

ITEM #: 7
DATE: 03/03/10

COMMISSION ACTION FORM

DATE PREPARED: February 26, 2010

REQUEST: Rezone a narrow strip of land located at 615 E. Lincoln Way from "GI" (General Industrial) to "HOC" (Highway-Oriented Commercial)

Rezone a portion of the proposed lots located at 725 and 729 E. Lincoln Way from "HOC" (Highway-Oriented Commercial) to "GI" (General Industrial).

**PROPERTY OWNER/
APPLICANT:** 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: 615 E. Lincoln Way (Commercial Center)
725 E. Lincoln Way (Friedrich Construction)
729 E. Lincoln Way (United Parcel Services)

ACREAGE: 615 E. Lincoln Way (Proposed Lot 1): 3.11 acres
725 E. Lincoln Way (Proposed Lot 3): 6.60 acres
729 E. Lincoln Way (Proposed Lot 2): 1.84 acres

LUPP DESIGNATION: 615 Lincoln Way: Highway-Oriented Commercial
725 & 729 Lincoln Way: General Industrial

CURRENT ZONING: 615 E. Lincoln Way: "GI" (General Industrial)
(This applies only to the strip of land along the north property line proposed for rezoning. The rest of the Lot 1 is zoned as "HOC.")

725 E. Lincoln Way: "HOC" (Highway-Oriented Commercial)
(This applies only to the 25-foot wide portion of Lot 3 that abuts E. Lincoln way proposed for rezoning. The rest of Lot 3 is zoned as "GI.")

729 East Lincoln Way: "HOC" (Highway-Oriented Commercial)
(This applies only to the portion of Lot 2 presently occupied by
United Parcel Services proposed for rezoning. The rest of Lot
2 is zoned as "GI.")

PROPOSED ZONING: 615 E. Lincoln Way: "HOC"(Highway-Oriented Commercial)
725 E. Lincoln Way: "GI" (General Industrial)
729 East Lincoln Way: "GI" (General Industrial)

PROJECT DESCRIPTION:

The request for rezoning involves three adjacent properties under single ownership by R. Friedrich & Sons, Inc. The three properties are located at 615, 725, and 729 E. Lincoln Way. An application for approval of a Final Plat to change the boundaries of these three properties and establish Lots 1, 2, and 3 of Friedrich's Commercial Subdivision, Second Addition is being processed concurrently with the request for rezoning (see the Proposed Final Plat attached to this report). The property at 615 E. Lincoln Way is zoned as "HOC." The developer proposes to add a narrow strip of land from the abutting property to the north at 725 E. Lincoln Way to include in proposed Lot 1. This narrow strip of land is presently zoned as "GI." The proposal is to rezone this narrow strip from "GI" to "HOC" which will result in the "HOC" zoning designation for the entire property at 615 E. Lincoln Way (Lot 1).

The proposed Final Plat shows the property at 725 E. Lincoln Way as Lot 3. Lot 3 includes a strip of land 25 feet wide that extends south to provide lot frontage on E. Lincoln Way. This 25-foot strip of land is presently zoned as "HOC." The remainder of Lot 3 is zoned as "GI." The proposal is to rezone this 25-foot strip of land from "HOC" to "GI" which will result in the "GI" zoning designation for the entire property at 725 E. Lincoln Way.

The proposed Final Plat shows the property at 729 E. Lincoln Way as Lot 2. Lot 2 is an expansion of the property occupied by United Parcel Services (UPS). The developer proposes to add a part of the parcel of land at 725 E. Lincoln way to the parcel at 729 E. Lincoln Way to create the proposed Lot 2. The part of Lot 2 presently occupied by UPS is zoned as 'HOC.'" The parcel of land to be added to the UPS site as the rest of Lot 2 is zoned as "GI." The proposal is to rezone the "HOC" portion of Lot 2 to "GI" which will result in the "GI" zoning designation for the entire property at 729 E. Lincoln Way.

BACKGROUND INFORMATION:

On January 26, 2010, the City Council approved a resolution to change the designation of properties on the Land Use Policy Plan (LUPP) Future Land Use Map from "Highway Oriented Commercial" to "General Industrial." Two of the properties included in this change of land use designation are 725 and 729 E. Lincoln Way, which are now proposed for rezoning from "HOC" to "GI." Changing the zoning as proposed would bring the zoning into conformance with land use designations on the LUPP Future Land Use Map for all the properties that are part of the rezoning proposal.

The land proposed for this rezoning is located on the north side of East Lincoln Way in an area of the community developed with a combination of commercial and industrial land use. The current use of the property at 729 East Lincoln Way (proposed Lot 2) 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 proposed zoning change of the property to “GI” would bring the “parcel services” use of this property into conformance with the “GI” district. That would facilitate UPS’s desires to expand their facilities to the north inside the boundaries of proposed Lot 2. The property at 725 E. Lincoln Way (proposed Lot 3) is occupied by a “building contractor” (Friedrich Construction). This is an “industrial use” in the “Industrial Service” category of Table 29.501(4)-4 of the *Municipal Code*, and is a conforming use in the “GI” zoning district. The land at 615 East Lincoln Way is occupied by a building that includes several commercial tenants.

Surrounding Area. The following table identifies the Future Land Use Map designation, existing zoning, and existing land use of the properties surrounding the property proposed for rezoning.

DESCRIPTION OF SURROUNDING AREA

Area	FUTURE LAND USE MAP DESIGNATION	EXISTING ZONING	EXISTING LAND USE
North	General Industrial	S-GA (Government/Airport)	City of Ames Electric Utility
South	Highway-Oriented Commercial	HOC (Highway Oriented Commercial)	Commercial Service
East	General Industrial	GI (General Industrial)	Commercial Retail
West	Highway-Oriented Commercial	HOC (Highway Oriented Commercial)	Commercial Office

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 proposed rezoning is approved by the City Council, sidewalk will not be required in the public right-of-way since it already exists on the south side of Lincoln Way. This would meet the requirement for sidewalk on one side of the street in industrially zoned areas. However, it 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.

The need to install a 20-foot section of sidewalk, as described above, was addressed by staff at the City Council meeting on January 26, 2010, at the time the City Council approved a change to the land use designation of the subject properties on the Future Land Use Map.

Applicable Laws and Policies. The laws and policies that are applicable to this case are included in *Attachment A*.

Findings of Fact and Conclusions. Based upon the findings of fact in *Attachment B* and the analysis contained in this report, staff concludes that the proposed rezoning of property at 615, 725, and 729 E. Lincoln Way is consistent with the Land Use Policy Plan (LUPP) Future Land Use Map. Staff concludes that the request for rezoning complies with the relevant sections of the *Municipal Code* for the submittal and processing of the rezoning application. Staff further concludes that the uses of land on the properties proposed for rezoning are permitted in the zoning districts that are proposed, and that the existing buildings meet the minimum required building setbacks for the proposed zoning of the land, as shown on the proposed Final Plat of Friedrich's Commercial Subdivision, Second Addition. Finally, staff concludes that the public health, safety and interest will be served by the proposed rezone, provided that the sidewalk that abuts the UPS site on its west property line is properly terminated to direct pedestrians away from the driveway and onto a safer location on the property at 615 E. Lincoln Way.

Conditions of Approval. Staff believes the proposed rezoning of property at 615, 725, and 729 E. Lincoln Way complies with relevant codes and policies. However, it should be noted that the Final Plat of Friedrich's Commercial Subdivision, Second Addition, is being processed concurrently with this request for rezoning and that the lots proposed by this new subdivision (Lots 1, 2, & 3) are referenced throughout this report as the boundaries for the proposed zoning lines. Therefore, staff recommends approval of the rezoning request subject to the following conditions:

- A. The proposed rezoning of properties at 615, 725, and 729 E. Lincoln Way shall be approved only in conjunction with the approval of the Final Plat of Friedrich's Commercial Subdivision, Second Addition, and that the zoning boundaries follow the platted lots lines between Lot 1 and Lot 3, and between Lot 2 and Lot 3, as shown on the Final Plat of Friedrich's Commercial Subdivision, Second Addition.

- B. The rezoning shall not be effective until the recording of the Final Plat of Friedrich's Commercial Subdivision, Second Addition.
- C. A section of sidewalk (approximately 20 feet in length) shall be constructed at the end of the existing sidewalk which will be oriented to the north for access to the building at 615 E. Lincoln Way. Installation of the sidewalk will occur prior to rezoning of the property at 615, 725, and 729 E. Lincoln way, unless an Agreement ensuring the future installation of the sidewalk, including financial security, is approved as part of the approval of the Final Plat of Friedrich's Commercial Subdivision, Second Addition.

ALTERNATIVES:

1. The Planning and Zoning Commission can recommend that the City Council approve the rezoning of:
- A narrow strip of land located at 615 E. Lincoln Way from "GI" (General Industrial) to "HOC" (Highway-Oriented Commercial); and,
 - A portion of the proposed lots located at 725 and 729 E. Lincoln Way from "HOC" (Highway-Oriented Commercial) to "GI" (General Industrial), by adopting the findings of fact and the conclusions of staff, with the following conditions:
 - A. That the proposed rezoning of properties at 615, 725, and 729 E. Lincoln Way be approved only in conjunction with the approval of the Final Plat of Friedrich's Commercial Subdivision, Second Addition, and that the zoning boundaries follow the platted lots lines between Lot 1 and Lot 3, and between Lot 2 and Lot 3, as shown on the Final Plat.
 - B. The rezoning shall not be effective until the recording of the Final Plat of Friedrich's Commercial Subdivision, Second Addition.
 - C. A section of sidewalk (approximately 20 feet in length) shall be constructed at the end of the existing sidewalk which will be oriented to the north for access to the building at 615 E. Lincoln Way. Installation of the sidewalk will occur prior to rezoning of the property at 615, 725, and 729 E. Lincoln way, unless an Agreement ensuring the future installation of the sidewalk, including financial security, is approved as part of the approval of the Final Plat of Friedrich's Commercial Subdivision, Second Addition.
2. The Planning and Zoning Commission can recommend that the City Council approve the rezoning of the described area with specific conditions deemed reasonable and necessary to satisfy public needs which are directly caused by the requested change and by justifying such conditions by adopting their own findings of fact and conclusion.

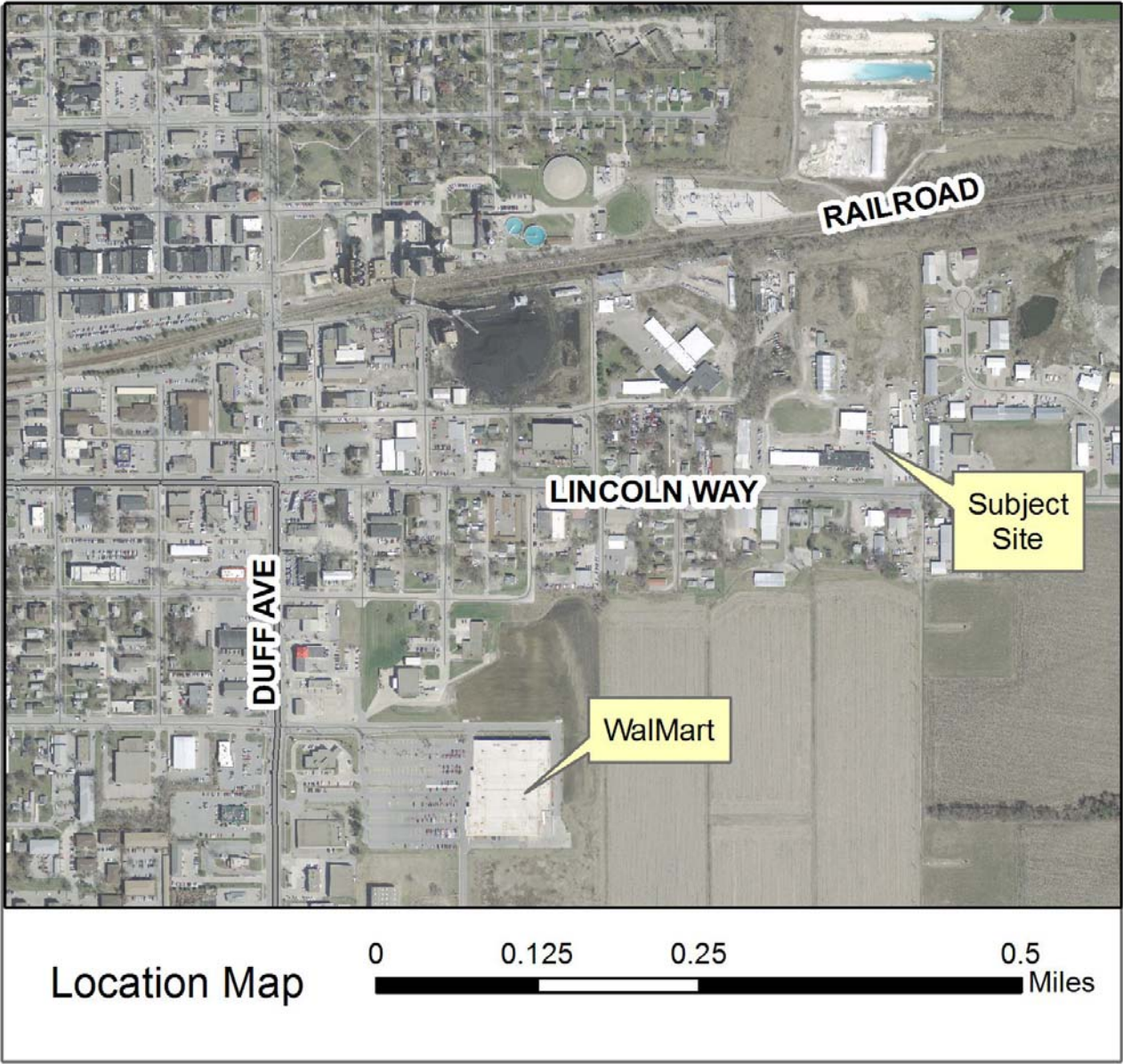
3. The Planning and Zoning Commission can recommend that the City Council deny the rezoning of the described area if the Commission finds and concludes that the proposed rezoning is not consistent with adopted policies and regulations, or that the rezone will impose impacts that cannot be reasonably mitigated.
4. The Planning and Zoning Commission can defer action on this request and refer it back to City staff and/or the applicant for additional information.

RECOMMENDED ACTION:

The proposed rezoning is consistent with the LUPP Future Land Use Map. The existing uses are consistent with the uses allowed in the proposed zones. Condition "A" ensures that the proposed zoning boundaries will be consistent with the lot lines shown on the Final Plat proposed for the subject properties.

Therefore, it is the recommendation of the Department of Planning and Housing that the Planning and Zoning Commission recommend Alternative #1 to the City Council, approving the rezoning of:

- A narrow strip of land located at 615 E. Lincoln Way from "GI" (General Industrial) to "HOC" (Highway-Oriented Commercial); and,
- A portion of the proposed lots located at 725 and 729 E. Lincoln Way from "HOC" (Highway-Oriented Commercial) to "GI" (General Industrial), by adopting the findings of fact and the conclusions of staff, with the following conditions:
 - A. That the proposed rezoning of properties at 615, 725, and 729 E. Lincoln Way be approved only in conjunction with the approval of the Final Plat of Friedrich's Commercial Subdivision, Second Addition, and that the zoning boundaries follow the platted lots lines between Lot 1 and Lot 3, and between Lot 2 and Lot 3, as shown on the Final Plat.
 - B. The rezoning shall not be effective until the recording of the Final Plat of Friedrich's Commercial Subdivision, Second Addition.
 - C. A section of sidewalk (approximately 20 feet in length) shall be constructed at the end of the existing sidewalk which will be oriented to the north for access to the building at 615 E. Lincoln Way. Installation of the sidewalk will occur prior to rezoning of the property at 615, 725, and 729 E. Lincoln way, unless an Agreement ensuring the future installation of the sidewalk, including financial security, is approved as part of the approval of the Final Plat of Friedrich's Commercial Subdivision, Second Addition



Attachment A

Applicable Laws and Policies:

The laws applicable to this case file are as follows:

- Land Use Policy Plan (LUPP) Goals, Policies and the Future Land Use Map:

The Land Use Policy Plan (LUPP) Future Land Use Map identifies the land use designations for the properties proposed for rezoning.

The LUPP goals and policies that apply to the rezoning request were analyzed and considered by the Planning and Zoning Commission and the City Council, at the time the Future Land Use designations were changed for the properties under consideration in December, 2009, and January, 2010.

- *Ames Municipal Code* Chapter 29, Section 1507, Zoning Text and Map Amendments includes requirements for owners of land to submit a petition for amendment, a provision to allow the City Council to impose conditions on map amendments, provisions for notice to the public, and time limits for the processing of rezoning proposals.
- *Ames Municipal Code* Chapter 29, Section 804, “HOC” Highway-Oriented Commercial includes a list of uses that are permitted in the “HOC” zoning district and the zone development standards that apply to properties in that zone.
- *Ames Municipal Code* Chapter 29, Section 901, “GI” General Industrial Zone includes a list of uses that are permitted in the “GI” zoning district and the zone development standards that apply to properties in that zone.

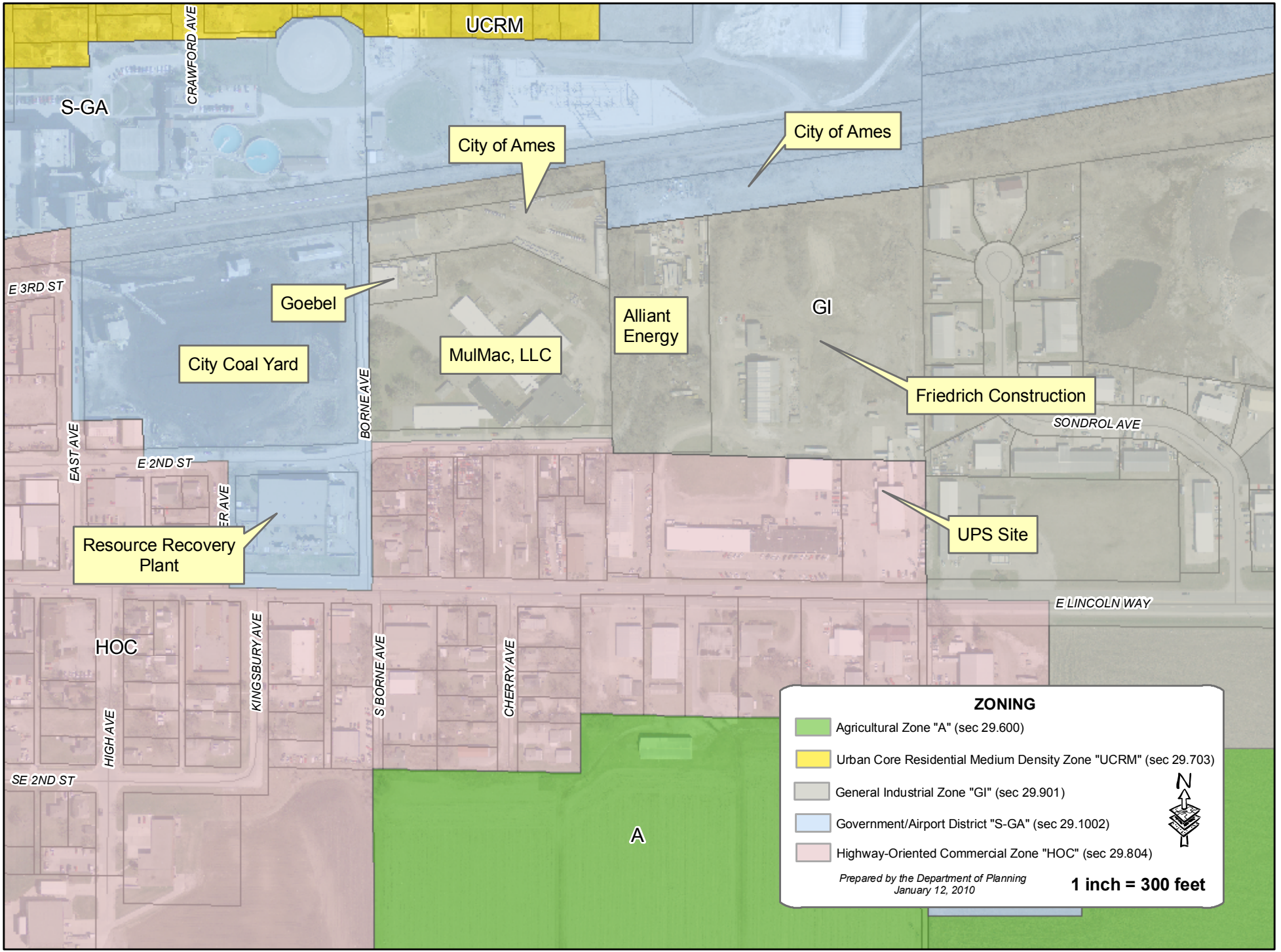
Attachment B

Findings of Fact:

Based upon an analysis of the proposed rezoning and laws are 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% 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, which meets the minimum requirements for ownership of the property requested for rezoning.
2. The application was received on January 28, 2008. The Planning & Zoning Commission is to file its recommendations with the City Council within 90 days of when the application was received, which is April 28.
3. Notice of the proposed zoning map amendment was mailed to owners of property within 200 feet of the site on February 23, 2010. This is in addition to the notice required no less than 7 days prior to the hearing before the City Council (*Ames Municipal Code Section 29.1507(4)*). In addition, a sign providing public notice of the request for rezoning has been placed at the site proposed for rezoning.
4. The property at 615 E. Lincoln Way has been designated on the Land Use Policy Plan (LUPP) Future Land Use Map as "Highway-Oriented Commercial."
5. The property at 725 and 729 E. Lincoln Way has been designated on the Land Use Policy Plan (LUPP) Future Land Use Map as "General Industrial."
6. The uses allowed in the Highway-Oriented Commercial (HOC) zone are found in Table 29.804(2) of the *Municipal Code*. Staff has analyzed the existing uses of the property at 615 E. Lincoln Way for compliance with this table.
7. The Zone Development Standards for the Highway-Oriented Commercial (HOC) Zone are found in Table 29.804(3) of the *Municipal Code*. Staff has examined compliance of the building on the property at 615 E. Lincoln Way with the minimum required building setbacks.
8. The uses allowed in the General Industrial (GI) zone are found in Table 29.901(2) of the *Municipal Code*. Staff has analyzed the existing uses of the properties at 725 and 729 E. Lincoln Way for compliance with this table.
9. The Zone Development Standards for the General Industrial Zone are found in Table 29.901(3) of the *Municipal Code*. Staff has examined compliance of the buildings on the property at 725 and 729 E. Lincoln Way with the minimum required building setbacks.

10. Section 23.403(14)(a) of the *Municipal Code* requires sidewalks on both sides of the street in a “commercial zone.” The site currently has no sidewalks along the frontage. Changing the zone to “GI” will eliminate this requirement. However, the sidewalk on the site at 615 E. Lincoln Way was terminated in a manner to facilitate its future extension across the subject site.



UCRM

S-GA

CRAWFORD AVE

City of Ames

City of Ames

E 3RD ST

Goebel

Alliant Energy

GI

City Coal Yard

MulMac, LLC

Friedrich Construction

SONDROL AVE

EAST AVE

E 2ND ST

BORNE AVE

UPS Site

Resource Recovery Plant

E LINCOLN WAY

HOC

KINGSBURY AVE

S BORNE AVE

CHERRY AVE

A

ZONING

- Agricultural Zone "A" (sec 29.600)
- Urban Core Residential Medium Density Zone "UCRM" (sec 29.703)
- General Industrial Zone "GI" (sec 29.901)
- Government/Airport District "S-GA" (sec 29.1002)
- Highway-Oriented Commercial Zone "HOC" (sec 29.804)

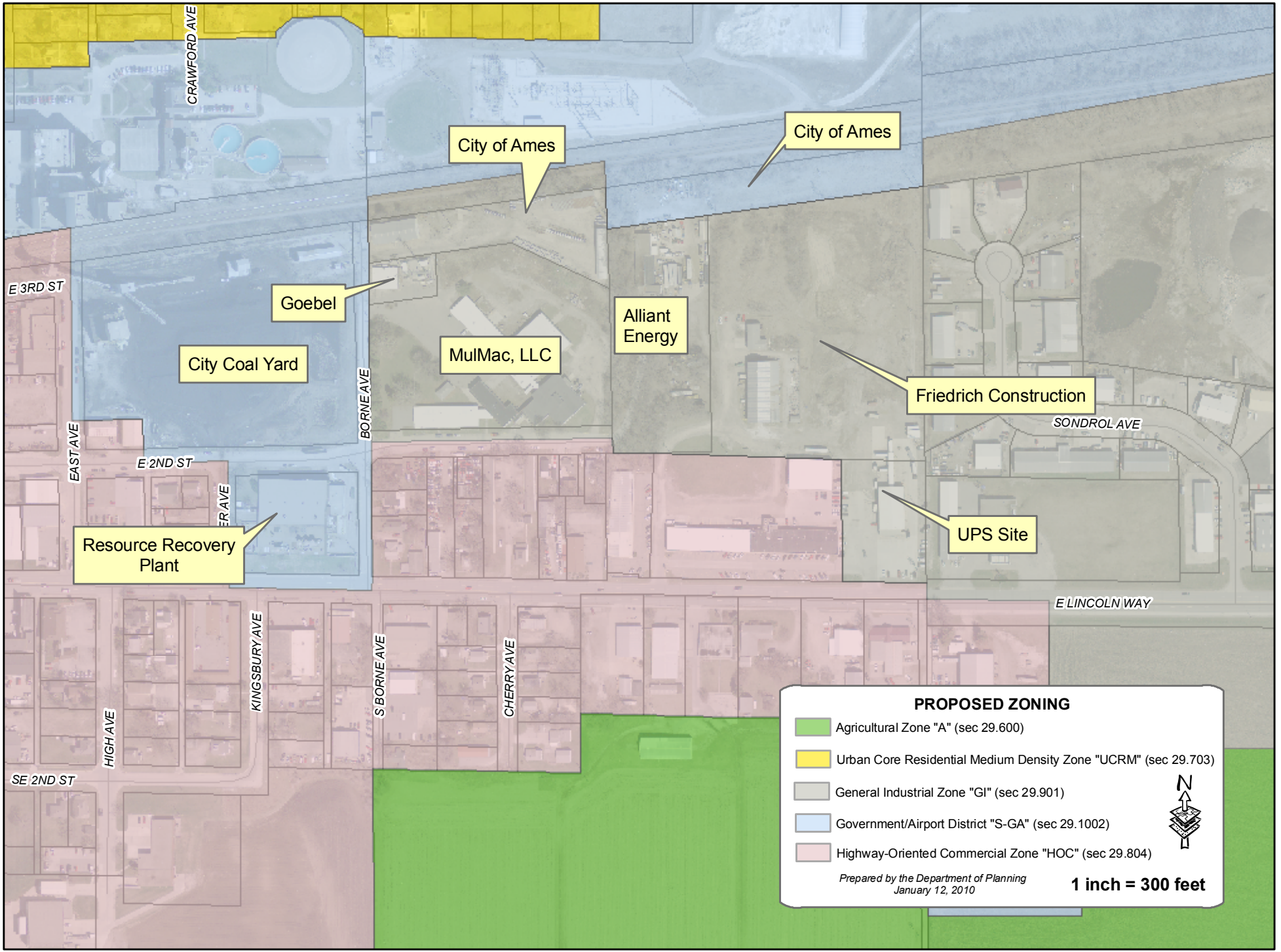


*Prepared by the Department of Planning
January 12, 2010*

1 inch = 300 feet


SE 2ND ST

HIGH AVE



PROPOSED ZONING

- Agricultural Zone "A" (sec 29.600)
- Urban Core Residential Medium Density Zone "UCRM" (sec 29.703)
- General Industrial Zone "GI" (sec 29.901)
- Government/Airport District "S-GA" (sec 29.1002)
- Highway-Oriented Commercial Zone "HOC" (sec 29.804)


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