

COUNCIL ACTION FORM

REQUEST: REZONING OF COMMUNITY COMMERCIAL/RESIDENTIAL (CCR) WITH A MASTER PLAN AMENDMENT FOR 1114 SOUTH DAKOTA AVENUE

BACKGROUND INFORMATION:

Dickson and Luann Jensen own a 4.68 acre parcel on the northeast corner of South Dakota Avenue and Mortensen Road that was zoned Community Commercial/Residential (CCR) with a Master Plan August 22, 2017 (Attachment A). The 2017 rezoning with Master Plan approval limited the site to development of commercial trade and office uses with an option for mixed use multiple-family residential development limited to 48 units made up of only one and two bedroom units. The Plan also restricted use of the site for short-term lodging. The Master Plan did not include specific site design parameters. The approved Master Plan is Attachment E.

At a recent meeting with staff, it was pointed out to the applicant that this use is not allowed under the current Master Plan for this site, as Vehicle Service Facilities are listed under the Miscellaneous Use Category and not as a Commercial Trade Use. **The purpose of the proposed amendment to the Master Plan is to amend the permitted uses to allow Miscellaneous Use of Vehicle Service Facilities, including gas stations. The applicant refers to the use as a convenience store.**

At the time of the 2017 rezoning approval, the site was zoned F-PRD and had been used as church for a number of years. The church has been demolished and the site is currently vacant. The 2017 rezoning included a discussion of appropriate zoning options to change from residential to a commercial zone and the general compatibility and desirability of different uses. The condominium owners north of the site had concerns about buffering and certain uses, including short term lodging. The applicant ultimately proposed to develop the site with the master plan limitations on use as were approved. In 2017 there was no discussion of Miscellaneous Uses.

After a preliminary review meeting with the applicant, Staff indicated to the developer that the gas station use is classified as a Miscellaneous Use and would require an amendment to the Master Plan. There are many uses that fall under this category besides Vehicle Service Facilities. A table of uses permitted that fall under the Miscellaneous Use category can be found in Attachment B. Most of the uses would not be considered appropriate for this area based upon the desire for commercial uses that serve the immediate area. **In order to support future compatibility of development in this area, staff is recommending that only the Vehicle Service Station use be added to the Master Plan rather than the entire category of Miscellaneous Uses.**

The developer proposes to maintain the residential use as part of the Master Plan. In CCR

zoning residential development is only allowed when located above non-household living uses. Other commercial buildings with residential above could be built adjacent to the gas station. This would be a relatively close proximity of a use that is typically seen as less desirable for compatibility to residential uses due to the hours of operation, lighting, and traffic levels. There are limited examples of this type of proximity in the city, with the Kum n Go at the corner of Lincoln Way and South Dakota Avenue as the most analogous condition that also has buffering between the uses. However, this site may or may not develop with both uses. Keeping the residential use as a permitted use within the Master Plan allows the developer flexibility for development when marketing the site and is desired as an option by the applicant.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission held a public hearing on February 20th to review the proposed request. The applicant and one neighbor spoke concerning the project and supported the proposed change. The Commission raised concerns regarding the implications of a gas station at this location. Topics concerning potential car and pedestrian conflicts given the number of apartments in the area and the proximity to the middle school, access onto South Dakota, general design of the site given the proximity to the Southwest Gateway Overlay District, and appropriateness of the use situated along arterial streets. **The Planning and Zoning Commission was deadlocked with a 3-3 vote to approve and a 3-3 vote to deny the request due to the current vacancy on the Commission. Ultimately, the Commission voted 5-1 to send the request onto City Council with no recommendation regarding the proposed change.**

ALTERNATIVES:

1. The City Council can approve on first reading of an ordinance to amend the CCR Zoning District with Master Plan for the following use allowances and limitations subject to receipt of an amended zoning agreement by the third reading of the ordinance:
 - a) Vehicle Service Stations (e.g. gas station, car wash, minor auto repair)
 - b) Stand-alone office and commercial trade;
 - c) Maximum of 48 household living apartments with office or commercial trade uses below, not to exceed two bedrooms per unit; and
 - d) Prohibit Short-Term Lodging

2. The City Council can approve an amendment to the CCR Zoning District with Master Plan to allow the following uses subject to receipt of an amended zoning agreement for the following uses:
 - a) Miscellaneous Uses
 - b) Stand-alone office and commercial trade;
 - c) Maximum of 48 household living apartments with office or commercial trade uses below, not to exceed two bedrooms per unit; and
 - d) Prohibit Short-Term Lodging

3. The City Council can deny the addition of Miscellaneous Use/Vehicle Service Facility as a permitted use within the Master Plan for the site.

CITY MANAGER'S RECOMMENDED ACTION:

As noted in the attached addendum, the proposed rezoning is consistent with the Land Use Policy Plan land use designations and policies. A Community Commercial Node is shown on the LUPP map at the interchange with Highway 30 that is south of the site. The CCR Node was created to provide for large scale commercial uses to serve west Ames and the Southwest Growth Area. CCR, Community Commercial/Residential zoning is intended to create clustered development as compared to strip commercial development. The existing zoning and master plan allow for the site to be developed in a consistent manner of the CCR node. The addition of Vehicle Service Station use, will allow for a gas station to be developed along with other allowed uses under the Master Plan and still maintain a development that is compatible with surrounding development.

Development of a gas station would not use the entire 4.6 acres included in the Master Plan, providing room for other permitted uses to be developed. Issues such as vehicle trips, access and auto and pedestrian movement would be evaluated through the Minor Site Development Plan review and approval process. Therefore, staff is recommending to add the specific use type Vehicle Service Station as allowable. **Therefore, it is the recommendation of the City Manager that the City Council supports Alternative #1, which is to approve the Master Plan amendment subject to the four allowances/limitations listed above and receipt of an amended zoning agreement.**

ADDENDUM

Existing Land Use Policy Plan. As stated in the August 2017 rezoning report, the LUPP designation of the subject site is Low Density Residential with a Community Commercial Node shown at the interchange with Highway 30 that is south of the site. This area is also with the Gateway Protection area associate with Highway 30/South Dakota interchange as a gateway into the community.

The CCR Node was created to provide for large scale commercial uses to serve west Ames and the Southwest Growth Area. The LUPP also identifies the Highway 30 interchange as warranting aesthetic enhancement as a gateway to the City. At the time of the adoption of the 1997 LUPP, there was minimal development in west Ames and no commercial development. Two commercial zones are options for implementation of the CCR Node. The two zones are the Convenience Commercial Node and Community Commercial/Residential. Each of the zones permit a wide range of trade and office uses, with the principal difference being that CCR permits mixed use residential. Both Node zoning choices were intended to create clustered development as compared to strip commercial development typically associated with Highway Oriented Commercial zoning.

The CCR Node is intended to encompass between 40 and 75 acres and 100,000-800,00 gross square feet of commercial development. The gross area of this Southwest CCR Node with CCN zoning and CCR zoning is 57 acres. While a square foot total was not calculated, some of the existing development is not made up of commercial uses intended to serve the community, e.g. the Iowa State Women's Basketball Complex. The acreage and potential square footage of this site is not inconsistent with the expectations of the LUPP due to current mix of uses in the area and the underdevelopment of commercial square footage.

When determining consistency of a rezoning with the Land Use Policy Plan, it must be consistent with the Land Use Policy Plan Land Use Map as well as other policies of the Plan. Nodes are meant to be a general depiction of land use intent and overlay other land use designations. This means that although the land use designation is Low Density Residential, a change to commercial zoning can be found to be consistent with the LUPP because of the Node. This is similar to the existing commercial zones in this area that all have a residential land use designation, even though they are developed as commercial properties. Applying the Gateway Overlay to the property could also be found consistent with the LUPP.

Existing Zoning. The site is zoned Community Commercial/Residential with a Master Plan. CCR zoning district was created and applied to this area in response to the already approved mixed use developments. CCR zoning was modified in 2008 to clarify that household living is only allowed above a non-residential use and cannot be permitted above short term lodging that occurred within part of the West Towne Condominiums project. The area to the south of the subject site is zoned RH, Residential High Density. An excerpt of the zoning map can be found in Attachment A.

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

Direction from Subject Property	Existing Land Uses
Subject Property	Vacant
North	Willow Creek Estates Condominiums
East	University West Apartments
South	Coconino Place and University West Apartments
West	Commercial/Vacant

Master Plan. The City Council has the authority to require a Master Plan for a rezoning if the area will contain more than one type of residential dwelling unit and be developed phases or if Council determines that more careful consideration should be given to how the layout and design of a site affect surrounding areas. (Section 29.1507(3)(b)(i) and (iv). City Council can address both uses and layout of a site with a master plan. Staff worked with the developer to approve a Master Plan that allowed office and commercial uses, limited residential development to 48 apartments, and prohibited short term lodging to provide certainty on the type of development. Staff feels that the addition of the use, Vehicle Service Station will still maintain that certainty of development. It is also a type of use that is targeted to serving the commercial needs of the general area.

Apartment Matrix. The matrix used to evaluate apartment locations was included with the original rezoning in 2017. The matrix remains unchanged. This is a location where residential may be acceptable in a small quantity since a high amount of high to medium density residential exists in the surrounding area. It may be a desired housing type but not a necessary housing type in this area from staff's prior evaluation. The unique consideration of housing on the site is the compatibility with the commercial uses themselves, there are some potential land use conflicts internally between the proposed uses without proper site planning for separation and buffering.

Infrastructure. Sanitary sewer and water connections are readily available, as are electric services. The site is within the sanitary sewer service area that is known to be at or near capacity with the full development of properties to the west. Depending on timing of the development of this site and the intensity of proposed development, the City may require a sanitary sewer evaluation to confirm downstream capacity for uses that result in a substantial increase in effluent.

The inclusion of a vehicle service facility expands the commercial development options for the site. Gas stations with C-stores are a high trip generating use within commercial zones. The City's traffic engineer estimates the peak pm peak hour trip counts for the in and out access to the site would average 276 trips based upon a 12 fueling station concept. Other variables in the potential trip generation include size of the C-store building itself. The 276 trips do no account for other commercial development that could occur on the site in addition to the vehicle service facility use.

The intersection of Mortenson Road and South Dakota is a large multi-lane arterial intersection that has fully signalized and controlled turning movements. Under current conditions the intersection performs consistent with the City's Level of Service (LOS) standards with LOS C. The most recent analysis was in 2017 with the Trinitas project traffic study. The study calculated existing conditions in 2017 as morning operations at Level of Service (LOS) B and evening peak hour operations at LOS C. **Development of the site will likely affect traffic patterns through the intersection as the customers access and leave the site, however, staff does not anticipate significant changes to the signal operations with development of the site based upon the prior LOS calculations.**

Access. Today, access to the site is available from both Mortensen Road and South Dakota Avenue. From preliminary review by the City's traffic engineer, access to the site will be restricted with future development. With two full access driveways, staff would anticipate a roughly even split in driveway traffic for the vehicle service facility component. Full turning movements (left and right) from South Dakota may be permitted with a driveway moved to north property line from its current location. Full turning movements from Mortenson into the site will be restricted to the middle of the site or further east due to the presence of a turning lane on Mortenson. Site access and turning movement effects may be evaluated in greater detail at the time of site development.

Applicant's Statements. The applicant has provided an explanation of the reasons for the amendment to the Master Plan in Attachment C.

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:

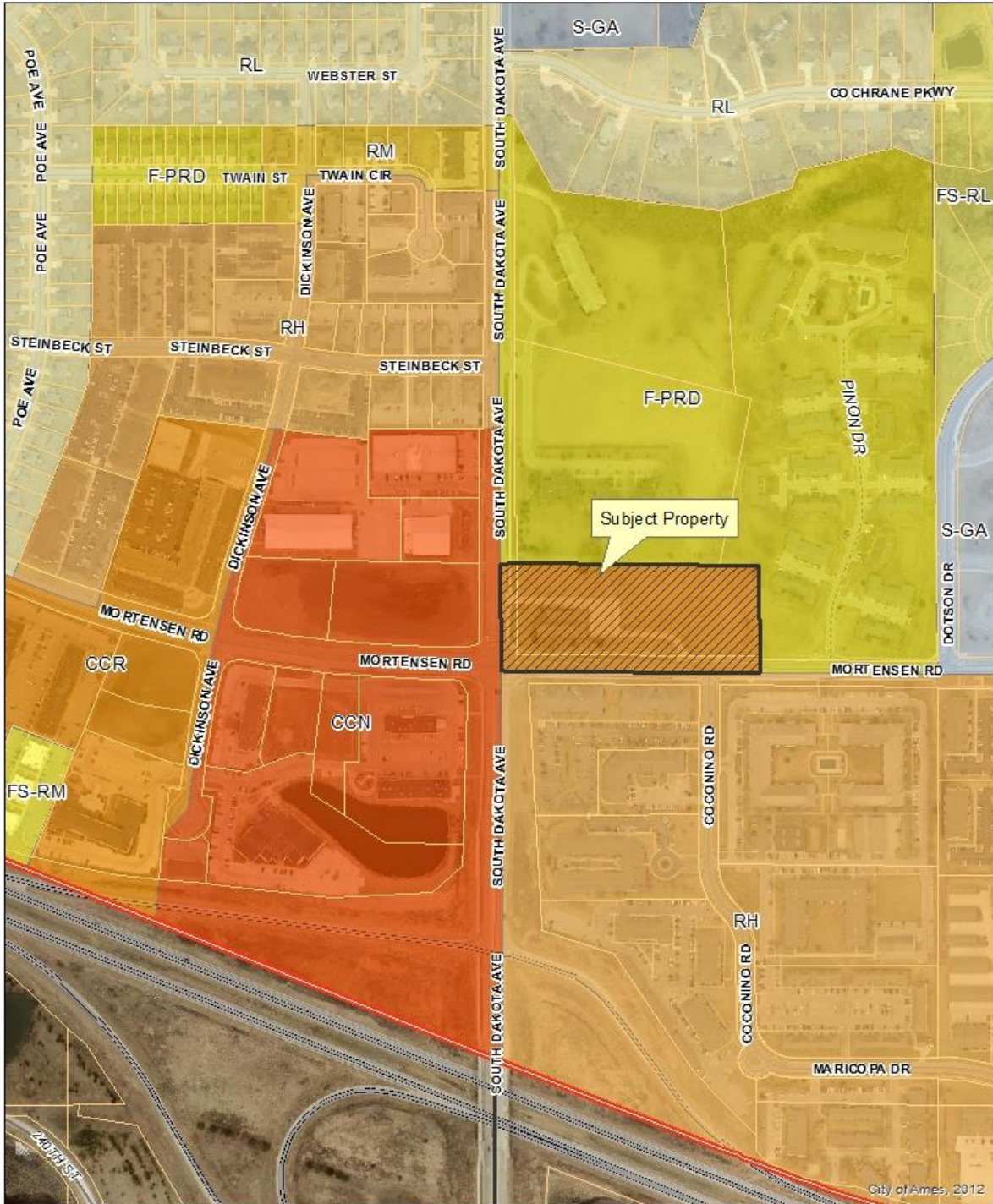
1. Ames *Municipal Code Section 29.1507(2)* allows owners of 50 percent or more of the area of the lots in any district desired for rezoning to file an application requesting that the City Council rezone the property. The property represented by the applicant is entirely under one ownership representing 100 percent of the property requested for rezoning.
2. The subject property has been designated on the Land Use Policy Plan (LUPP) Future Land Use Map within the service area of a Community Commercial Node.
3. The "Community Commercial Node" land use designation supports the "CCR, Community Commercial/Residential zoning designation. Under the "CCR" zoning designation, all of the proposed development options are allowed.
4. The proposed Master Plan identifies a mix of uses that supports a commercial rezoning and includes appropriate limits on the use and arrangement of the site to provide predictable and compatible development patterns.
5. Infrastructure is currently adequate to serve the site.

Public Notice. Notice was mailed to property owners within 200 feet of the subject site and a sign was posted on the subject property. The notice distance was expanded to

include the 700 address range of the abutting Willow Creek Condominiums. As of this writing, no comments have been received. During the initial rezoning process in 2017 the applicant did meet with the adjacent property owners to the north. The developer has been in contact with them since then and provided updates on the status of the potential development of this site. The developer will meet with members of the Willow Creek Condominiums prior to the Planning & Zoning Commission meeting.

Conclusions. Based upon the analysis in this report, staff concludes that the proposed amendment to the Master Plan 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 and Current Zoning



1114 S Dakota Avenue



Attachment B: Miscellaneous Use Categories

Accessory Uses

Wireless communication transmission building

Rail Lines and Utility Corridors

Definition. Railroad tracks and lines for the movement of trains on land owned or leased by the railroad. This category also includes public or private passageways, excluding easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level.

Exceptions: Railroad lead and spur lines for delivery of rail cars on specific sites are classified as accessory to the Principal Use of the site. Rail lines and utility corridors that are located within motor vehicle rights-of-way are not included. Railroad yards

Uses Included

Rail trunk and feeder lines
Regional electrical transmission lines
Regional gas and oil pipelines

Railroad Yards

Definition. Areas with multiple railroad tracks used for rail car switching, assembling of trains.

Exception: Facilities for the transshipment of goods from other transportation modes to trains are classified as Warehouse and Freight Handling.

Accessory Uses

Offices, employee facilities, storage areas, and rail car maintenance and repair facilities.

Table 29.501(4)-7

MISCELLANEOUS USE CATEGORIES

Adult Entertainment Facilities

Definition. Establishments including bookstores, bars, restaurants, movie theaters, and arcades where films are shown, or videotapes, magazines, books, or other printed matter are sold, or live performances take place, that are characterized by an emphasis upon the depiction or exposure of Specified Sexual Activities or Specified Anatomical Areas. Massage parlors where services are not administered by a licensed medical practitioner, chiropractor, acupuncturist, therapist or similar person licensed by the state are also included in this Use Category.

Uses Included

Adult motion picture arcades
Adult bookstores
Adult cabarets
Adult motion picture theaters
Adult theaters
Bars featuring "topless" or "exotic" dancers or striptease performances
Massage parlors

Agricultural and Farm Related Activities

Definition. Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinarian and other animal services, and farm labor and management services.

Uses Included

Farms
Stables

Accessory Uses

Seed sales and sale of other farm produce

Commercial Outdoor Recreation

Definition. Large, generally commercial facilities, that provide continuous or seasonal recreation or entertainment-oriented activities. They generally take place outdoors or may take place in a number o structures that are arranged together in an outdoor setting.

Exceptions. Golf courses and botanical gardens/arboretums are classified as Parks and Open Space. Uses that draw large members of people to periodic events, rather than on a continuous basis, such as stadiums and amphitheaters, are classified as Major Event Entertainment.

Uses Included

- Amusement parks
- Beach clubs
- Campgrounds (private)
- Golf driving ranges
- Miniature golf facilities
- Zoos

Accessory Uses

Accessory uses may include concessions restaurants, caretakers' quarters, and maintenance facilities.

Detention Facilities

Definition. Facilities for judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by sworn officers, except when on an approved leave.

Exception. Programs that provide transitional living experience for former offenders, such as halfway houses, where residents are not supervised by sworn officers, are classified as Group Living.

Uses Included

- Alternative incarceration centers
- Jails
- Juvenile detention homes
- Probation centers

Accessory Uses

Offices, recreational and health facilities, therapy facilities, maintenance facilities, and hobby and manufacturing activities.

Major Event Entertainment

Definition. Activities and structures that draw people to spectate or participate at specific events or shows.

Exception: Motion picture theaters, including drive-in theaters, are classified as Entertainment, Restaurant and Recreations Trade.

Uses Included

- Auditoriums
- Bazaars and carnivals
- Coliseums
- Exhibition and meeting areas (more than 20,000 sf)
- Fairgrounds
- Sports arenas
- Stadiums

Accessory Uses

Restaurants, bars, concessions, and maintenance facilities

Vehicle Service Facilities

Definition. Either of the following subcategories of uses:

Vehicle service Stations. Any use where gasoline and other petroleum products are sold and/or light maintenance activities such as engineer tuneups, lubrication, minor repairs, and carburetor cleaning is conducted. Service station uses shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

Vehicle Repair Facilities. Businesses servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles, including premises where heavy automobile maintenance activities such as engine overhauls, automobile painting and body fender work are conducted.

Exception: Repair and service of industrial vehicles and equipment and of heavy trucks, towing and vehicle storage, and vehicle wrecking and salvage are classified as Industrial Service.

Uses Included

Vehicle Service Station Uses:

- Car washes
- Publicly and privately owned vehicle emission test sites
- Gas stations
- Minor auto repair and tire sales
- Quick lubrication services

Vehicle Repair Facility Uses:

- Auto body shops
- Auto detailing shops
- Auto upholstery shops
- Tire sales and mounting shops
- Transmission or muffler shops
- Vehicle repair shops

Accessory uses

Offices, sales of parts, and vehicle storage

Solar Energy Conversion

Definition. The use of Solar Energy Systems for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling or water heating; primarily for use on-site as an accessory use to the principal use pursuant to Section 29.1309.

(Ord. No. 4013, 11-10-09)

Sports Practice Facilities

Definition. An indoor facility dedicated solely to the training and development of sports teams. Uses shall not include the playing of scheduled games, matches, championships, or tournaments. The facility may have limited observation seating for family and associates of the players who wish to watch the practice, but it is not open to the public; nor is the facility used for other assembly-type uses when not otherwise used for sports practice. The facility may also include ancillary offices.

Wind Energy Conversion

Definition. The use of Wind Energy Systems for the conversion of the power of wind into electrical energy primarily for on-site as an accessory use to the principal use pursuant to Section 29.1310.

(Ord. No. 4040, 6-22-10)

(Ord. No. 3993, 06-16-09)

Attachment C: Updated Applicant's Statement

1114 S. Dakota Rezoning Application Checklist

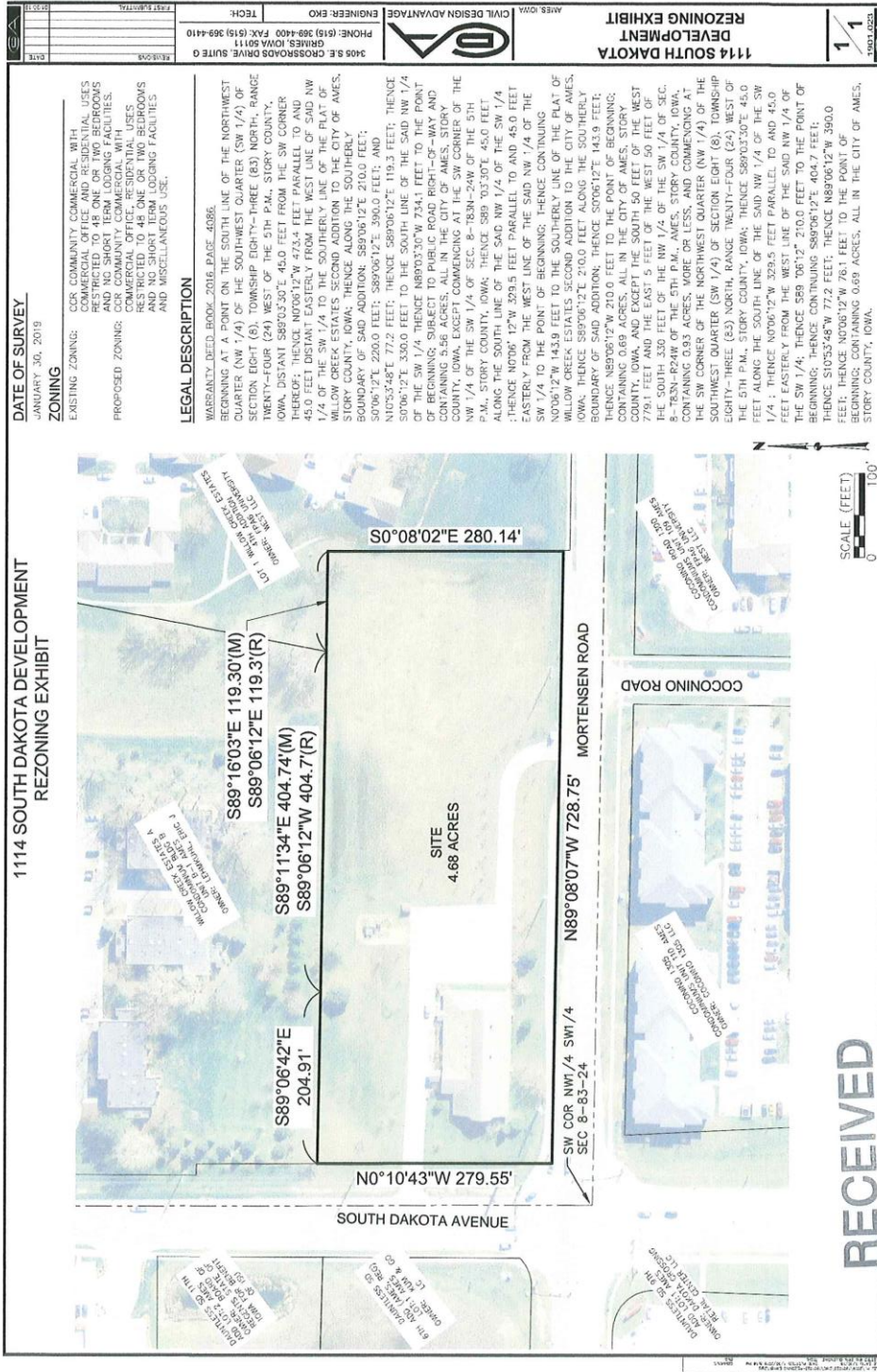
1. *Reason for requesting rezoning:* Requesting an amendment to the Master Plan approved summer 2017. At the time of rezoning, the applicant had understood a neighborhood convenience store to be under the commercial use. Through a DRC meeting it was discovered that a neighborhood convenience store falls under the "Miscellaneous Use." This Master Plan amendment would facilitate an allowable use and initiate a substantial investment of an Iowa owned convenience store operator.
2. *Consistency of this zoning with the Land Use Plan:* The subject property has been identified as having flexible commercial/residential uses in an underserved area of the Ames community. The property is in the exact vicinity of the commercial node as identified by the Future Land Use Plan. Modern planning would see a neighborhood convenience store as a preferred and logical land use.
3. *Current Zoning:* CCR Community Commercial/Res Node
4. *Proposed Zoning:* CCR Community Commercial/Res Node WITH Miscellaneous Use as an allowable use for the master plan. The previous uses and restrictions would still apply.
5. *Proposed Use:* Specifically it would be for a Miscellaneous Use--which would allow for a Neighborhood Convenience Store
6. *Complete Legal Description:* Attached
7. *Land Area:* 4.68 Acres
8. *MAP:* Attached

RECEIVED

JAN 31 2019

CITY OF AMES, IOWA
DEPT. OF PLANNING & HOUSING

Attachment D: Proposed Master Plan Exhibit



DATE OF SURVEY
JANUARY 30, 2019

ZONING
EXISTING ZONING: CCR COMMUNITY COMMERCIAL WITH RESTRICTIONS TO 48 ONE OR TWO BEDROOMS AND NO SHORT TERM LODGING FACILITIES.
PROPOSED ZONING: CCR COMMUNITY COMMERCIAL WITH RESTRICTIONS TO 48 ONE OR TWO BEDROOMS AND NO SHORT TERM LODGING FACILITIES AND MISCELLANEOUS USE.

LEGAL DESCRIPTION
WARRANTY DEED, BOOK 2018, PAGE 4086.
BEGINNING AT A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION EIGHT (8), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TWENTY-FOUR (24) WEST OF THE 5TH P.M., STORY COUNTY, IOWA, DISTANT S89°03'30"E 45.0 FEET FROM THE SW CORNER HEREOF; THENCE N0°06'12"W 473.4 FEET PARALLEL TO AND EASTERLY TO THE POINT OF BEGINNING; THENCE S89°06'12"W 1/4 OF THE SW 1/4 TO THE SOUTHERLY LINE OF THE PLAT OF MLOW CREEK ESTATES SECOND ADDITION TO THE CITY OF AMES, STORY COUNTY, IOWA; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID ADDITION; S89°06'12"E 210.0 FEET; S0°06'12"E 226.0 FEET; S89°06'12"E 396.0 FEET; AND N10°53'48"E 77.2 FEET; THENCE S89°06'12"E 119.3 FEET; THENCE S0°06'12"E 336.0 FEET TO THE SOUTH LINE OF THE SAID NW 1/4 OF THE SW 1/4; THENCE N89°03'30"W 734.1 FEET TO THE POINT OF BEGINNING. ALSO THE PLAT OF MLOW CREEK ESTATES SECOND ADDITION TO THE CITY OF AMES, STORY COUNTY, IOWA, EXCEPT COMMENCING AT THE SW CORNER OF THE NW 1/4 OF THE SW 1/4 OF SEC. 8--783N--24W OF THE 5TH P.M., STORY COUNTY, IOWA; THENCE S89°03'30"E 45.0 FEET ALONG THE SOUTH LINE OF THE SAID NW 1/4 OF THE SW 1/4; THENCE N0°06'12"W 329.5 FEET PARALLEL TO AND 45.0 FEET EASTERLY FROM THE WEST LINE OF THE SAID NW 1/4 OF THE SW 1/4; THENCE S89°06'12"E 210.0 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S89°06'12"E 404.7 FEET; THENCE S10°53'48"W 77.2 FEET; THENCE N89°06'12"W 390.0 FEET; THENCE N0°06'12"W 76.1 FEET TO THE POINT OF BEGINNING; CONTAINING 0.69 ACRES, ALL IN THE CITY OF AMES, STORY COUNTY, IOWA.

1114 SOUTH DAKOTA DEVELOPMENT REZONING EXHIBIT

CIVIL DESIGN ADVANTAGE
ENGINEER: EKO
PHONE: (515) 389-4400 FAX: (515) 389-4410
3405 E. CROSSROADS DRIVE, SUITE G AMES, IOWA

DATE: 01/30/19
DRAWN BY: KATIE KUMMERT
CHECKED BY: EKO

RECEIVED

JAN 31 2019

CITY OF AMES, IOWA
DEPT. OF PLANNING & HOUSING

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 1114 South Dakota, is rezoned from Community Commercial/Residential (CCR) to Community Commercial/Residential (CCR) with an amended Master Plan.

Real Estate Description: Beginning at a point on the south line of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section Eight (8), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa, distant S89°03'30"E 45.0 feet from the SW Corner thereof; thence N0°06'12"W 473.4 feet parallel to and 45.0 feet distant easterly from the west line of said NW ¼ of the SW ¼ to the southerly line of the plat of Willow Creek Estates Second Addition to the City of Ames, Story County, Iowa; thence along the southerly boundary of said Addition: S89°06'12"E 210 feet; S0°06'12" 220.0 feet; S89°06'12"E 390.0 feet; and N10°53'48"E 77.2 feet; thence S89°06'12"E 119.3 feet; thence S0°06'12" 330.0 feet to the South line of the said NW ¼ of the SW ¼; thence N89°03'30"W 734.1 feet to the point of beginning; subject to public road right-of-way and containing 5.56 acres, all in the City of Ames, Story County, Iowa, *except* Commencing at the SW Corner of the NW ¼ of the SW ¼ of Sec. 8-T83N-24W of the 5th P.M., Story County, Iowa; thence S89°03'30"E 45.0 feet along the south line of the said NW ¼ of the SW ¼; thence N0°06'12" 329.5 feet parallel to and 45.0 feet easterly from the west line of the said NW ¼ of the SW ¼ to the point of the beginning; thence continuing

N0°06'12"W 143.9 feet to the southerly line of the plat of Willow Creek Estates Second Addition to the City of Ames, Iowa; thence S89°06'12"E 210.0 feet along the southerly boundary of said Addition; thence S0°06'12"E 143.9 feet; thence N89°06'12"W 210.0 feet to the point of beginning; containing 0.69 acres, all in the City of Ames, Story County, Iowa, **and except** The South 50 feet of the West 779.1 feet and the East 5 feet of the West 50 feet of the South 330 feet of the NW ¼ of the SW ¼ of Sec. 8-T83N-R24W of the 5th P.M., Ames, Story County, Iowa, containing 0.93 acres, more or less, **AND** Commencing at the SW Corner of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section Eight (8), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa; thence S89°03'30"E 45.0 feet along the south line of the said NW ¼ of the SW ¼; thence N0°06'12"W 329.5 feet parallel to and 45.0 feet easterly from the west line of said NW ¼ of the SW ¼; thence S89°06'12"E 210.0 feet to the point of beginning; thence continuing S89°06'12"E 404.7 feet; thence S10°53'48"W 77.2 feet; thence N89°06'12"W 390.0 feet; thence N0°06'12"W 76.1 feet to the point of beginning; containing 0.69 acres, all in the City of Ames, Story County, Iowa.

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

John A. Haila, Mayor