

COUNCIL ACTION FORM

SUBJECT: REZONE OF A PARCEL AT 808 E. LINCOLN WAY FROM “A” (AGRICULTURAL) AND “HOC” (HIGHWAY-ORIENTED COMMERCIAL) TO “GI” (GENERAL INDUSTRIAL) ZONING DISTRICT

BACKGROUND:

Dennis Tiernan of DHN Investments, LLC has submitted a request to rezone a portion of “Parcel BJ” located at 808 E. Lincoln Way. The site was initially developed in 1997 with a 14,470 square foot warehouse and two sheds. The site addressed as 808 E Lincoln Way has been in continuous use for storage warehousing and outdoor equipment storage since its development.

“Parcel BJ” is the result of a recent Plat of Survey boundary line adjustment of four parcels addressed as 728, 728 rear, 734 (former alley) and 808 E. Lincoln Way. The action consolidated the four parcels into two parcels to remedy property line and access constraints between the properties that are under the same ownership. (Location map- *Attachment A.*)

The resulting Parcel “BJ” (addressed as 808 E. Lincoln Way) includes 2.98 acres of lot area and has three different zoning classifications: “A” (Agricultural), “HOC” (Highway-Oriented Commercial) and “GI” (General Industrial). The majority of the property is currently zoned HOC, with the eastern 80 feet zoned “GI” (General Industrial) totaling approximately 0.54 acres. The “A” zoned area is the smallest area in the southeast corner of the site. (Existing Zoning- *Attachment D*)

Given the parcel’s varied zoning, Mr. Tiernan has submitted a request to rezone 2.44 acres of “Parcel BJ” from “A” (Agricultural) and “HOC” (Highway-Oriented Commercial) to “GI” (General Industrial), so that the entire parcel will have the same zoning designation that supports the current primary use of the property. A rezoning plat is included as *Attachment B*, which illustrates the extent of the current and proposed zoning.

Although split zoning of a parcel is permissible, it complicates a property owner’s ability to conform to development requirements. If the zoning of the parcel were to remain unchanged, the use of the parcel would be limited per the Zoning Ordinance standards by the most restrictive zoning, which is “A” (Agricultural).

Based upon a review of former zoning maps, the parcel had a zoning of “GI” (General Industrial) at the time of its initial development. Please see the excerpt from the 1998 zoning map, included as *Attachment C*. At the time of the citywide rezoning in 2000, the property was assigned split zoning with “HOC” (Highway-Oriented Commercial) and “GI” (General Industrial). However, there is no precise record of boundary delineations

that accompanied the citywide remapping of zoning districts in 2000 to discern the rationale of rezoning part of this site to “HOC”.

The property has a Highway Commercial land use designation within the Land Use Policy Plan (*Attachment E*). Areas to the north are designated General Industrial and areas to the south and east are designated Agricultural/Farmstead. The 2018 Lincoln Way Corridor Plan did not include this area as a Focus Area, but included discussion of this part of the corridor as an employment and light industrial area for future planning evaluation. The Corridor Plan can be viewed as advisory to proposed rezoning requests per its approval by the City Council in 2018, but it did not necessarily direct specific changes for this area.

Although the LUPP Future Land Use Map designation would support “HOC” (Highway-Oriented Commercial) zoning for the entire site, the applicant requests that the subject property be rezoned to “GI” (General Industrial) because the current principal use is allowed within GI. The GI zone is intended to apply to “those areas where there is a need to provide a desirable industrial environment and to promote economic viability of a type generally not appropriate for or compatible with retail sales areas.” The rezoning is consistent with the way the property has been utilized since its development. A zoning designation of “GI” (General Industrial) would allow the existing uses to be conforming. If the site were to maintain its current split zoning or to be rezoned to HOC for the whole site, the current use could continue as a nonconforming use.

The rezoning area lies within the Special Flood Hazard Area shown on the FIRM Panel 19169C0163F, effective 10/16/2014. Rezoning of the properties does not change the floodplain overlay zoning designations. The requested rezoning does not relieve the subject properties from these flood plain zoning requirements.

Planning and Zoning Commission. The Planning and Zoning Commission reviewed the request on November 20, 2019 and voted 5-0 to recommend that the City Council approve the request to rezone 2.44 acres of the property at 808 E. Lincoln Way from “A” (Agricultural) and “HOC” (Highway-Oriented Commercial) to “GI” (General Industrial).

ALTERNATIVES:

1. The City Council can approve on first reading the request to rezone 2.44 acres at 808 E. Lincoln Way from “A” (Agricultural) and “HOC” (Highway-Oriented Commercial) to “GI” (General Industrial).
2. The City Council can approve on first reading the rezoning of only the 6,000 square feet “A” (Agricultural) portion of the property at 808 E. Lincoln Way from “A” (Agricultural) to “HOC” (Highway-Oriented Commercial) to align with the predominant zoning of the parcel and leave the existing zoning of the remainder of the parcel unchanged as “GI”.
3. The City Council can delay action on the rezoning of 2.44 acres of the property at 808 E. Lincoln Way from “A” (Agricultural) and “HOC” (Highway-Oriented Commercial) to “GI” (General Industrial) and initiate a Minor Land Use Policy Plan

amendment to consider designating the site as General Industrial prior to considering the rezoning request.

4. The City Council can defer action on this request and refer it back to City staff and/or the applicant for additional information.

CITY MANAGER’S RECOMMENDED ACTION:

The request for rezoning of 2.44 acres of “Parcel BJ” from “A” (Agricultural) and “HOC” (Highway-Oriented Commercial) to “GI” (General Industrial) is consistent with the land use discussion of the Lincoln Way Corridor Plan, which identifies this area as “East Side Employment District” comprised of light industrial uses. This particular site is not in a primary retail area and was originally developed with an industrial use. The property is essentially the transition to more industrial focused uses to the east from the mix of service and industrial use that exist to the west. There is no loss of viable commercial land with the rezoning as the use of the site is already industrial and intended to be maintained as an industrial use by the owner regardless of the zoning change.

Rezoning of the site is desirable to create clarity for the property owner. Staff recommends that some form of rezoning occurs to benefit the property owner, rather than maintain three distinct zoning districts on the property. Although the proposed zone change to GI does not precisely match the LUPP land use designation of the Future Land Use Map, the City Council could approve the rezoning to GI in this instance due to nature of the site and its current use and general conformance with the intent for development and uses in the area.

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, approving on first reading the rezoning of 2.44 acres of “Parcel BJ” located at 808 E. Lincoln Way from “A” (Agricultural) and “HOC” (Highway-Oriented Commercial) to “GI” (General Industrial).

In the event that City Council determines that precise conformity to the Future Land Use Map is necessary, staff would support proceeding with a Minor LUPP Amendment prior to the rezoning of the site to GI, Alternative #3.

ADDENDUM

Subject Property and Existing Zoning. A recent Plat of Survey boundary line adjustment action consolidated the parcels addressed as 728, 728 rear, 734 (former alley) and 808 E. Lincoln Way into two parcels, “Parcel BK” and Parcel BJ”.

The rezoning request is only for “Parcel BJ”.

“Parcel BJ” includes 129,822.85 square feet or 2.98 acres of lot area and has three different zoning classifications: “A” (Agricultural), “HOC” (Highway-Oriented Commercial) and “GI” (General Industrial). The portion of the parcel currently having the “GI” (General Industrial) designation is the 80 feet (.54 acres) along the east side of the property and is therefore excluded from the rezoning request. *Attachment B* illustrates the extent of the current and proposed zoning for the areas of “Parcel BJ” that are included.

Per Article III of the Zoning Ordinance, the use of the site is limited to the most restrictive zoning, Agricultural.

“Sec. 29.302(2). When a lot held in single ownership is divided by a zone boundary line, the entire lot shall be construed to be within the more restrictive zone for purposes of complying with the requirements of the Ordinance, unless otherwise indicated on the Official Zoning Map or by resolution of City Council.”

Here is a breakdown of the acreage, zoning and use.

	Acreage	Existing Zoning	Existing Land Use
“Parcel BJ”	129,822 sq. ft.; 2.98 acres	“GI”, “HOC”, & “A”	Storage Warehouse & Equipment Storage
	23612.80 sq. ft.; .54 acres	“GI” (General Industrial)	Equipment Storage
Rezoning Plat	106,211.60 sq. ft.; 2.44 acres		Storage Warehouse
	100,211.60 sq. ft.; 2.30 acres	“HOC” (Highway-Oriented Commercial)	Storage Warehouse
	6,000 sq. ft.; .14 acres	“A” (Agricultural)	Vacant

Existing Uses of Land.

The parcel was developed in 1997 and has been used as an industrial warehouse since its development. No additional impacts on City services are expected as the parcel is already developed. The rezoning request is consistent with the way the property has been utilized since its development.

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	Storage Warehouse
North	Gas Station & Service Garage/Warehouse Showroom Store
East	Equipment Storage/Crop Production
South	Crop Production
West	Electrical Contractors, Sign Contractors & Auto Detailing

Access. Vehicular access is provided to the site from E. Lincoln Way. A bike path currently exists along the frontage of this parcel (south side of E. Lincoln Way). The bike path ends at the western corner of this parcel where a sidewalk continues to the west.

Infrastructure. The site is developed and fully served by City infrastructure.

Nonconformities. In Section 29.397, the Zoning Ordinance describes nonconformities as “uses, structures and lots that were lawfully established but that do not conform to one or more existing requirements of this Ordinance.” In the case of the subject property, property improvements were made in 1997 before the current zoning was established in 2000. Even though the use has continued since development, changes to the zoning map in 2000 for this property from “GI” (General Industrial) to “HOC” (Highway-Oriented Commercial) zoning resulted in rendering the use to be nonconforming. Regulations regarding nonconformities allow the continued use of the property but are intended to promote the property’s reuse and rehabilitation over time. Reasonable limits are also placed on the expansion of nonconforming uses. **Approving the proposed rezoning would render the current use of the property conforming per its original approval.**

Proposed Zoning. A request to “GI” (General Industrial) is consistent with the use of the site and the existing zoning to the north and east. (See the *Proposed Zoning Map, Attachment G.*) Rezoning is not mandatory to continue the site’s existing use. Rezoning the property to “GI” (General Industrial) would allow the existing use to continue as a permitted use and would allow the full use of the subject property without limitations of a nonconforming designation.

If the determination is made, however, that the zoning of “HOC” (Highway-Oriented Commercial) should be maintained in this area, then staff would request that at a minimum, the 6,000 sq. ft. portion currently zoned “A” (Agricultural) be rezoned to “HOC” (Highway-Oriented Commercial) as stated in Alternative 2. Without the “A” (Agricultural) portion being rezoned, the entire newly consolidated parcel becomes bound by the most restrictive zoning, which is this 6,000 sq. ft. portion that is zoned “A” (Agricultural). At a minimum, rezoning the “A” zoned area would make the property viable for commercial uses as intended by its LUPP designation.

Applicant’s Statement. Staff directed the applicant to seek rezoning given the split zoning of the new parcel due to limitation of the “A” zoning as the most restrictive zoning district. The applicant has provided an explanation of the reasons for the rezoning request in *Attachment F*.

Land Use Policy Plan.

The Lincoln Way Corridor Plan identifies this area as the “East Side Employment District,” comprised of light industrial uses of various sizes. The East Side Employment District extends from just east of Duff Avenue to I-35. The Lincoln Way Corridor Plan was approved and incorporated in the Land Use Policy Plan in the Urban Core section of Chapter 2 on January 23, 2018. By reference, the Lincoln Way Corridor Plan is to be relied upon as advisory to land use and zoning decisions as a visioning document for the future of the Corridor. The plan states:

The East Side Employment District is home to light industrial uses of various sizes. While this portion of Lincoln Way may become more heavily traveled as industrial development expands to the east, it is not considered by many to be a primary gateway to Ames for out-of-town visitors or residents. As such, the vision for this area focuses on improving the functionality for its tenants and, where appropriate, implementing minor improvements to enhance aesthetics but not necessarily with the intention of drastically transforming the area. The areas nearer to Duff Avenue may be appropriate to redevelop especially upon construction of Cherry Street extension.

The rezoning request of the 2.44 acres of “Parcel BJ” from “A” (Agricultural) and “HOC” (Highway-Oriented Commercial) to “GI” (General Industrial) is seen as not conflicting with any land use policies of the Lincoln Way Corridor Plan.

The Land Use Policy Plan (LUPP) Future Land Use Map designates the extent of generalized land uses throughout the City. The intent of the LUPP Map is to illustrate relationships among uses in order to create an efficient, compatible and viable development pattern for the community and to serve as a policy guide in decision making for zoning. The subject property is designated as “Highway-Oriented Commercial”. This designation applies to the south frontage of E. Lincoln Way from Duff Avenue eastward to the Skunk River. Along the north frontage, the western portion of E. Lincoln Way is zoned “Highway-Oriented Commercial” and the eastern portion (just north of this parcel) is zoned “General Industrial”. E. Lincoln Way separates the two zoning districts. (See *Attachment E.*)

The rezoning request is inconsistent with the generalized location and extent of the “General Industrial” land use area indicated on the LUPP Map when viewed as planning for future land use. Additionally, the LUPP includes general Goals and policies to provide context to rezoning and other policy issues related to land use.

The land use goals and policies of the LUPP relevant to this rezoning request are:

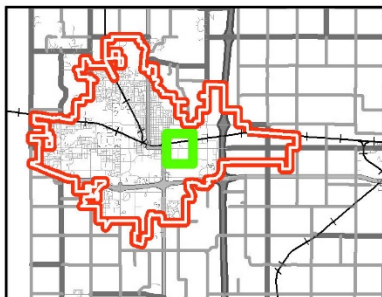
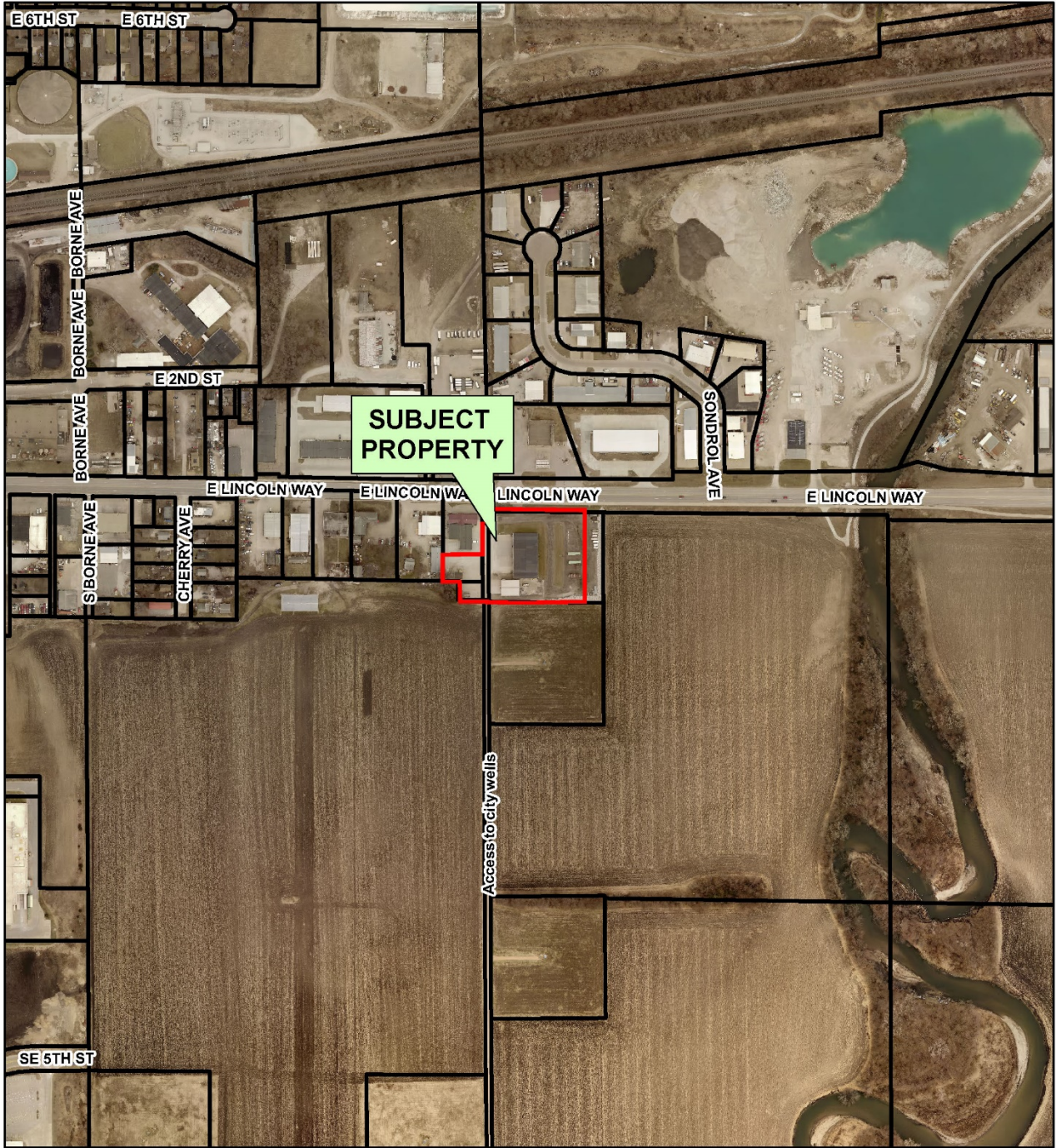
Goal No. 1. Recognizing that additional population and economic growth is likely, it is the goal of Ames to plan for and manage growth within the context of the community's capacity and preferences. It is the further goal of the community to manage its growth so that it is more sustainable, predictable and assures quality of life.

Goal No. 2. In preparing for the target population and employment growth, it is the goal of Ames to assure the adequate provision and availability of

developable land. It is the further goal of the community to guide the character, location and compatibility of growth with the area's natural resources and rural areas.

Staff believes the rezoning request is consistent with the goals and policies of the LUPP in removing the constraints of mixed zoning districts on the site and in this case making the current use conforming in light of the nature of the area as a transition from commercial to industrial. Additionally, there are not issues of compatibility of use or a significant loss of developable land needed to serve future populations with commercial uses.

ATTACHMENT A: LOCATION MAP

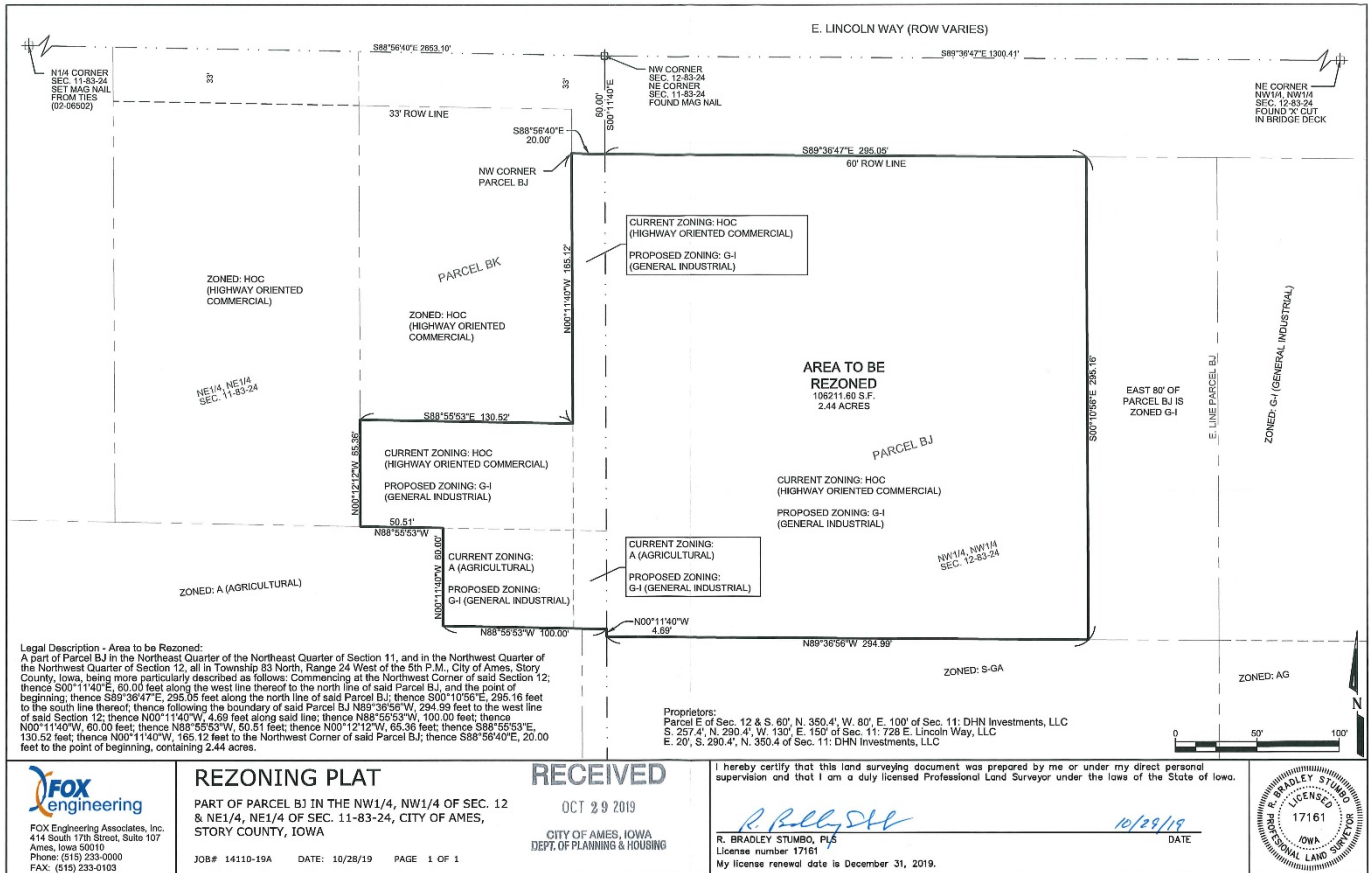


LOCATION MAP
808 E Lincoln Way

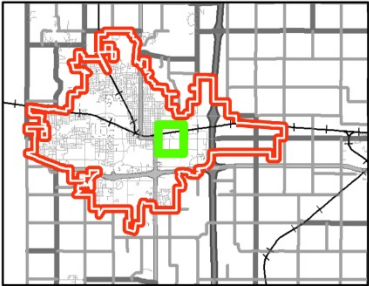
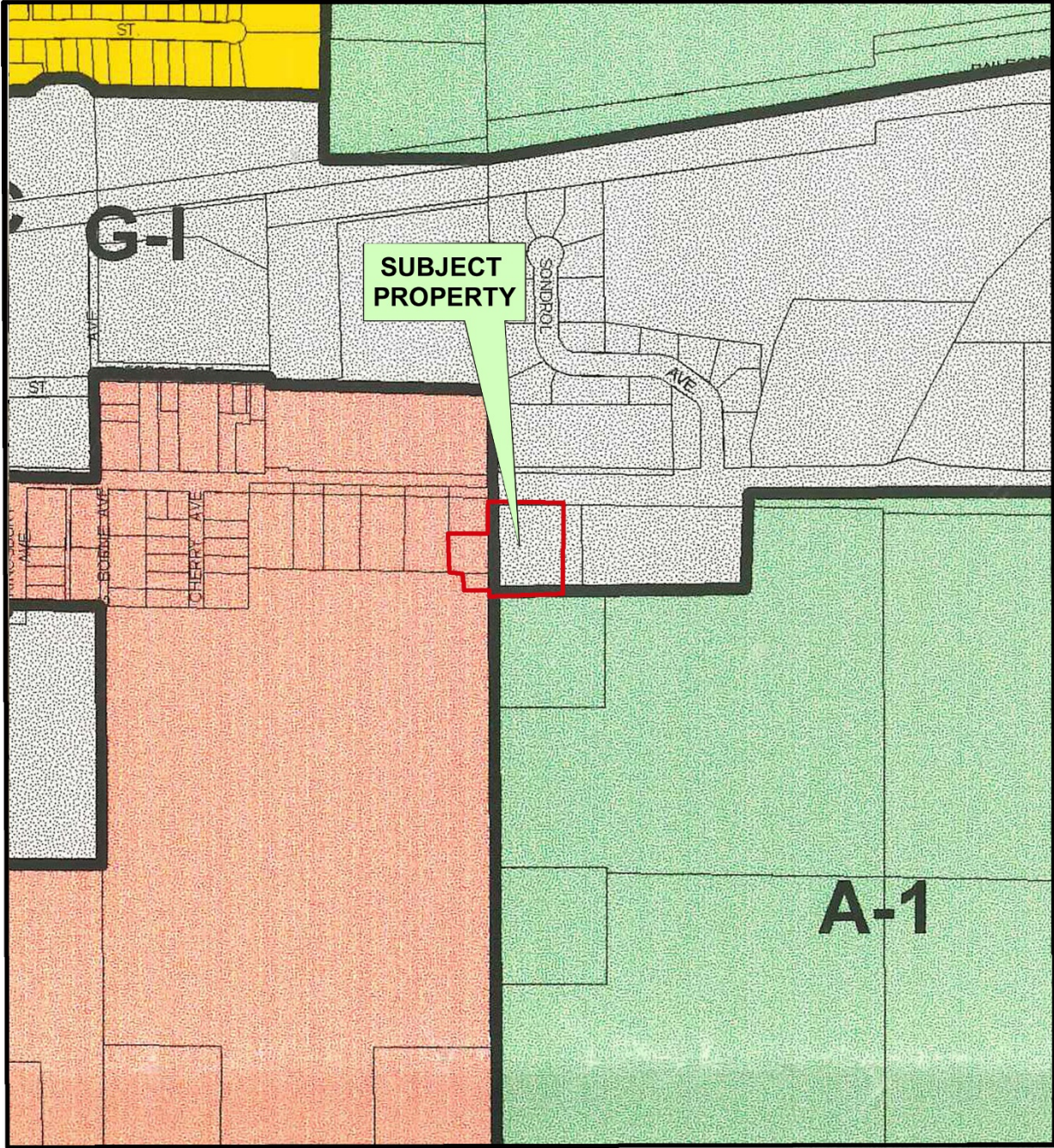
0 0.05 0.1 0.2 Miles



ATTACHMENT B: REZONING PLAT



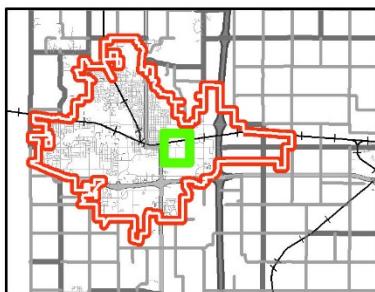
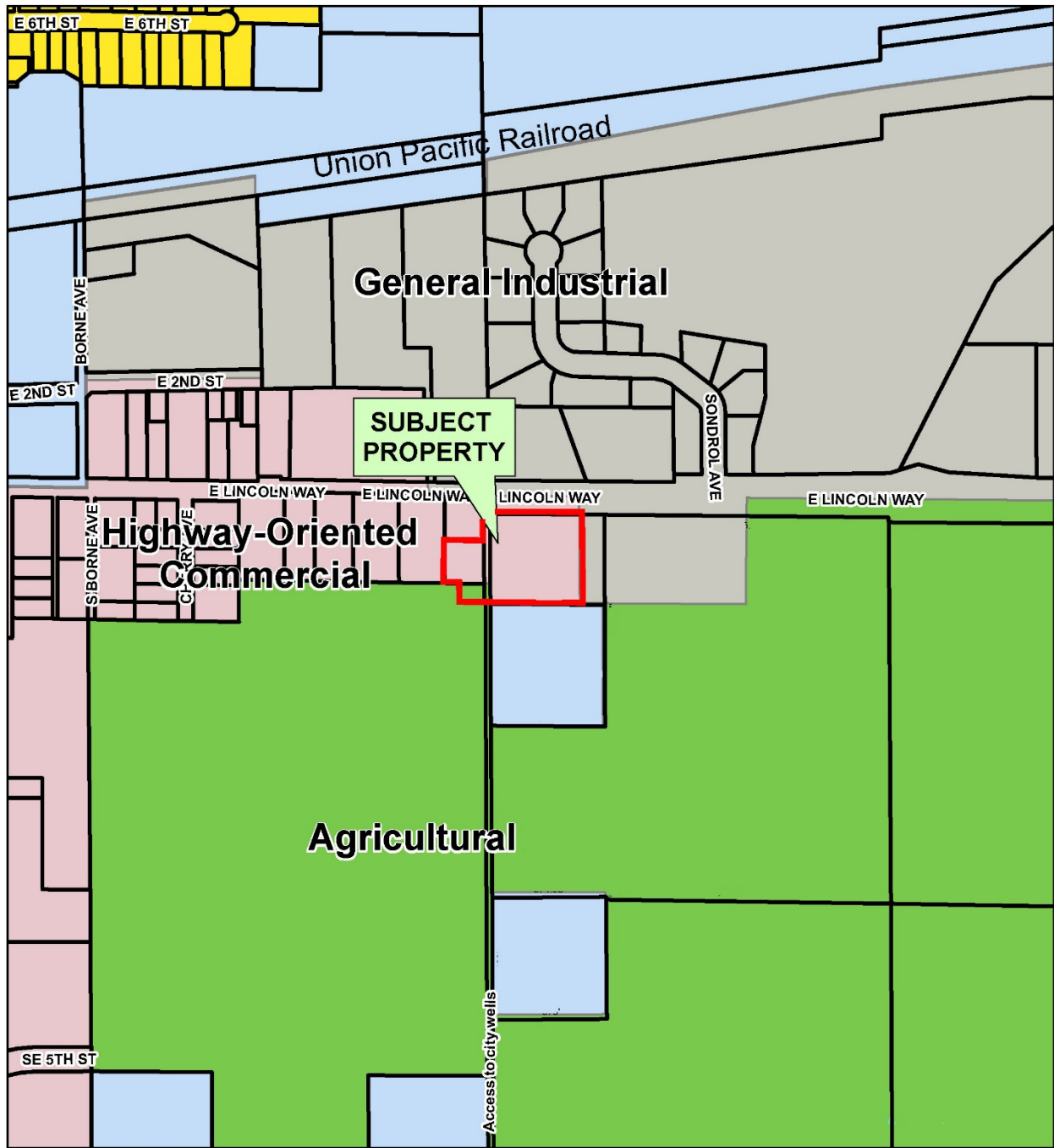
ATTACHMENT C: ORIGINAL ZONING – 1998



**1998 ZONING MAP
808 E Lincoln Way**



ATTACHMENT D: EXISTING ZONING - 2019

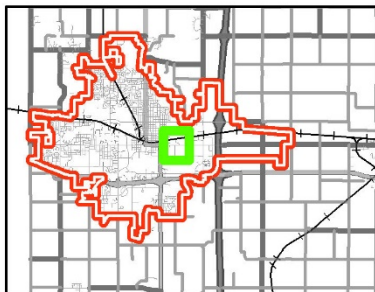
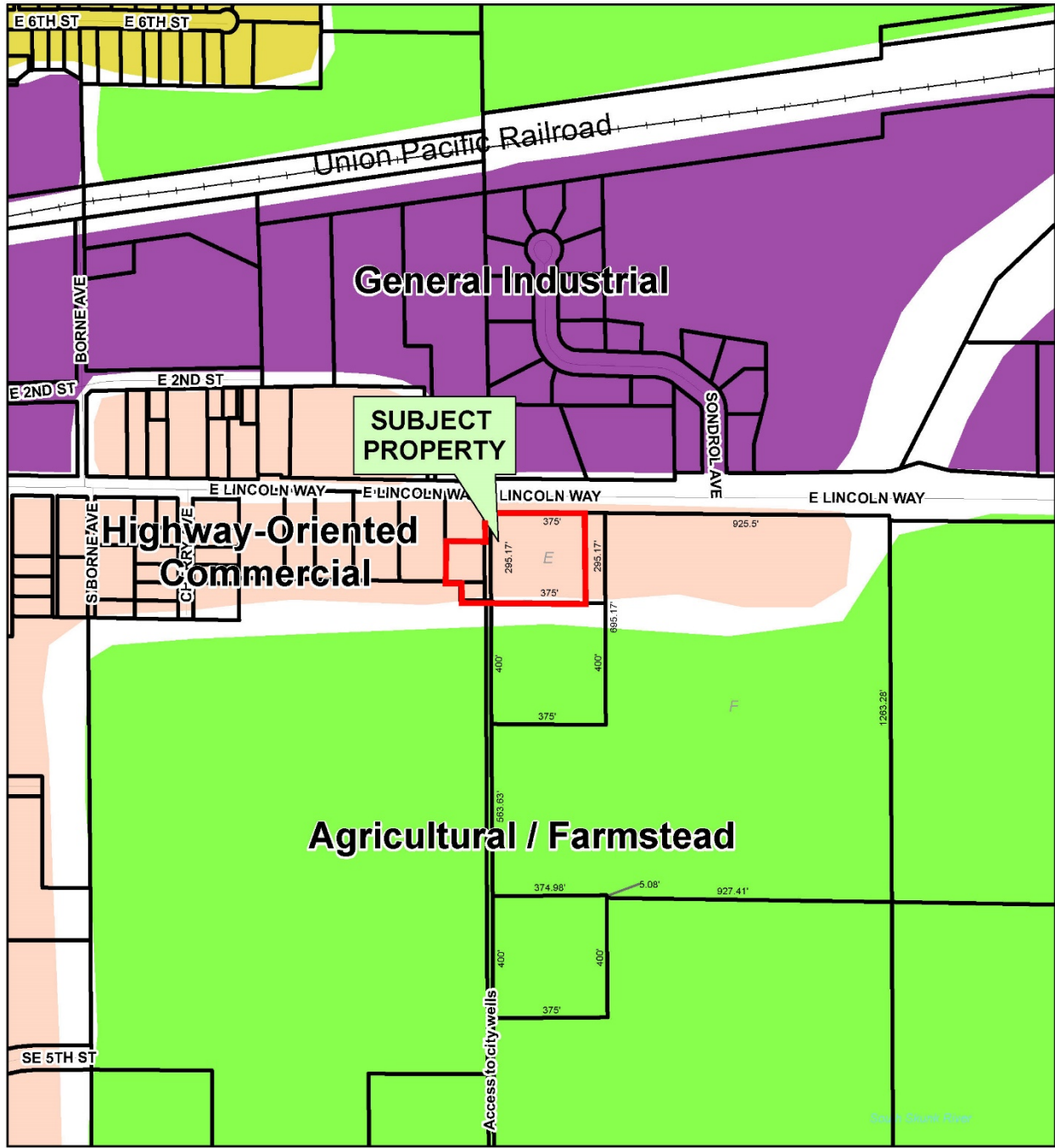


EXISTING ZONING MAP
808 E Lincoln Way

0 0.05 0.1 0.2 Miles



ATTACHMENT E: LUPP LAND USE MAP



LUPP LAND USE MAP
808 E Lincoln Way

0 0.05 0.1 0.2 Miles



ATTACHMENT F: APPLICANT'S STATEMENT

Application for Rezoning

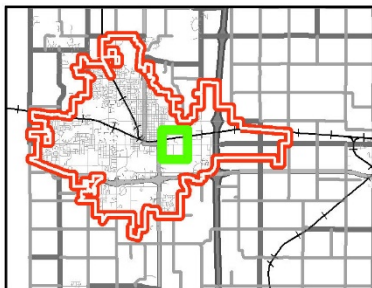
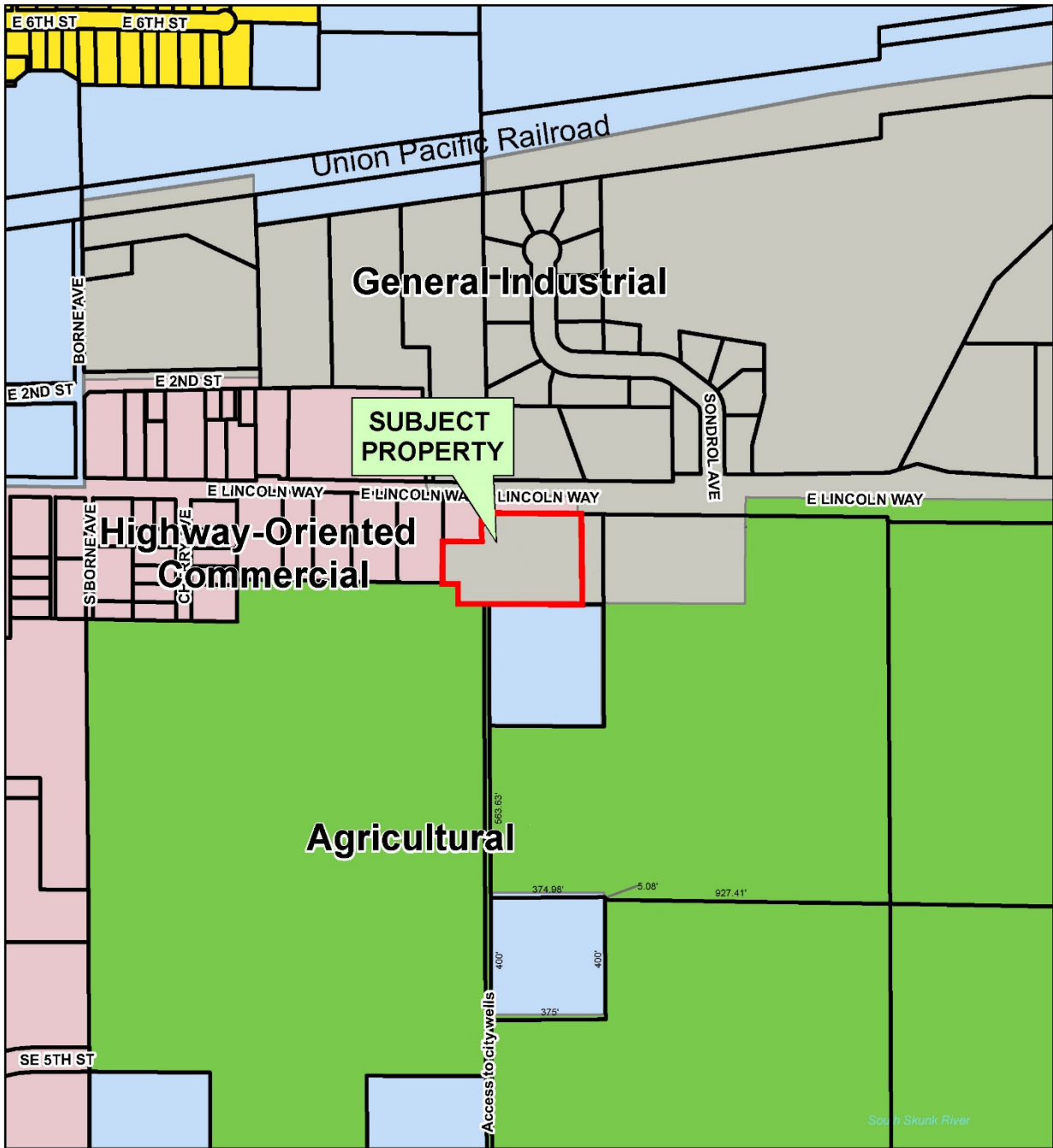
DHN Investments, LLC

728, 728(rear), 734 & 808 East Lincoln Way, Ames, Iowa

Reason for requesting rezoning and consistency with LUPP:

The property at the aforementioned addresses is undergoing a boundary line adjustment. Rezoning is being required by planning staff due to a number of zones existing on the parcels being adjusted. City planning staff has indicated that the requested zoning change will bring the parcel into compliance with the existing use on the property.

ATTACHMENT G: PROPOSED ZONING



PROPOSED ZONING MAP
808 E Lincoln Way

0 0.05 0.1 0.2 Miles



DO NOT WRITE IN THE SPACE ABOVE THIS LINE, RESERVED FOR RECORDER
Prepared by: City Clerk's Office, 515 Clark Avenue, Ames, IA 50010 Phone: 515-239-5105
Return to: Ames City Clerk, P.O. Box 811, Ames, IA 50010

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 808 East Lincoln Way, is rezoned from Agricultural "A" and Highway-Oriented Commercial (HOC) to General Industrial (GI).

Real Estate Description:

A part of Parcel BJ in the Northeast Quarter of the Northeast Quarter of Section 11, and in the Northwest Quarter of the Northwest Quarter of Section 12, all in Township 83 North, Range 24 West of the 5th P.M. City of Ames, Story County, Iowa, being more particularly described as follows: Commencing at the Northwest Corner of said Section 12; thence S00°11'40"E, 60.00 feet along the west line thereof to the north line of said Parcel BJ, and the point of beginning; thence S89°36'47"E, 295.05 feet along the north line of said Parcel BJ; thence S00°10'56"E 295.16 feet to the south line thereof; thence following the boundary of said Parcel BJ N89°36'56"W, 294.99 feet to the west line of said Section 12; thence N00°11'40"W, 4.69 feet along said line; thence N88°55'53"W, 100.00 feet; thence N00°11'40"W, 60.00 feet; thence N88°55'53"W, 50.51 feet; thence N00°12'12"W, 65.36 feet; thence S88°55'53"E, 130.52 feet; thence N00°11'40"W, 165.12 feet to the Northwest Corner of said Parcel BJ; thence S88°56'40"E, 20.00 feet to the point of beginning, containing 2.44 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

John A. Haila, Mayor