

ITEM #: 6
DATE: 01/20/10

COMMISSION ACTION FORM

DATE PREPARED: January 15, 2010

REQUEST: Land Use Policy Plan (LUPP) Future Land Use Map Amendment to change the land use designation of the subject properties from Highway Oriented Commercial (HOC) to General Industrial (GI) ***See attached map***

**APPLICANT/
PROPERTY OWNER:** R. Friedrich & Sons, Inc.
Kurt Friedrich
619 East Lincoln Way
Ames, IA 50010

CONTACT: Clapsaddle-Garber Associates (CGA)
Kenneth Janssen, P.E., L.S.
612 Fifth Street
Ames, IA 50010

LOCATION: Properties Requested by Applicant:
729 East Lincoln Way (United Parcel Services)
707 East 2nd Street (Friedrich Construction)
Properties Initiated for a Land Use Change by City Staff:
605 East 2nd Street (Alliant Energy)
605 East 2nd Street Rear (City of Ames)
525 East 2nd Street (Mulmac LLC)
210 Borne Avenue (Ralph & Mary Goebel)
314 Borne Avenue (City of Ames)

ACREAGE: 9.53 Acres of Land Included in the Applicant's Properties
10.82 Acres of Land Included in the Properties Initiated by Staff

**FUTURE LAND USE
DESIGNATION:** ***See attached map***
Highway-Oriented Commercial (HOC)

**PROPOSED
FUTURE LAND USE
DESIGNATION:** ***See attached map***
General Industrial (GI)

**CURRENT
ZONING:** ***See attached map.***
729 East Lincoln Way:
Highway-Oriented Commercial (HOC)
707 East 2nd Street:
General Industrial (GI)
605 East 2nd Street (Rear)
Government/Airport (S-GA)

BACKGROUND INFORMATION:

Referral & Application. On November 10, 2009, the City Council referred to staff the request of R. Friedrich & Sons, Inc., to amend the Future Land Use Map of the Land Use Policy Plan by changing the designation of land located at 729 East Lincoln Way (the location of United Parcel Services distribution facility), and 707 East 2nd Street (the location of Friedrich Construction) from Highway-Oriented Commercial to General Industrial. City staff then notified the property owner that an application was needed for a “Land Use Policy Plan (LUPP) Future Land Use Map Amendment” to proceed with their request. An application was submitted by the property owner on December 3, 2009, for consideration by the City of Ames.



Existing Uses, Proposed Changes, and Future Plans. The current use of the property at 729 East Lincoln Way is “parcel services” (United Parcel Services, ‘UPS’). This is an “industrial use” in the “Warehouse and Freight Handling” category of Table 29.501(4)-4 of the *Municipal Code*. “Parcel services” is a nonconforming use of the property in the current HOC zoning district. The property owner is seeking a change in the LUPP Future Land Use Map designation to General Industrial as the first step in a process to change the zoning of the property to GI and bring the “parcel services” use of this property into conformance with the GI district. The property at 707 East 2nd Street abuts the parcel services property to the north. This property is occupied by a “building contractor” (Friedrich Construction) which is an “industrial use” in the “Industrial Service” category of Table 29.501(4)-4 of the *Municipal Code*. This is a conforming use in the GI zoning district, which is the current zoning of the property. Changing the LUPP Future Land Use Map designation from HOC to GI would bring the Map designation into conformance with the current zoning for the Friedrich Construction property. Amending the Future Land Use Map to GI for both properties followed by the rezoning of the property at 729 East Lincoln Way from HOC to GI would enable UPS to make site improvements for expanded off-street parking and landscaping, which is proposed to extend into both properties. Approval of a new subdivision plat will also be necessary to accomplish the proposed site improvements. Consideration of a subdivision plat could be processed in conjunction with a request for rezoning of the UPS site.

Change in Land Use Designation Proposed for Properties in the General Vicinity. As City staff has reviewed the applicant’s proposal for amending the LUPP Future Land Use Map, the designation of properties in the general vicinity has also been examined. The land use designation of properties, which abut East Lincoln Way directly west of the UPS site, is Highway-Oriented Commercial. This is consistent with the HOC zoning and is appropriate for the existing uses of these properties. The properties west and north of the Friedrich Construction site are also designated as Highway-Oriented Commercial on the Future Land Use Map; however, the zoning of these five properties is General Industrial. Two of the five properties are owned and occupied by the City of Ames Electric Department facilities. The property at 605 East 2nd Street is occupied by Alliant Energy maintenance equipment. The property at 525 East 2nd Street is occupied by a heating and cooling contractor, warehouse facilities, and a manufacturer of various food equipment. The property at 210 Borne Avenue is occupied by a private shop facility for woodworking and painting. These land uses are consistent with the GI zoning of the five properties.

City staff has sent notice to the owners of the three privately-owned properties concerning the proposal by the applicant to change the future land use designation of the two properties owned by R. Friedrich & Sons, Inc., and has solicited their input, comments, and concerns about changing the future land use designation of their own properties from Highway-Oriented Commercial to General Industrial. Responses expressing support for the changes to the Future Land Use Map have been received from Alliant Energy and Ralph Goebel. Mulmac, LLC, the owner of property at 525 East 2nd Street, has not responded; however, the current uses of this property are industrial-type uses and would be consistent with a General Industrial land use map designation.

The remaining two of five properties proposed by staff for inclusion in this land use change are City-owned. Therefore, City staff suggests that these five properties be considered, along with the applicant's request for a change in designation on the Future Land Use Map from Highway-Oriented Commercial to General Industrial.

Sidewalk Requirements. Public sidewalk has been constructed west of the UPS site, in the right-of-way for East Lincoln Way, and ends at the west property line. Given the current HOC zoning, an extension of this sidewalk to the east across the UPS site would be required as part of the approval of a final plat to create new lot lines for the UPS property. The requirement for sidewalk in the public right-of-way is found in Section 23.403(14)(a) of the *Municipal Code* and reads as follows:

- *“Section 23.403(14)(a). Sidewalks and walkways shall be designed to provide convenient access to all properties and shall connect to the City-wide sidewalk system. A minimum of a four-foot wide concrete sidewalk shall be installed in the public right-of-way along each side of any street within residentially and commercially zoned areas and along at least one side of any street within industrially zoned areas. Such a sidewalk shall connect with any sidewalk within the area to be subdivided and with any existing or proposed sidewalk in any adjacent area. Any required sidewalk shall be constructed of concrete and be at least four feet wide.”*

If the City Council approves the applicant's request to change the land use designation on the Future Land Use Map from Highway-Oriented Commercial to General Industrial, the applicant has indicated that a request for rezoning will then be submitted to change the zoning of the UPS site from HOC to GI. If the rezoning were approved by the City Council, sidewalk would not be required in the public right-of-way since it already exists on the south side of Lincoln Way, which meets the requirement for sidewalk on one side of the street in industrially zoned areas. This would result in the sidewalk ending abruptly in the grass area near the driveway to the UPS site, with no future requirement for extension across the site.

To provide a terminus to the end of the sidewalk which leads to a building, instead of ending in the grass portion of the street right-of-way, City staff would recommend that a section of sidewalk (approximately 20 feet in length) be constructed at the end of the existing sidewalk which would be oriented to the north for access to the building west of the UPS site. This would provide a more useable connection for pedestrians instead of the sidewalk terminating in the grass area of the street right-of-way. At the time of rezoning, it will be staff's recommendation that this section of sidewalk be installed prior to approval of the rezoning, or that an agreement be approved to ensure the future installation of the sidewalk.

APPLICABLE LAW / POLICY:

Land Use Policy Plan Goals. In reviewing the proposal to change the LUPP Future Land Use Map, staff has examined applicable goals and policies of the Land Use Policy Plan (see pages 14-23 of the LUPP). Findings in relation to the goals and objectives of the LUPP, as they pertain to changes proposed in the land use designation, are described as follows:

Goal No. 1 – Planning and Management of Growth

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.

Objectives. *In managing growth, Ames seeks the following objectives.*

- 1A.** Ames seeks to diversify the economy and create a more regional employment and market base. While continuing to support its existing economic activities, the community seeks to broaden the range of private and public investment.

Staff Comments: Land resources identified in the LUPP for the Highway-Oriented type of commercial development are located in the New Lands areas, not along or near East Lincoln Way, in the area under consideration. This is the western edge of a large concentration of general industrial development. Changing the land use designation to General Industrial may encourage private investment in the existing industrial economic activities in this area of the community.

Goal No. 2. – Developable Area Provisions

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

Objectives. *In assuring and guiding areas for growth, Ames seeks the following objectives.*

- 2B.** Ames seeks to assure the availability of sufficient suitable land resources to accommodate the range of land uses that are planned to meet growth. Sufficient land resources shall be south to eliminate market constraints.

Staff Comments: This is an area of the community that has not been identified as an area to accommodate future commercial or industrial growth. The subject properties and surrounding properties include a mix of existing commercial and industrial development that would serve as a resource for new development only if the market would support redevelopment through the demolition of existing structures.

Goal No. 5. – Cost-effectiveness and Efficient Growth Pattern

It is the goal of Ames to establish a cost-effective and efficient growth pattern for development in new areas and in a limited number of existing areas for intensification. It is a further goal of the community to link the timing of development with the installation of public infrastructure including utilities, multi-modal transportation system, parks and open space.

Objectives. *In defining the growth pattern and timing of development, Ames seeks the following objectives.*

5C. *Ames seeks the continuance of development in emerging and infill areas where there is existing public infrastructure and where capacity permits.*

Staff Comments: This is an established area of the community fully served by public infrastructure. There is some opportunity for infill development on the property at 707 East 2nd Street, provided a subdivision plat is approved for division of this land into multiple lots. The flood plain restrictions on this land would require flood protection measures that would typically be fill to place the lowest floor elevation of new buildings a minimum of three feet above the 100-year base flood elevation. The land available for development would be best suited to an industrial land use designation given the existing development in the vicinity and the fact that vacant land available for development does not abut East Lincoln Way.

Land Use Projections. The LUPP includes “land use projections” for commercial and industrial development (see page 11 of the LUPP). Commercial land use projections are stated as follows: *“Based on the projected population increase for the collective Planning Area, another 800-900 acres are required for commercial growth. The projection also assumes an increase in regional attraction.”*

Industrial land use projections are stated as follows: *“Based on a projected manufacturing-related employment increase of 1,300 to 1,700 jobs for the collective Planning Area, another 300 to 375 acres are required for industrial growth.”*

Staff Comments: The City has invested in other areas of the community which are more suited for new commercial development. The subject properties are more suited for industrial development given the current use of those subject properties and established industrial development in the general vicinity. Unless the City takes efforts to revitalize this established area of the community to make it more attractive to developers for new commercial development, it does not seem likely that such redevelopment will occur without financial and other types of assistance made available through the City of Ames.

Future Land Use Allocation. The LUPP breaks down the number of acres of land needed for future development based upon the specific type of commercial and industrial development (see page 29 of the LUPP). The future land use allocation for commercial development is projected as follows: *“An additional 800-900 acres are allocated for future commercial uses. Included are approximately 125-150 acres for convenience /neighborhood-scale activities, 300-350 acres for community-scale activities and 375-400 acres for regional-scale activities.”*

The future land use allocation for industrial development is projected as follows: *“An additional 300-375 acres are allocated for industrial uses. Included are approximately 225-275 acres for planned industrial involving industrial park-type settings, plus 75-100 acres for general industrial involving non-park settings.”*

Staff Comments: The additional land allocated for commercial and industrial expansion is

located in the New Lands areas identified on the LUPP Future Land Use Map. The subject properties are not located in the New Lands areas for future development. The addition of the subject properties to the inventory of industrial land will likely not reduce the number of acres of land needed for industrial development in the New Lands area. The added acres would likely be used for expansion of existing businesses in the vicinity as opposed to new industrial uses in the New Lands area.

Future Land Use Classification. The LUPP includes an extensive classification system for future land use. Identification and definition of future land use classifications are described as follows for Highway-Oriented Commercial and General Industrial:

- *“Highway-Oriented Commercial – scale commercial uses that are associated with strip developments along major thoroughfares. Floor area ratios are between 0.25 and 0.50 depending on location.”* (see page 30 of the LUPP)
- *“General Industrial – Industrial uses that involve individual siting in designated areas where overall use and appearance requirements are less restrictive.”* (see page 31 of the LUPP)

Staff Comments: The subject properties of the applicant’s request and the properties City staff is suggesting for a change in land use designation are all presently designated as HOC on the Future Land Use Map. With the exception of the property at 729 East Lincoln Way (the location of United Parcel Services), these properties do not abut a major thoroughfare (East Lincoln Way), but rather are separated from a major arterial street by the existing strip commercial properties along the north side of East Lincoln Way. In part due to this separation from a major thoroughfare and considering the nature of the current use of these properties, an industrial land use designation is more consistent with the overall use of properties and their appearance.

Commercial Expansion Areas. The LUPP includes the following policy addressing commercial expansion areas:

- *“In supporting the community’s goal for economic expansion, additional commercial uses are needed to support the increasing population and workforce and to serve the increasing regional attraction of Ames’ market. It is recommended that the New Lands area provide the base for most of the community’s convenience/neighborhood, community and regional commercial expansion.”* (see page 56 of the LUPP)

Staff Comments: Changing the land use designation of the subject properties to industrial will not adversely affect this policy for commercial expansion areas given the fact that this is not located in the New Lands area.

Industrial Expansion Areas and General Industrial. The LUPP includes the following policies regarding Industrial Expansion Areas, and more specifically General Industrial activities:

“Industrial Expansion Areas. In further supporting the community’s goal for economic expansion, additional industrial uses are needed. Expansion areas are recommended for both private sector activities and ISU-research park activities. It is recommended that the New Lands area provide the base for the community’s industrial expansion.” (see page 59 of the LUPP)

“General Industrial. It is recommended that general industrial activities be limited in their scale and location. The intent is to minimize their impact on the community’s current land resources and infrastructure.” (see page 60 of the LUPP)

Staff Comments: Changing the land use designation of the subject properties to industrial will not adversely affect this policy for commercial expansion areas given the fact that this is not located in the New Lands area. The addition of industrial land to the inventory will serve to facilitate the expansion and viability of existing industrial development and will bring an existing industrial facility into conformance with the Future Land Use Map.

ANALYSIS:

The properties under consideration, including those requested for a land use change by the applicant and those identified by City staff, are well established properties of an industrial nature and character that were initially developed several years ago. The Highway-Oriented Commercial land use designation is not consistent with the established uses of the properties and, except for the property at 729 East Lincoln Way, does not conform to the General Industrial zoning. As described in this report, the “parcel services” use of the property at 729 East Lincoln Way does not conform to the Highway Oriented Commercial zoning of the property and is therefore a non-conforming use. Change of the land use designation of this property followed by a rezoning to General Industrial would bring the use of the property into conformance with the zoning district and would establish consistency between the land use planned for the subject properties and the zoning district in which the properties are located.

ALTERNATIVES:

1. The Planning and Zoning Commission can recommend that the City Council approve an amendment to the LUPP Future Land Use Map to change the land use designation of the following properties from Highway-Oriented Commercial to General Industrial:
 - 729 East Lincoln Way (Applicant’s Proposal)
 - 707 East 2nd Street (Applicant’s Proposal)
 - 605 East 2nd Street (City Staff Proposal)
 - 605 East 2nd Street Rear (City Staff Proposal)
 - 525 East 2nd Street (City Staff Proposal)
 - 210 Borne Avenue (City Staff Proposal)
 - 314 Borne Avenue (City Staff Proposal)

2. The Planning and Zoning Commission can recommend that the City Council approve an amendment to the LUPP Future Land Use Map to change the land use designation of the following properties from Highway-Oriented Commercial to General Industrial:
 - 729 East Lincoln Way (Applicant's Proposal)
 - 707 East 2nd Street (Applicant's Proposal)
3. The Planning and Zoning Commission can recommend that the City Council place a Community Commercial Node at 601 South 16th Street.
4. The Planning and Zoning Commission can refer this request back to staff or the applicant for more information prior to forwarding a recommendation to City Council.
5. The Planning and Zoning Commission can recommend that the City Council maintain the existing Highway-Oriented Commercial land use designation on the LUPP Future Land Use Map.

RECOMMENDED ACTION:

The basis for City staff's recommendation is focused on two issues:

- Consistency between the LUPP Future Land Use Map designation and the zoning designation for the two properties included in the applicant's request, as well as the five properties identified by City staff, and
- Bringing the "parcel services" use into compliance with the Future Land Use Map.

Therefore, it the recommendation of the Department of Planning and Housing that the Planning and Zoning Commission recommend Alternative #1 to the City Council, approving the request of the applicant and including a change in the LUPP Future Land Use Map designation for the five properties identified by City staff.