

ITEM #: 32
DATE: 02-22-22

COUNCIL ACTION FORM

SUBJECT: REZONE PARCEL AT 525 SE 16th STREET FROM “A” (AGRICULTURAL) TO “HOC” (HIGHWAY-ORIENTED COMMERCIAL)

BACKGROUND:

The City has received a request to rezone the one parcel located at 525 SE 16th Street, totaling 38.25 acres (see *Attachment A – Location Map*). The property is currently zoned as “A” (Agricultural) with a “O-E” (Environmentally Sensitive Area Overlay) designation covering the northeast portion of the site (see *Attachment C – Existing Zoning*). The boundary of the “O-E” Overlay follows the 100-year floodway boundary for loway Creek. The “O-E” Overlay zoning designation will remain unchanged with the proposed rezoning from “A” to “HOC.”

The adopted Ames Plan 2040 designates the property as “Community Commercial/Retail (Com CR). The area of the property in the “O-E” Overlay, is designated as “Open Space” in the Ames Plan 2040. **The proposed rezoning to “HOC” is a zoning district that is consistent with the Ames Plan 2040 future land use designation. Highway-Oriented Commercial (HOC) is considered consistent with the Community Commercial/Retail (Com CR) designation for this area. Rezoning this property to “HOC” (Highway-Oriented Commercial) will enable development of the vacant land as a future commercial use.**

The entire site is located within the boundaries of the 100-year flood plain for the loway Creek, which is approximately 300-500 feet away from the north property line. Much of the site is in the portion of the flood plain described as the floodway fringe. Development in the floodway fringe is allowed if the elevation of the building site is a minimum of three feet above the 100-year base flood elevation. Filling of the site to raise the elevation has been occurring in recent months.

City water, sanitary sewer and storm sewer will serve this site from the right-of-way for SE 16th Street. Access to the site will be from SE 16th Street (a paved City Minor Arterial street). If additional lanes are needed for vehicles entering, or exiting the site, that determination will be made by City staff at the time of site plan approval or subdivision of the site.

ALTERNATIVES:

1. Approve on first reading the request to rezone property located at 525 SE 16th Street from “A” Agricultural to “HOC” (Highway-Oriented Commercial) and retain the “O-E” Overlay for the floodway.
2. Deny the request to rezone the property.
3. Refer the rezoning request back to City staff for additional information.

CITY MANAGER’S RECOMMENDED ACTION:

The request for rezoning is consistent with the adopted Ames Plan 2040 as described in the addendum. Impacts on infrastructure and City services for this parcel is minimal and consistent with what has been anticipated for development in this area. City staff believes the site can be developed for use by commercial uses if it is rezoned as “HOC.”

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, as described above.

ADDENDUM

REZONING BACKGROUND:

Ames Plan 2040. The Future Land Use Map designates the land proposed for rezoning as “Community Commercial/Retail (Com CR) which supports Highway-Oriented Commercial zoning districts (see *Attachment B – Future Land Use Map*). The northeast portion of the site is designated as “Open Space.” This is consistent with the “O-E” (Environmentally Sensitive Area Overlay) zoning designation which is in place to protect the floodway portion of the flood plain that crosses part of the site.

One of the characteristics of the “Community Commercial/Retail (Com CR)” future land use designation is for large format retail and it applies to a variety of settings from North Grand Mall to large-format free-standing commercial.

Proposed Zoning. The applicant proposes rezoning from “A” (Agricultural) to “HOC” (Highway-Oriented Commercial). No change is proposed for the area of the site with the “O-E” overlay zoning designation. Other commercial development in this area is also HOC. Properties east of the Skunk River also have the SE Gateway Overlay zoning district combined with HOC, but the overlay does not apply to this area.

The “HOC” zone is intended to allow auto-accommodating commercial development in areas already predominantly developed for this use. The zone allows a full range of retail and service businesses with a large local or citywide market. Development is expected to be generally auto-accommodating, with access from major traffic ways. HOC zoning includes no specific architectural standards and includes basic front, rear, and side setbacks. A developed site must include at least 15% of the area as landscaping. The west side of the property will require a 20-foot setback and landscape buffer since it abuts residential land.

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 Primary Land Uses
Subject Property	Vacant/Undeveloped
North	Crop Production and Floodway
East	Crop Production and Floodway
South	Menards Retail Commercial
West	Manufactured Home Site

Infrastructure. Impacts on infrastructure and City services for this parcel are consistent with what is already anticipated for commercial use of the property. Public utilities serving

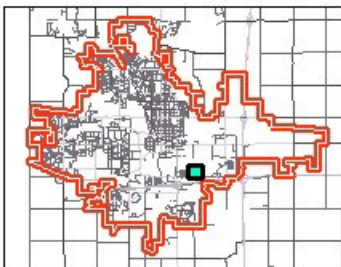
this parcel are in the right-of-way for SE 16th Street. The street is paved with one lane for each direction and a center turning lane. Any future extension of City utilities and connections will be at the property owner's expense.

Findings of Fact. Based upon an analysis of the proposed rezoning and laws pertinent to the proposed map amendment, staff makes the following findings of fact:

1. The subject property is owned by Flummerfelt 525 SE 16 LLC. The rezoning request and statement of justification is included as *Attachment D*.
2. Ames Municipal Code Section 29.1507(1) allows the property owner to initiate an amendment to the Official Zoning Map.
3. The proposed rezoning is consistent with the designation of "Community Commercial/Retail (Com CR)" identified on the Ames Plan 2040 Future Land Use Map with the maintenance of the "O-E" Overlay on part of the site.
4. Development in the "HOC" zoning district requires a site plan review process to assure that such development and intensity of use assures a safe, functional, efficient, and environmentally sound operation.
5. Impacts on infrastructure and City services for this parcel is consistent with what is already anticipated for the area.

Public Notice. The City provided mailed notice to all property owners within 200 feet of the subject property prior to the Planning and Zoning Commission meeting in accordance with the notification requirements of Chapter 29.

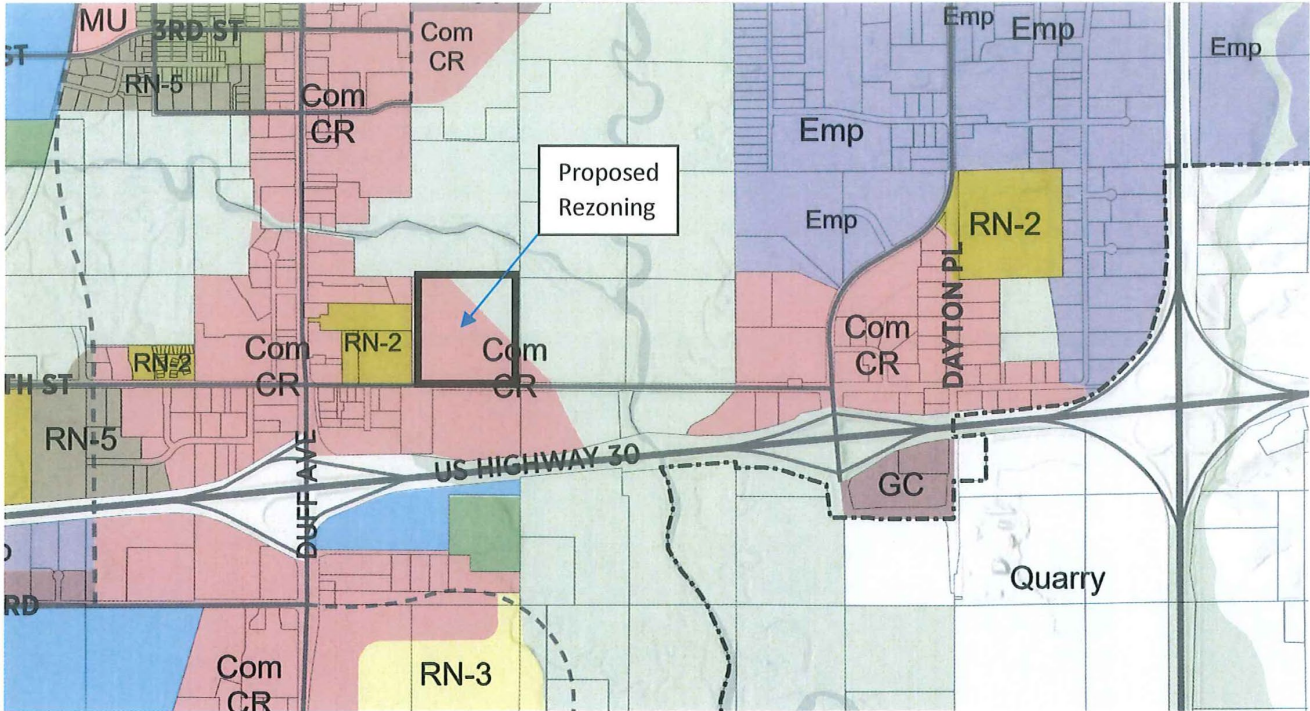
ATTACHMENT A
Location Map



Location Map
525 SE 16th Street



**ATTACHMENT B
Ames Plan 2040 Future Land Use Map**

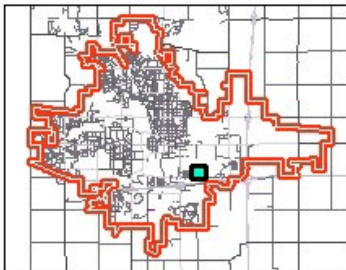
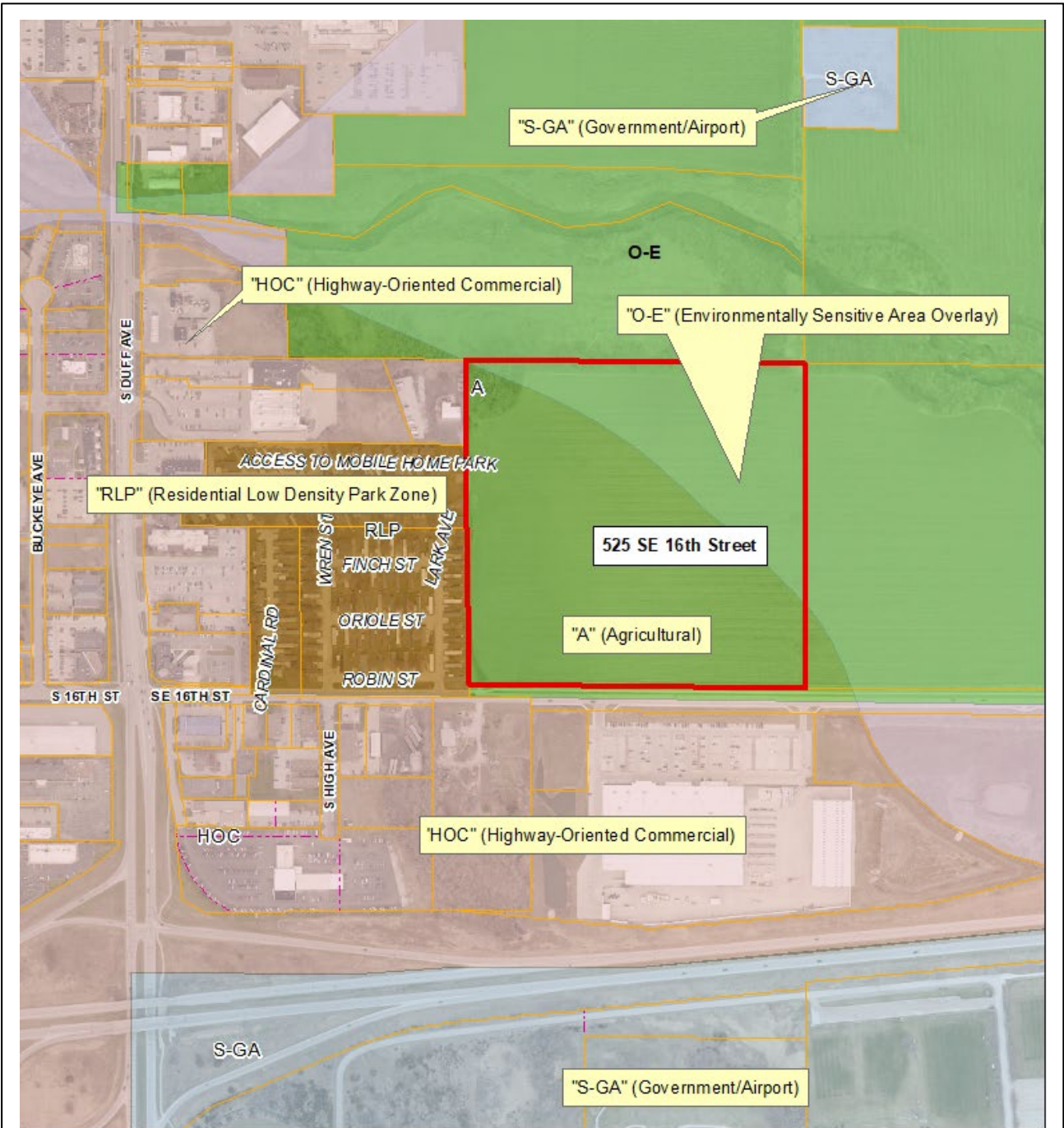


**Ames Plan 2040
Future Land Use Map**

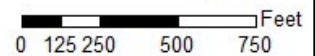
Future Land Use

- Residential Neighborhood 1 - Traditional (RN-1)
- Residential Neighborhood 2 - Established (RN-2)
- Residential Neighborhood 3 - Expansion (RN-3)
- Residential Neighborhood 4 - Village (RN-4)
- Residential Neighborhood 5 - Multi-family (RN-5)
- Neighborhood Core (NC)
- Neighborhood Core - Mixed Use (NC MU)
- Community Commercial/Retail (Com-CR)
- General Commercial (GC)
- Core (Core)
- Redirection (Redir)
- Urban Corridor
- Employment (Emp)
- Park/Recreation
- Open Space
- Civic
- Civic - University
- Hospital/Medical Special Area
- Near Campus Overlay
- Airport Protection Area
- City Limits

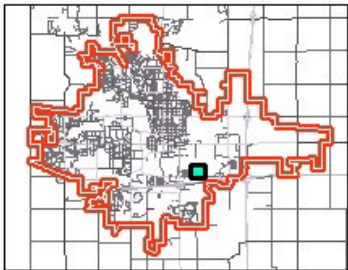
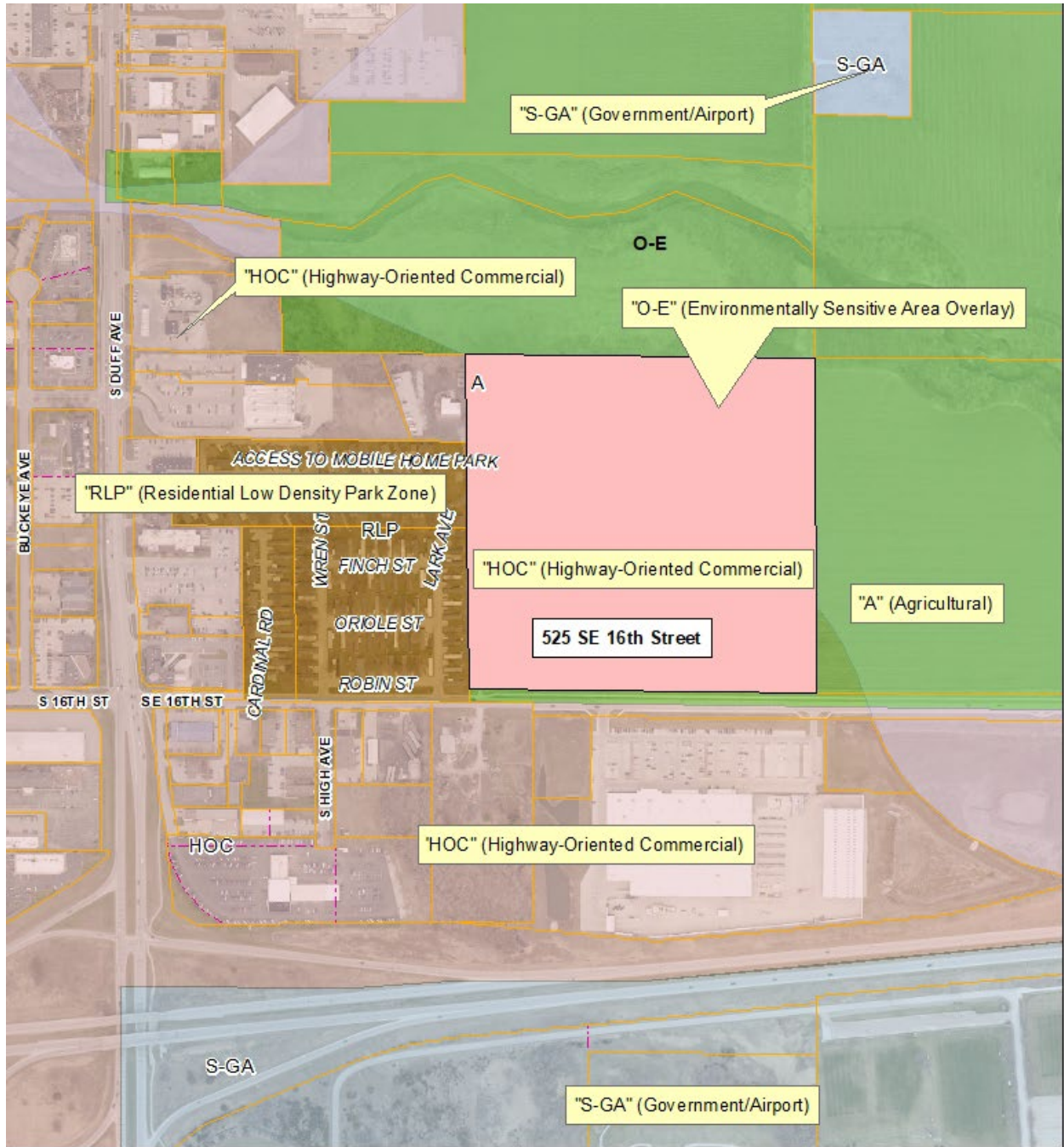
ATTACHMENT C Existing Zoning



Existing Zoning Map 525 SE 16th Street



ATTACHMENT D Proposed Zoning



Proposed Zoning Map 525 SE 16th Street



ATTACHMENT E

Applicant's Statement

The following text is intended to supplement the Rezoning Application packet as required.

1. **Reasons for Requesting Rezoning.** The land is currently zoned as "A" (Agricultural) and cannot be developed until the zoning is changed to "HOC" (Highway-Oriented Commercial).
2. **Consistency of the Rezoning with Ames Plan 2040.** We believe that requesting "HOC" zoning is consistent with the Community Commercial/Retail (Com CR) designation on the Future Land Use Map.
3. **Current Zoning.** "A" (Agricultural)
4. **Proposed Zoning.** "HOC" (Highway-Oriented Commercial)
5. **Proposed Use.** We do not currently have any prospects for the site but believe that after the site gets filled and rezoned that the prospects will come forward. The uses are those listed in the "HOC" approved uses listed in the Municipal Code.
6. **Legal Description.** The SE ¼ of the SE ¼ of Section 11, except the South 50 feet thereof; in Township 83 North, Range 24 West of the 5th P.M., in City of Ames, Story County, Iowa. Containing 38.25 Acres.
7. **Land Area.** 38.25 Acres.
8. **Map.** See attachment.

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 525 SE 16th Street, is rezoned from Agricultural "A" to Highway Oriented Commercial "HOC" and retain the Environmentally Sensitive Overlay "O-E" for the floodway.

Real Estate Description: The SE ¼ of the SE ¼ of Section 11, except the South 50 feet thereof; in Township 83 North, Range 24 west of 5th P.M., in City of Ames, Story County, Iowa. Containing 38.25 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