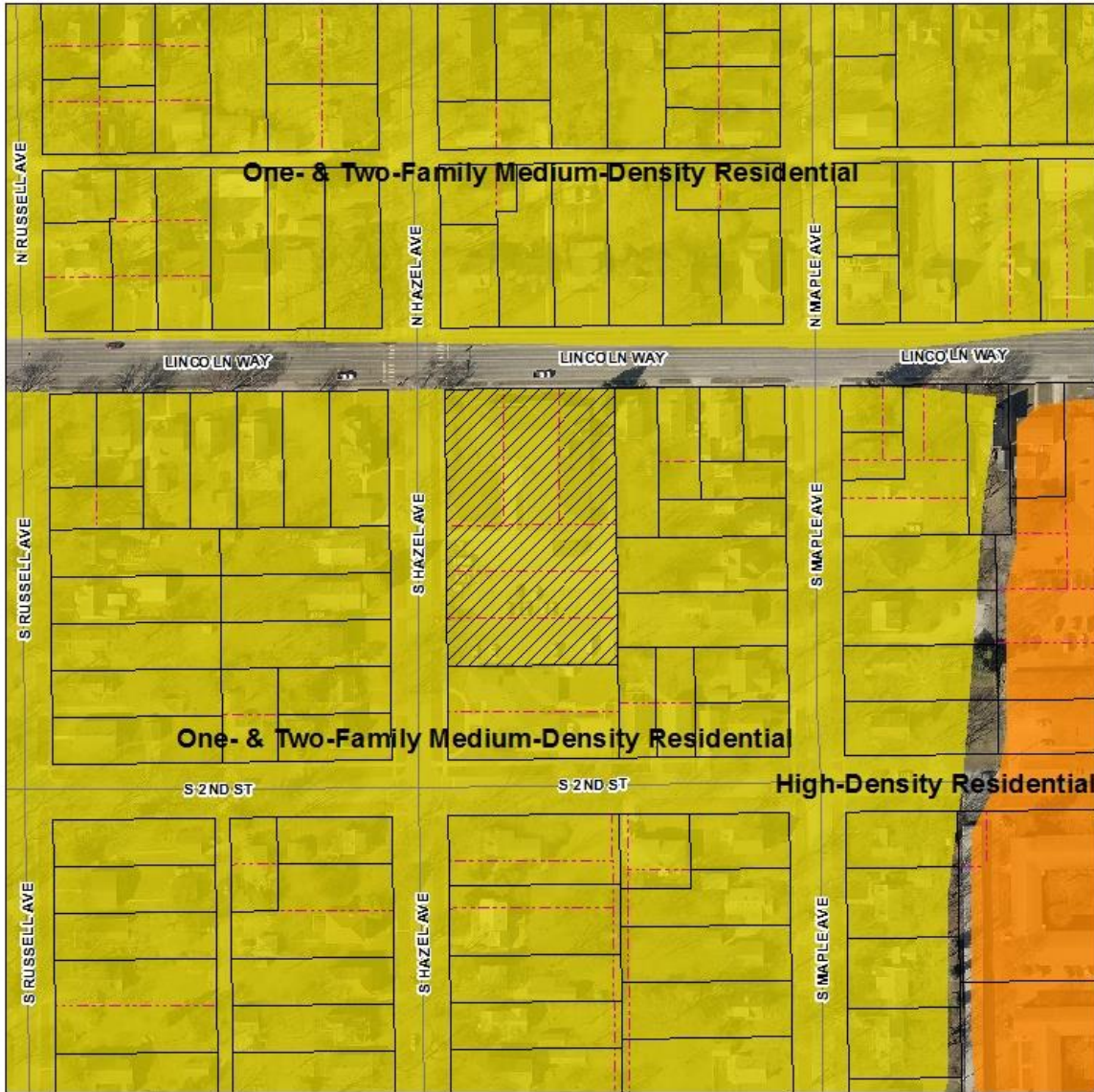
**Proposed Rezoning
104 South Hazel Avenue**

Attachment B- Current Zoning



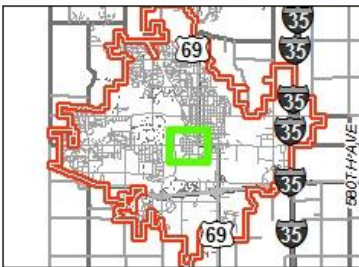
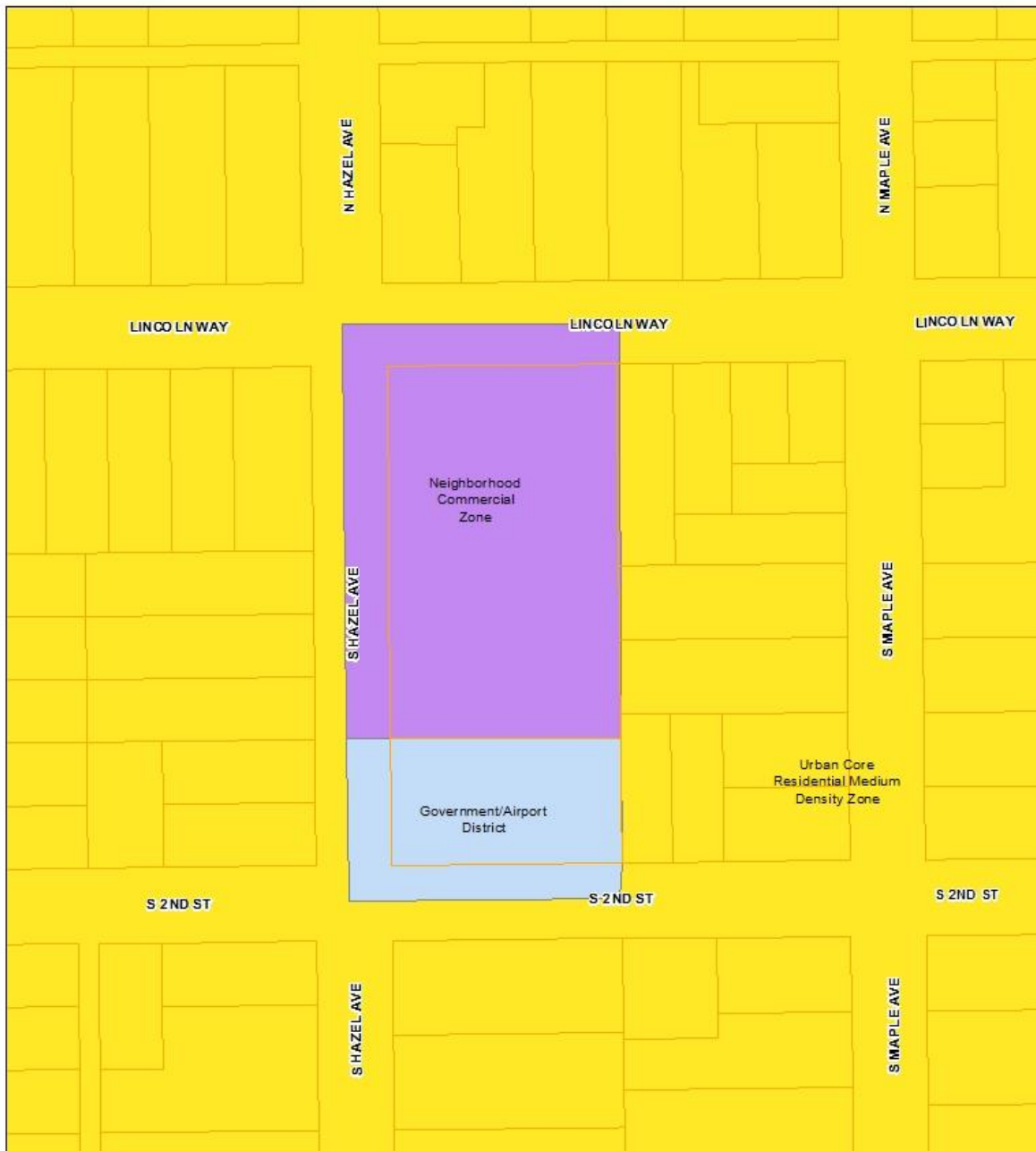
Current Zoning
104 South Hazel Avenue

Attachment C-LUPP Designation



**LUPP Designation
104 South Hazel Avenue**

Attachment D- Proposed Rezoning



Proposed Rezoning 104 South Hazel Avenue

Attachment E- Applicant Statement



Story County Planning and Development
Administration Building
900 6th Street, Nevada, Iowa 50201
Ph. 515-382-7245
www.storycountyiowa.gov

April 18, 2016

Ames Planning and Zoning Commission & Ames City Council
City of Ames
515 Clark Avenue
Ames, Iowa 50010

Subject: Requested Rezoning of the subject property located at 104 S Hazel Avenue

To the Ames Planning and Zoning Commission & Ames City Council:

Thank you for your consideration of Story County's Rezoning Request for approximately 1.24 acres of the property located at 104 S Hazel Avenue. We respectfully request a zoning map amendment change from the S-GA Government Airport District to the NC Neighborhood Commercial Zone.

Reason for Requesting Rezoning

The subject property located at 104 S Hazel Avenue (proposed Parcel A) is currently owned by Story County. The existing building located on the property was constructed in 1990 for community based human services benefiting persons with physical and mental disabilities. Due to the regionalization of mental health services by the State of Iowa on May 1, 2015 Story County outsourced this service to Optima Life Services, a for-profit organization. Optima has been serving people with physical and mental disabilities for over 22 years and has operations in 21 counties, five located within central Iowa. In general, Optima provides integrated services and support to persons with physical and mental disabilities including helping them live successfully in the community they choose, with the services and support they need and desire, and to move toward a personal vision of achieving individual goals. While the use of the property will continue, Story County proposes to sell the land (1.24 acres) and building to Optima. The subject property (proposed Parcel A) will be created through a division of the original parcel through a Plat of Survey and will include Lots 1-6 Block 1 Lincoln Place Addition. The balance of the original parcel (proposed Parcel B .42 acres) will consist of Lots 7 & 8 Block 1 Lincoln Place Addition. The use of the existing building located within proposed Parcel B at 124 S Hazel Avenue, is an eight person unit group home for persons with physical and mental disabilities. This use will continue and the building and property will also continue to be owned by Story County. This property is not, however a part of the rezoning request and will continue to be zoned S-GA Government Airport District.



Attachment E Continued



Story County Planning and Development Department
Ph. 515-382-7245 Fax: 515-382-7294

Consistency of this rezoning with the Land Use Policy Plan

The subject property is located generally in the southwest area of the Urban Core area of the Ames Land Use Policy Plan located on the south side of Lincoln Way amid an established mixed use area that includes single family, two family, and high density housing, a church (Ames Meeting of the Religious Society of Friends) and near the Iowa Department of Transportation's main headquarters. The subject property has the government overlay designation and it is surrounded by the one and two family medium density residential designation. While Story County plans to sell the subject property the use of providing daily assistance to persons with physical and mental disabilities will continue benefiting many clients, the neighborhood and the community. The subject property is also in close proximity (directly west) of the South Lincoln Sub Area. The requested rezoning is compatible with the surrounding uses in the neighborhood and its also consistent with the goals for the South Lincoln Sub Area.

Goals for the South Lincoln Sub area include:

1. Encourage sense of place.

The use of the subject property has existed for 26 years and will continue to provide a valuable service to the neighborhood and entire community.

2. Continue develop as most mixed use areas also limit impact of conflicts and challenges associated with integrating a variety of land uses.

The building located on the subject property is providing a unique service to the neighborhood and community that is not provided by the adjacent or nearby properties. The property has frontage on Lincoln Way and S Hazel Avenue including off street parking on the south side of the building with two separate accesses off of S Hazel Avenue. The eight unit group home located to the south also has double frontage on S Hazel Avenue and S 2nd St and primarily shares off street parking with the subject property and also has a separate off street parking area with a separate access off of S 2nd Street. The uses adjacent to the subject property primarily include single and two family residential dwellings, residential high density facilities, and a church and the Iowa Department of Transportation's main headquarters located to the east.

3. Help increase supply of housing and provide wider range of housing choices.



Attachment E Continued



Story County Planning and Development Department
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The use of the subject property primarily provides daily services to persons with physical and mental disabilities. The building south of the subject property however is an eight person unit group home that will continue to be owned by Story County.

4. Provide clear simply effective strategies for implementing.

Optimae plans to continue offering services to persons with physical and mental disabilities that previously were offered by Story County. No further division of the subject property is planned for housing or commercial uses, however the property to the south will continue to be owned by Story County and used as an eight person unit group home for persons with physical and mental disabilities.

Current Zoning

S-GA Government Airport District

Proposed Zoning

NC Neighborhood Commercial Zone

Proposed Use

The existing use of the subject property will continue under the new ownership of Optimae. Optimae is a community based human services agency that assists persons with disabilities to live, learn, work and socialize in their environment of choice. The program utilizes a person-centered approach to service delivery that recognizes the unique needs and abilities of all persons served. Each person's program is individualized to enable them to advance their goals. The program focuses on interventions that develop skills and supports needs in particular environments.

The use of the subject property as described above relates partly to Community Facilities and Social Service Providers identified in Article 8, Commercial Zones of the City's Municipal Code Chapter 29, Section 29.801 (2) both permitted uses in the requested NC Neighborhood Commercial Zone. According to the Ames regulations, Community Facilities may include services provided to persons at the site that are on-going, special counseling, education, and training for public, nonprofit or charitable organizations. Also Social Service Providers uses include on-site counseling and meals.



Attachment E Continued



Story County Planning and Development Department
Ph. 515-382-7245 Fax: 515-382-7294

Legal Description

Parcel 'A':

Lots 1-6 in Block 1 of Lincoln Place Addition to the City of Ames, Story County, Iowa, all together being more particularly described as follows: Beginning at the Northwest Corner of said Lot 3; thence N89°24'09"E, 182.14 feet to the Northeast Corner of said Lot 1; thence S00°31'31"E, 295.92 feet to the Southeast Corner of said Lot 6; thence S89°27'38"W, 182.54 feet to the Southwest Corner thereof; thence N00°26'53"W, 295.74 feet to the point of beginning, containing 1.24 acres.

Land Area

1.24 acres (53940.97 sq. ft.)

Thank you for your consideration of the requested rezoning of the subject property located at 104 S Hazel Avenue from the S-GA Government Airport District to the NC Neighborhood Commercial Zone.

Sincerely,

A handwritten signature in black ink that reads "Jerry L. Moore". The signature is written in a cursive style with a long, sweeping underline.

Jerry L. Moore, Planning and Development Director



Attachment F

Assistants, Nevada Office
-Criminal
Joseph S. Danielson
Shean D. Fletchall
Tyler J. Grimm
Jonathan L. Holscher
Adam J. Kenworthy
Timothy C. Meals
Tiffany L. Meredith
Jesse T. Ramirez
Crystal W. Rink

1st Assistant-Civil
Jessica A. Reynolds

STORY COUNTY ATTORNEY Stephen H. Holmes

Story County Courthouse
1315 South B Avenue
Nevada, Iowa 50201

(515) 382-7255
FAX (515) 382-7270

Assistants, Ames Office
126 S. Kellogg
Suite 203, 50010
(515) 232-4185
FAX (515) 232-6405

-Civil
Ethan P. Anderson
-Juvenile, Commitment
Shawna M. Johnson
Lynnette Van Wyngarden
-Simple Misdemeanor
Benjamin Matchan

Friday, June 24, 2016

Justin Moore
City of Ames
515 Clark Ave.
Ames, IA 50010

Mr. Moore,

This letter is a follow up to our phone conversation earlier this week, the County would like to add the contract provisions to the rezoning of 104 S. Hazel Ave., Ames Iowa. My understanding is that this would limit the future use to "office and associated social service provider uses" only. As we don't have a definitive answer from the Buyer on their position, we would like to reserve the right to revisit this contract if and/or when the Buyer has any objections.

Thanks for your help with this matter, and please let me know if I can be of further assistance.

Sincerely,

/s/ Ethan P. Anderson

Ethan P. Anderson
Assistant Story County Attorney

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 104 South Hazel Avenue, is rezoned from Government/Airport District (S-GA) to Neighborhood Commercial (NC).

Real Estate Description:

Survey Description-Parcel 'A':

Lots 1-6 in Block 1 of Lincoln Place Addition to the City of Ames, Story County, Iowa, all together being more particularly described as follows: Beginning at the Northwest Corner of said Lot 3; thence N89°24'09"E, 182.14 feet to the Northeast Corner of said Lot 1; thence S00°31'31"E, 295.92 feet to the Southeast Corner of said Lot 6; thence S89°27'38"W, 182.54 feet to the Southwest Corner thereof; thence N00°26'53"W, 295.74 feet to the point of beginning, containing 1.24 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 _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor