

ITEM #: 27
DATE: 09-12-23
DEPT: P&H

Staff Report

**REZONING REQUEST OPTIONS FOR PROPERTY LOCATED AT 102 & 116 NORTH
HYLAND AVENUE**

BACKGROUND:

City Council referred a request on July 11 from Eric & Shelly Mathre, the owners of 102 and 116 North Hyland Avenue and the Campus Garage, to consider options for rezoning to allow for lot consolidation and improvements related to their existing auto repair business. The properties are both zoned Residential High Density (RH), and the existing auto repair facility is a nonconforming use and contains nonconforming site improvements. The two sites have been zoned RH since 2000. The property at 102 North Hyland is at the corner of Lincoln Way has the auto repair business. The property at 116 North Hyland is vacant.

The 116 North Hyland vacant lot was the subject of a code enforcement complaint this spring, relating to the creation of an illegal rock parking area. This code enforcement issue precipitated the owner's request for a change to the zoning code. The owner would like to provide additional parking for their business north of the existing building on what is currently a separate lot; however, this is not an allowed use within RH zoning nor is a rock parking lot an allowable improvement.

In response to the complaint, the City contacted the owner this past spring regarding the placement of rock on 116 North Hyland and illegal parking on the rock area. The owner has restricted the parking of vehicles on the rock area while working with the City on zoning options to potentially facilitate his desired use of the property. **Ultimately, the rock will need to be removed from 116 North Hyland Avenue if a commercial rezoning and site development plan are not approved for paving and landscaping of the 116 North Hyland.**

Through discussions with the property owner, they have indicated that they would like to seek a way to improve the site and comply with the zoning site standards of the Ames Municipal Code. **However, as a nonconforming use there are limited options to achieve their goals without changes to land use policy or zoning for the site.** Staff has talked through a handful of zoning options that appear to provide some possibility of partially achieving the owner's plans. Staff has made the owner aware these are not guaranteed solutions due to policy issues of a nonconforming use and planned long term redevelopment for the general area.

Land Use Designation

Currently, the underlying land use designation at 102 & 116 Hyland Avenue in the Ames 2040 Comprehensive Plan is Urban Corridor. Urban Corridor (UC) is a new land use designation created at the time of adoption of Plan 2040. (See *Attachment A -Map*) For the most part, the UC designation is focused on intensifying use in relation to a multi-modal corridor, supporting housing and mixed use. Other interests are also described for enhancements to the area. (See *Attachment B- Plan Excerpt.*) This site was also discussed within the Lincoln Way Corridor Plan as an opportunity site for aesthetic improvements to the corridor and for mixed use development, which is partially the basis for the UC designation within Plan 2040.

The UC Designation is a new concept of Plan 2040 and does not have a readily identifiable implementing zoning district as part of the current Zoning Ordinance. The Implementation Chapter includes an action to create new zoning standards related to commercial zoning districts, including the UC, but commercial zoning changes have not yet been prioritized for implementation. The only current zoning district related to UC is the Overlay-Lincoln Mixed Use (O-LMU), which addresses allowances for adding housing to sites with commercial uses and some design attributes oriented towards Lincoln Way. The Overlay does not change the underlying base zoning use standards and does not resolve the property owners' interests.

OPTIONS:

The current use does not fit the expected vision for the area due to its older site layout and type of use as a vehicle service facility. The commercial site has been zoned residential since 2000 and the vehicle repair facility has been nonconforming since that time. The vacant lot has been residentially zoned for decades and previously included a rental dwelling house that was demolished in 2008.

A vehicle service repair facility is mostly commonly found in the Highway Oriented Commercial (HOC) and the General Industrial zoning districts. Rezoning a site to HOC would fit all the owners' interests to expand their commercial use.

Although the use provides services to the general area and broader community, it is considered a low-intensity use compared to opportunities for infill development along Lincoln Way. These are reasons for the current UC land use designation and the older RH zoning for the site. This is also why applying HOC zoning to this site has questionable consistency with Ames Plan 2040.

With the lack of clarity regarding zoning options for the site if it is not maintained as RH, staff has prepared a range of options for City Council to consider in response to the owners' request. These options address issues related to zoning for the principal use as well as site improvements that would improve the aesthetic of the site. The owners have also indicated to staff that they want to continue their businesses for the foreseeable future and potentially invest in site improvements for the longer-term

use of the site. They do not anticipate selling the site for redevelopment in the near future.

Option 1- Determine that rezoning the properties to Highway Oriented Commercial (HOC) is a corresponding zoning district for the Urban Corridor

To directly allow for the property owner's request to expand the use, City Council would need to interpret Ames Plan 2040 regarding an appropriate corresponding zoning district to the Urban Corridor designation. The Urban Corridor Designation does not have a direct implementing base zoning district.

HOC allows for the Vehicle Service Facility use that currently exists and would remove the nonconforming use status for the site. The property owner could make improvements considered with parking and landscaping requirements. The owner has not indicated there would be any increase in building size or number of service bays. Staff believes a Masterplan would be required as part of a rezoning to HOC to govern any future site plan layout for parking, circulation, and landscaping. Staff would emphasize a need for improvements along Lincoln Way with any Master Plan.

Support for an actual rezoning application would still need to be reviewed for consistency with the goals of UC and the Lincoln Way Corridor Plan. The rezoning Master Plan could include conditions to improve the Lincoln Way frontage along with other site improvements to have additional parking and storage areas.

With this option, City Council would make a motion indicating it would consider a rezoning application by the property owner without needing a Plan 2040 map amendment.

Option 2-Initiate an Ames Plan 2040 Land Use amendment to Community Commercial is required along with the HOC rezoning request

HOC is a direct implementing zone of the Community Commercial (Com CR) land use designation. If City Council believes changing the land use designation at this location from Urban Corridor to Community Commercial would be appropriate given the request from the property owner and the existing conditions at this location, a land use amendment could be done followed by a rezone to HOC. **This process brings the land use designation and rezoning of this site into alignment with the current use in support of its expansion.** It changes the current Plan 2040 vision from future intensification to addressing immediate needs related to the current business. **The policy question is whether to change from Urban Corridor to Community Commercial, rather than what type of zoning district implements the UC designation.**

With this process, staff would recommend a Master Plan to address the same issues identified with Option 1.

With this option, City Council would pass a motion directing the property owner to file a Minor Comprehensive Plan Map amendment application concurrent with a

rezoning and master plan application.

Option 3- Take No Action and Property Owner Initiates Expansion of Non-Conforming Use

As staff has further reviewed the nonconforming conditions and the owners' request, staff determined that a partial expansion could be approved under the current RH zoning designation as permitted by current Zoning Ordinance standards. **The Zoning Ordinance has non-conforming use expansion allowances that can be approved with a Special Use Permit reviewed by the Zoning Board of Adjustment, subject to no intensification of use of the auto repair facility (measured by service bays) and the expansion conforms to all zoning standards.**

In this case, front yard parking is not allowed in RH, so paving would be restricted to the back half of undeveloped site of North 116 Hyland Avenue. This would allow some additional storage area. Making incremental improvements along Lincoln Way for landscaping and vehicle setbacks with a Special Use Permit would be a priority for staff related to allowing other improvements on the site or abutting site.

Staff has discussed this option with the owner to make them aware of this as a fallback option if there is no zoning change.

With this option, City Council would take no action on the rezoning referral request.

Option 4- Determine a rezoning to Neighborhood Commercial for Expansion of a Non-Conforming Use and Site Improvements Implements Plan 2040 Policies

Relying on the current Zoning Ordinance options without a Plan 2040 amendment, there is a hybrid approach of combining commercial zoning site standards and non-conforming uses within the Neighborhood Commercial base zoning. **Staff believes the Neighborhood Commercial (NC) zoning district would fit the intent of the UC designation as an implementing zoning district with its allowed mix of housing and commercial use allowances and design standards. However, auto repair is not a permitted use in the zoning district, but it would adjust the nonconforming expansion allowances compared to RH zoning.**

Rezoning the site to NC would be very similar to Option 3 for expansion of a non-conforming use, but it would allow for more paving on 116 North Hyland Avenue than under RH zoning since there is not a front yard parking prohibition. The main vehicle service facility use would remain nonconforming, but additional site improvements could occur via Special Use Permit. Other features of the site would still be nonconforming as they are in RH, such as parking in front of the building along Lincoln Way.

This would maintain the Vehicle Services Facility use as a nonconforming use but shift the property to a commercial zoning designation that does not require a land use amendment as NC is a compatible use with existing commercial and residential land uses

across the City. NC zoning also allows for mixed use development which remains in line with the vision of the Urban Corridor for future redevelopment options. The parking along Lincoln Way and Hyland would still be nonconforming between the front facades of the building and the street, but a future parking lot expansion to the north would not be between a front façade and the building otherwise and would allow for more improvements than would be allowed under RH as a nonconforming use expansion. Incremental Lincoln Way improvements would still be desirable.

The property owner could directly apply for NC rezoning, no action by City Council would be needed to amend Ames Plan 2040. A Master Plan could still be required with the NC rezoning and improving the frontage along Lincoln Way could be required in conjunction with adding parking and storage to the 116 N Hyland site.

With this option, City Council would make a motion indicating it would consider a rezoning application by the property owner without requiring a Plan 2040 map amendment.

STAFF COMMENTS:

Although the genesis of this request was a code enforcement action, the interests of the small business operator brings an implementation question of Ames Plan 2040 to the City Council as a policy issue. Overall, the intent for long term redevelopment of the site is clear within the UC designation and Lincoln Way Corridor Plan for future intensification. Part of the site has been zoned for redevelopment for 20+ years, but the owner desires to continue to operate the business rather than redevelop.

Typically, a property owner does not seek a referral from Council for a rezoning application because there is usually clear consistency for implementation of the comprehensive plan. In this case it is not clear due to recency of Plan 2040's adoption and the owner did not want to invest time and money in an endeavor the City Council did not believe to be consistent with structure of the Ames Plan 2040.

Option 1 and Option 2 require direction from City Council for the property owner to proceed and fully utilize his site for commercial purposes as he desires. Without City Council direction regarding the UC land use designation, the owner could proceed under Option 3 or Option 4 and have some limited opportunities for improvements to the site.

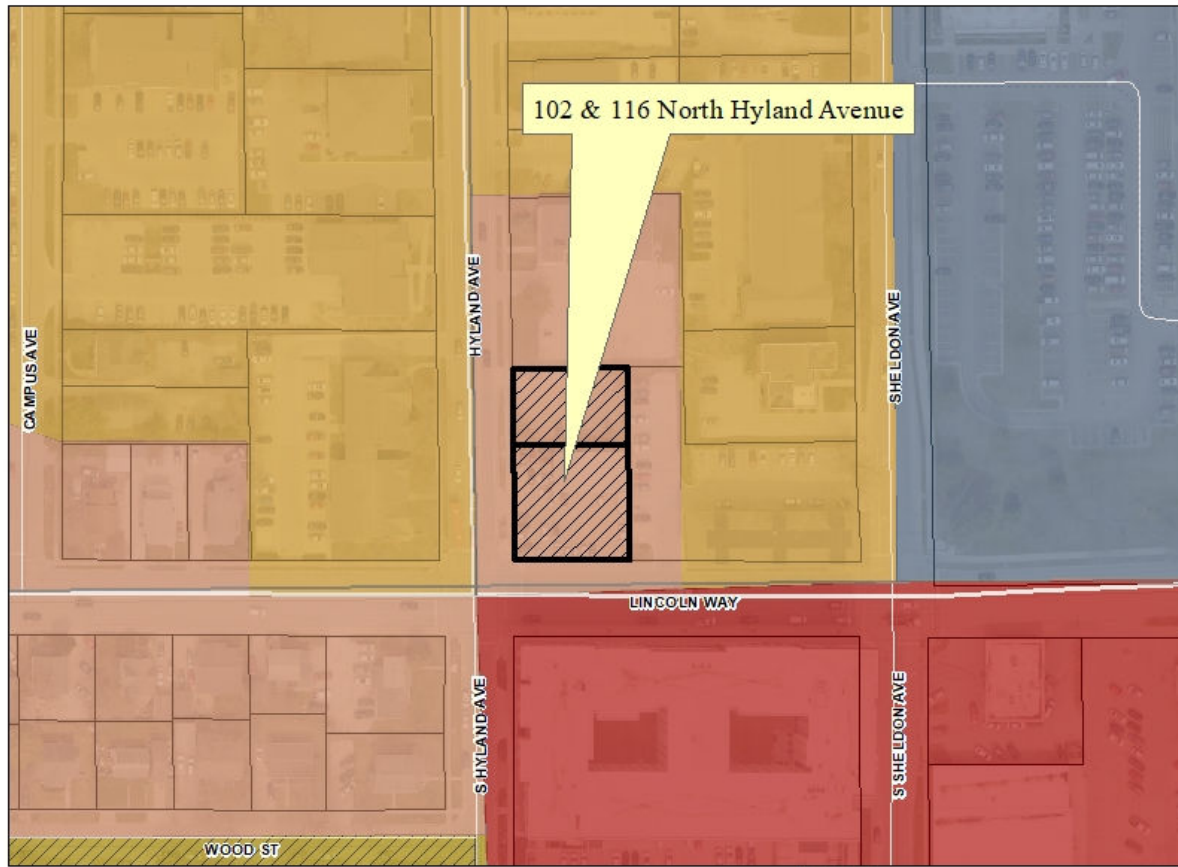
Staff would expect that the owner improve the parking separation and landscape area along Lincoln Way as a result of any improvements to the site with any of the options presented in this report. These types of improvements are consistent with goals of the UC designation and Corridor Plan to improve the aesthetics and user experience of pedestrians in this area.

If City Council determines that considering HOC zoning for the site in support of the current use is priority for the corridor over longer term visioning, staff would

recommend pursuing Option 2 for a change of the use designation to Community Commercial (Com CR) which has HOC as an implementing zoning district. This approach maintains the integrity of the UC designation for other properties where an emphasis on mixed use, intensification, and multi-modal corridor improvements are the priority compared to Com CR designation which prioritizes commercial interests.

Options 3 and 4 require no policy changes by City Council and the owner could pursue either option as they so choose.

Attachment A- Location Map & Land Use Designation



102 & 116 North Hyland Location & Land Use



- Legend**
- City Limits
 - PARCELS
 - <all other values>
 - Residential Neighborhood 4 - Village (RN-4)
 - Residential Neighborhood 5 - Multi-family (RN-5)
 - Community Commercial/Retail (Com-CR)
 - General Commercial (GC)
 - Employment (Emp)
 - Park/Recreation
 - Open Space
 - Civic
 - City Limits
 - CITY LIMITS
 - STREET LABELS - ALL @ 50000FT**
 - Private
 - ISU Road
 - City Road
 - County Secondary
 - County Hwy
 - State Hwy
 - US Hwy
 - US Interstate Hwy

Attachment B- Urban Corridor Designation Comp Plan Excerpt

LAND USE: CATEGORIES

Urban Corridor

- » Major strategic arterial corridors, initially on Lincoln Way but potentially extending to avenues, mixed-use avenues, boulevards, and thoroughfares.
- » Connect regional, community, and neighborhood mixed-use nodes.
- » Auto-dominated public environment and typical development pattern, emphasizing visible parking and road access. Typically include CyRide service.

- » Potential for denser redevelopment with more efficient site design, reuse of unnecessary parking, infilling of left-over sites.
- » Dominant commercial uses but may include residential and sometimes maker and service uses. Older lower-density residential can be in poor condition.
- » Different community roles and business mixes, with high public visibility.

APPLICABLE EXISTING ZONING CATEGORIES

- » O-LMU Lincoln Way Mixed Use Overlay District as a pattern for other corridors

GOALS

- » Increase diversity of uses along major corridors and recognize their potential as mixed-use urban districts.
- » Encourage positive evolution of corridors through application of Corridor Urbanism principles: respect for past development patterns and existing businesses; increasing the number of people living along appropriate corridors; capitalizing on opportunities presented by oversized parking lots, vacancies, and underused sites; improving transportation function for all modes; and enhancing the street environment.
- » Increase connectivity and improve accommodation for active transportation modes along major streets.

DEVELOPMENT GUIDELINES

- » Manage street access and increase parking efficiency by consolidating access points, interconnecting parking lots, and sharing common access points.
- » Incorporate medium- and high-density residential use on underused sites, unnecessary parking areas, and gaps along corridors, including Lincoln Way.
- » Re-purpose aging and outdated buildings.
- » May require specific development plans that establish intensity and density ranges for different contexts.
- » Improve pedestrian connections from public domain to business entrances.

PUBLIC ACTIONS

- » Complete corridor development plans using the Lincoln Way model for other candidate corridors. Re-evaluate parking requirements and design standards.
- » Create a new mixed-use urban corridor zoning base or overlay district, reflecting permitted uses and revised standards.
- » Improve accommodations for transit users on key routes, with shelters/stations, arrival information, bicycle parking, and other amenities.
- » Reinvest in the public street environment. Organize corridors increasingly as "districts" with common theming, promotion, and maintenance.
- » Consider development incentives for development projects consistent with specific corridor plans.

