

ITEM #: 8
DATE: 04/07/10

COMMISSION ACTION FORM

DATE PREPARED: April 1, 2010

REQUEST: Rezone land located at Stange Road and Bloomington Road from Convenience Commercial (CVCN) to Convenience General Service (CGS). The rezoning is being presented with use limitations consistent with Resolution No. 08-246 approved on June 10, 2008.

PROPERTY OWNER: 3612 & 3706 Stange Road (Lots 3 & 4, 12th Addition):
BBNC, LLC. 5743 N. Swing, Ames
3619 Stange Road (Lot 2, 12th Addition):
Fareway Stores, Inc. 3619 Stange Road, Ames
3725 Stange Road (Lot 2, 13th Addition):
R. Friedrich & Sons, Inc., 619 E. Lincoln Way, Ames
3815 Stange Road (Lot 1, 13th Addition):
Clinic Building Company, Inc. 1215 Duff Ave.

APPLICANT: Elara Jondle, Pelds Engineering and City of Ames.

LOCATION: North of the intersection of Stange Road and Bloomington Road (Attachment A)

ACREAGE: 9.79 acres (12.69 including rights-of-way).

PROJECT DESCRIPTION:

The land proposed for this rezoning is located on the north side of Bloomington Road. Three properties are developed as a grocery store, a medical office and clinic, and a car wash. A convenience store is proposed for 3612 Stange Road. The City has not yet received a specific development proposal for 3725 Stange Road.

BACKGROUND INFORMATION:

On May 13, 2008 by Resolution No. 08-196 the City Council changed the Land Use Policy Plan (LUPP) Map designation for the subject area to Convenience Commercial Node (CVCN) with use restrictions that allow only grocery stores, convenience stores, medical offices and clinics, and car washes.

On June 10, 2008 by Resolution No. 08-246 the City Council approved a development agreement with the owner of the entire subject area at that time that limits uses to only grocery stores, convenience stores (which may include gasoline and food sales – no sit-down restaurants), medical offices and clinics, and car washes. This agreement runs with the land and binds the current and future property owners.

On June 24, 2008, by Ordinance No. 3958 the City Council amended the zoning map the designate the entire subject area as Convenience Commercial Node (CVCN).

On March 2, 2010, and March 23, 2010 the City Council approved on first and second reading a zoning ordinance text amendment creating the Convenience General Service (CGS) zoning district designation.

On March 17, 2010, Elara Jondle, Pelds Engineering, submitted, on behalf of BBNC, LLC, an application to rezone 3612 Stange Road from Convenience Commercial Node (CVCN) to Convenience General Service (CGS).

On March 30, 2010, the Ames City Council initiated rezoning for the entire subject area.

Description of surrounding area.

Area	LUPP Designation	Zoning	Land Uses
North	Village/Suburban Residential	Floating Suburban-Medium Density Residential (FS-RM); Floating Suburban-Low Density Residential (FS-RL)	Fallow, Residential
South	Village/Suburban Residential	Agriculture (A); Floating-Suburban Low Density Residential (FS-RL)	Agriculture; Residential
East	Environmentally Sensitive Area; Low Density Residential	Government-Airport (S-GA); Low Density Residential (RL)	Water tower; Railroad; Residential
West	Village/Suburban Residential	Floating Suburban-Medium Density Residential (FS-RM); Floating Suburban-Low Density Residential (FS-RL)	Fallow; Residential

See the attached Existing Land Use Policy Plan Map (Attachment B) and Zoning Map (Attachment C).

APPLICABLE LAW:

Land Use Policy Plan (LUPP) Goals and Policies: When the subject property was zoned CVCN, the City Council determined that this designation at this location is consistent with the LUPP. That determination is still applicable to the proposed zoning.

Zoning. The City Council has approved on two readings a new zoning designation that is now proposed for the subject property: Convenience General Services (CGS). The third reading is expected to be on the City Council agenda for April 13, 2010. If approved, the zoning ordinance would be effective upon publication in the newspaper. At the same time, or thereafter, notice of a public hearing before City Council for this requested rezoning can be published. This analysis is based on the text for the CGS zoning district as approved by City Council on first and second reading.

The proposed CGS zoning regulation states the following purpose:

- (1) Purpose. The Convenience General Service Zone is intended for strategically located nodes on major or minor thoroughfares within or near conventionally designed suburban residential neighborhoods. This zone is similar to, and under the same locational criteria as, the CVCN district, except that it is less restrictive in terms of design standards, permit procedures, and scale of uses, making it appropriate for those locations where it is less likely to impact surrounding residential development. Development is intended to accommodate vehicular travel associated with conventional suburban residential subdivision design. Building and site improvements are moderately regulated to promote compatibility with the character of surrounding residential development.

The references to the CVCN zoning district, which is also addressed in the LUPP, indicate this CGS zoning district is consistent with areas that the LUPP Map designates for CVCN use, if commercial development at that location “is less likely to impact surrounding residential development.” Whether the subject area is consistent with that condition is addressed below.

The CGS Use Table allows for the same uses as allowed by the current CVCN zoning. However, a development agreement approved by the City Council by Resolution No. 08-246 on June 10, 2008, limits the uses on the subject property to grocery store, convenience store, car wash, and medical office and clinic. The proposed rezoning does not affect this development agreement.

The CGS Zone Development Standards and architectural standards differ from the CVCN Zone Development Standards and architectural standards only as described in the attached “Zoning Text Differences Between CVCN and CGS.” (Attachment D)

APPLICANT’S SUBMITTAL:

The applicant submitted an explanation of the consistency of this rezoning with the Land Use Policy Plan. It is included as an attachment to this report. (Attachment E)

STAFF ANALYSIS:

The LUPP land use map designates the entire subject area as Convenience Commercial Node. The Somerset Village south of the subject property, zoned Village Residential, also includes a commercial area. The CVCN designation for the subject property was made under the CVCN location exception criteria of the LUPP, which included restricting uses that are not currently found in the nearby area zoned Village Residential. This resulted in the use limitations included with the CVCN land use designation at this location, described above.

The Land Use Policy Plan calls for most of the community’s new commercial growth to be in nodes rather than strips. The City Council limited uses in the subject property by the LUPP text and by the rezoning ordinance, thereby preventing enlargement of the node. It cannot be enlarged as it has nearly reached its allowable size (9.79 acres of a maximum

allowed 10 acres). No other commercial zoning district is identified on the LUPP map adjacent or anywhere near this CGS area. Because of these limitations, this commercial node cannot be extended eastward or westward along Bloomington Road. Neither can it be extended northward along Stange Road, nor southward to connect with the commercial district of the nearby village, thus ensuring it remains as a node rather than a future strip, without a change to the LUPP. For these reasons, this development is consistent with the policy for most of the community's new commercial growth to be in nodes rather than strips.

Both the CVCN and CGS zoning designations implement the city's land use policies for new neighborhood-scale commercial nodes. The distinction between them is that the CGS is intended to be used "where it is less likely to impact surrounding residential development." The following factors about the subject property may support these criteria:

1. Existing low density, single family residential homes to the east are separated from the subject property by a railroad right-of-way and a city water tower on a 1.5-acre site.
2. A low density residential zoning district is located across the street. Existing single family houses across the street from 3612 Stange (Lot 3, the site of the proposed Casey's convenience store) have their back and side elevations facing the street and not their front elevations.
3. Across Stange Road to the east of these houses, is agriculturally zoned property with a land use designation of Village/Suburban Residential, which supports a variety of residential uses at a minimum density of more than 5 units per acre.
4. There are no other existing low density, single family residential homes surrounding the subject property.
5. Multi family housing exists directly north of the subject site and west of it beyond an undeveloped area. Zoning of the undeveloped property to the north and west is Suburban Residential Medium Density (FS-RM), which allows, in addition to single family residential homes, two-family, single-family attached, and multiple family dwellings of up to 12 units per building with a minimum net density of 10 units per acre.

During the development review process of the rezoning, re-platting, and master plan update, the public works staff reviewed the proposed change of uses to determine traffic impacts. They concluded that any changes in traffic generation from the residential uses initially planned to the proposed commercial uses could be accommodated by the proposed street improvements. As the requested rezoning does not change the permitted uses, these findings are still valid for this request.

No portion of this land is within any identified LUPP designation (e.g., Gateway Protection Area, Watershed Protection Area, and Airport Protection Area) that would impact this proposed rezoning. Neither is it within a flood hazard zone as identified by FEMA.

As mentioned above, the existing City utilities are adequate to serve the area of commercial use that this site accommodates.

FINDINGS OF FACT & CONCLUSIONS:

FINDINGS. Staff makes the following findings of facts:

1. Ames *Municipal Code* Section 29.1507(1) allows rezoning to be initiated by the City Council or by petition. In addition to the application for rezoning from the owner of 3612 Stange Road, on March 30, 2010, the City Council initiated the rezoning of the entire area currently zoned CVCN.
2. The deadline for the Planning & Zoning Commission to file its recommendation to the City Council (pursuant to Ames *Municipal Code* Section 29.1507(7)) would be June 28, 2010.
3. On March 30, 2010, notice of the proposed zoning map amendment was mailed to owners of property in the subject area and within 200 feet of the subject area.
4. The property lying north of the intersection of Stange Road and Bloomington Road is designated on the Land Use Policy Plan (LUPP) Map as a Convenience Commercial Node through action of the City Council on May 13, 2008.
5. The City Council has approved on two readings a zoning text amendment that creates the new zoning designation Convenience General Services (CGS).
6. The pending CGS zone encourages the provision of small scale retail and service uses for nearby residents. The restrictions of allowed uses through a developer's agreement will not be affected by this rezoning.
7. Seven characteristics of the surrounding zoning and existing land uses make the permitted uses of the subject property less likely to impact surrounding residential development.

CONCLUSIONS. Based upon the above findings, the Commission may conclude as follows:

1. The application for the proposed rezoning was processed and placed in front of the Planning and Zoning Commission within the required timeframe.
2. Public notice was provided in a manner consistent with city procedures.
3. The proposed rezoning meets many of the goals of the LUPP and reflects the designations of the LUPP map.

4. The proposed rezoning maintains the restrictions approved as part of the LUPP. These restrictions reflect the community preferences as articulated by the City Council through the LUPP amendment process and made binding through a developer's agreement.
5. If the Commission determines that commercial development under the proposed CGS zoning at this location is no more likely to impact the residential development than is anticipated under the current CVCN zoning, the Commission may conclude that conditions specific to the subject property are sufficient to meet the purpose of the CGS zoning.
6. Required notice for the public hearing required for the proposed rezoning cannot occur unless and until after the zoning ordinance text amendments creating the CGS zoning district become effective.

ALTERNATIVES:

1. The Planning and Zoning Commission can recommend that the City Council approve the rezoning of 9.79 acres (12.69 acres including proposed rights-of-way) of land as described by Attachment A from Convenience Commercial Node (CVCN) to Convenience General Service (CGS), with uses limited to only convenience stores (which may include gasoline and food sales – no sit-down restaurants), grocery stores, medical offices and clinics, and car washes, by adopting the findings of fact and the conclusions described above, subject to the condition that the CGS zoning district and regulations are approved by City Council and become effective.
2. The Planning and Zoning Commission can recommend that the City Council approve the rezoning of 9.79 acres (12.69 acres including proposed rights-of-way) of land as described by Attachment A, from Convenience Commercial Node (CVCN) to Convenience General Service (CGS), 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 alternative findings of fact and conclusion.
3. The Planning and Zoning Commission can recommend that the City Council deny the rezoning of 9.79 acres (12.69 acres including proposed rights-of-way) of land as described by Attachment A, from Convenience Commercial Node (CVCN) to Convenience General Service (CGS), 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 to be returned to the Planning and Zoning Commission by June 16, 2010.

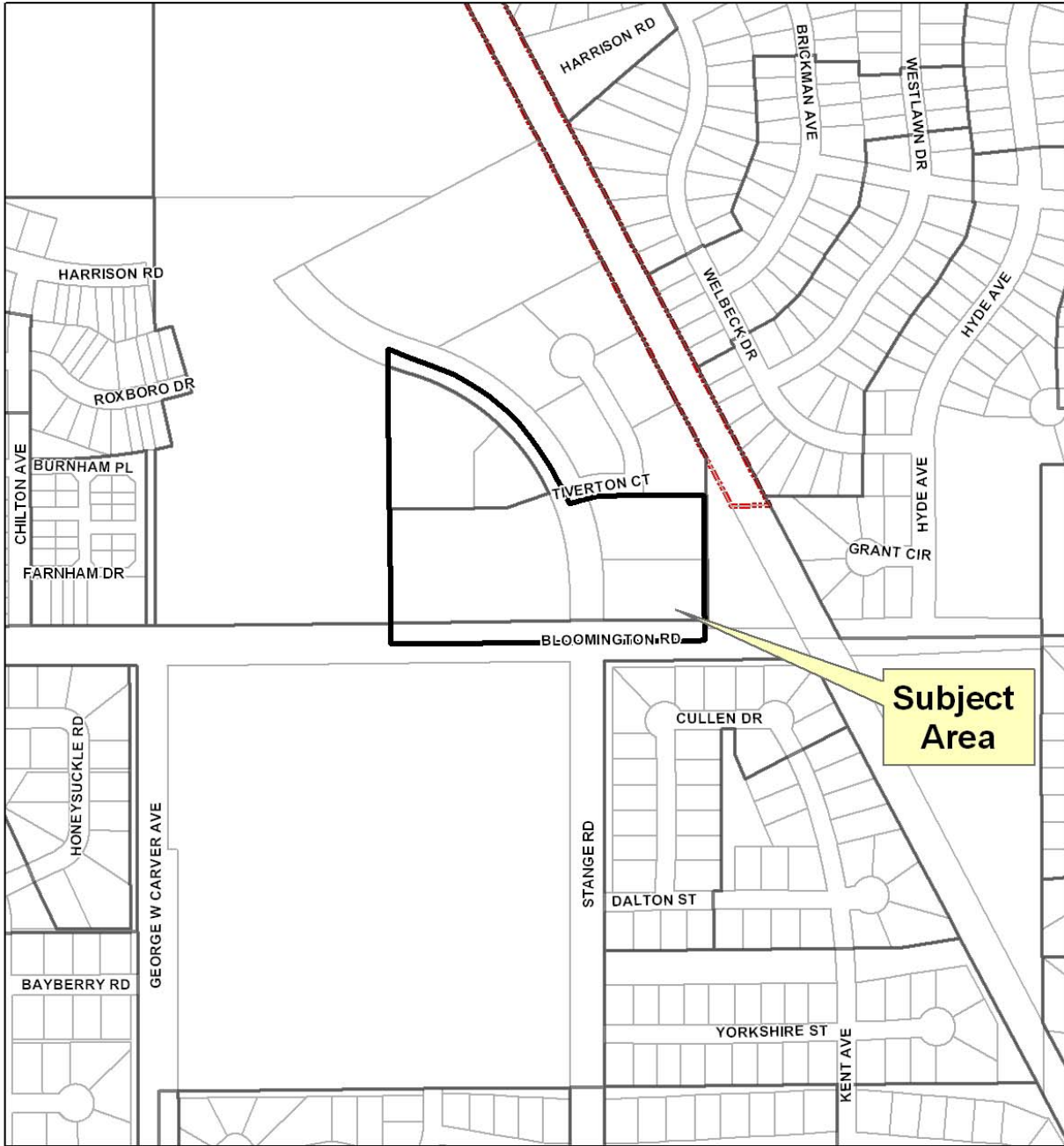
RECOMMENDED ACTION:

If the Commission concludes that, based on the above findings, the proposed rezoning

- is consistent with the LUPP;
- has no negative impacts, or that any negative impacts can be ameliorated;
- can be accommodated by the existing and/or proposed infrastructure;
- has no negative impact on the environment;
- contains use restrictions consistent with City Council policies and preferences;
- and contains such design, landscaping, parking, buffering, setback, and architectural designs such that the development will be integrated into the adjoining suburban residential developments,

then staff recommends that the Planning and Zoning Commission act in accordance with Alternative #1, which is a recommendation that the City Council approve the rezoning of 9.79 acres (12.69 acres including proposed rights-of-way) of land as described by Attachment A from Convenience Commercial Node (CVCN) to Convenience General Service (CGS), with uses limited to only convenience stores (which may include gasoline and food sales – no sit-down restaurants), grocery stores, medical offices and clinics, and car washes, by adopting the findings of fact and the conclusions described above, subject to the condition that the CGS zoning district and regulations are approved by City Council and become effective.

Attachment A

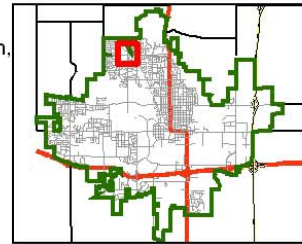


Location Map 3612 - 3815 Stange



0 250 500 1,000
Feet

Proposed Rezoning for:
Lots 2, 3, and 4, Northridge Heights Subdivision,
12th Addition
and
Lots 1 and 2, Northridge Heights Subdivision,
13th Addition

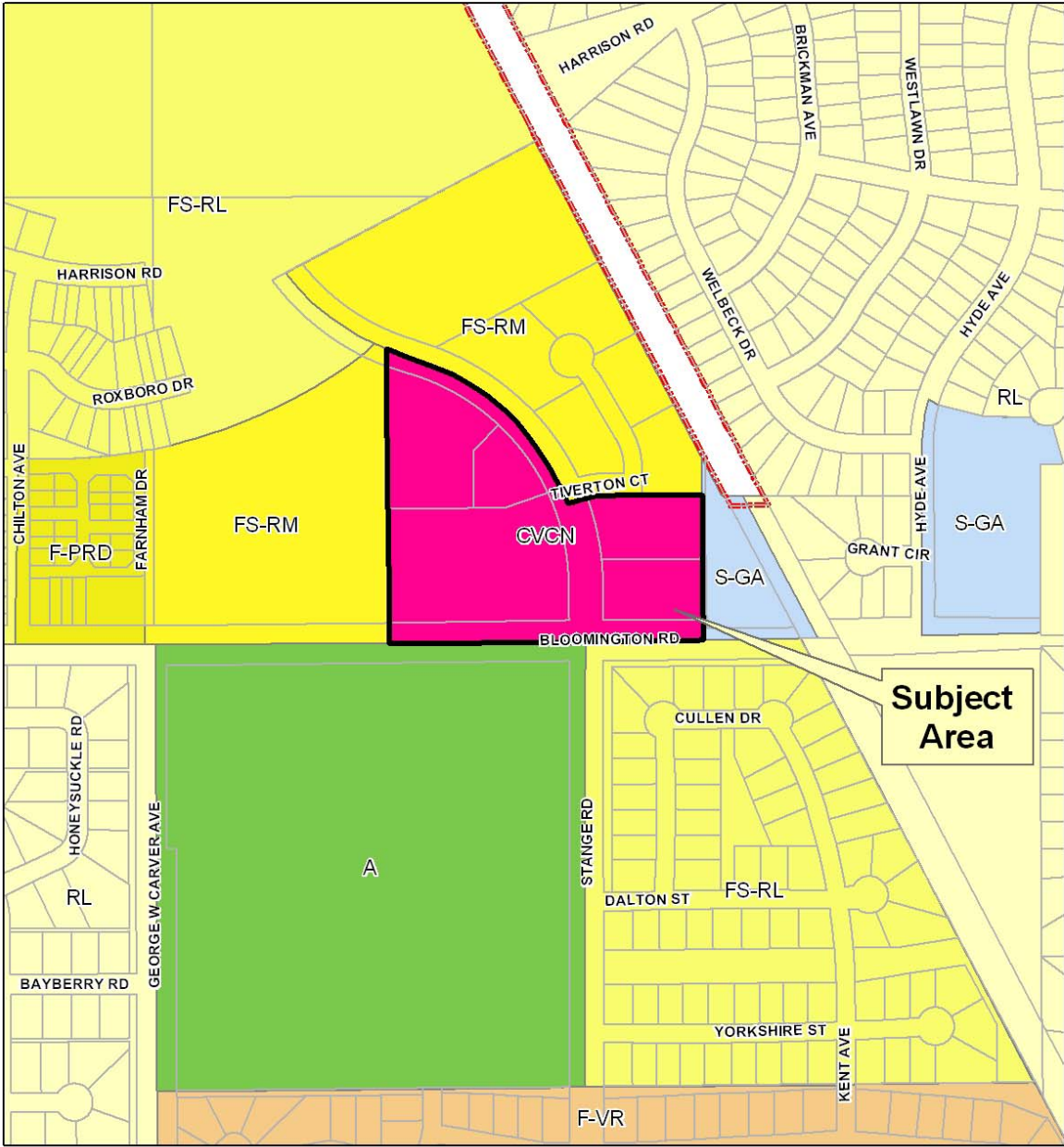


Attachment B



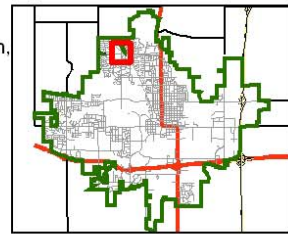
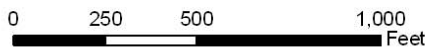
General Location and Adjacent LUPP Designations

Attachment C



Existing Zoning 3612 - 3815 Stange

Proposed Rezoning for:
 Lots 2, 3, and 4, Northridge Heights Subdivision,
 12th Addition
 and
 Lots 1 and 2, Northridge Heights Subdivision,
 13th Addition



Attachment D

ZONING TEXT DIFFERENCES BETWEEN CVCN AND CGS

Creation of a new zoning designation is proposed, which would be defined as follows:

“CGS” Convenience General Service (different purpose statement):

(1) Purpose. The Convenience General Service Zone is intended for strategically located nodes on major or minor thoroughfares within or near conventionally designed suburban residential neighborhoods. This zone is similar to, and under the same locational criteria as, the CVCN district, except that it is less restrictive in terms of design standards, permit procedures, and scale of uses, making it appropriate for those locations where it is less likely to impact surrounding residential development. Development is intended to accommodate vehicular travel associated with conventional suburban residential subdivision design. Building and site improvements are moderately regulated to promote compatibility with the character of surrounding residential development.

(2) Permitted Uses.

[The same use table in the CVCN district shall apply here, except that the stated approval authority for Vehicle Service Facilities shall be a Minor Site development Plan as opposed to a Special Use Permit.]

(3) Zone Development Standards.

[This sub-section is the same as Table 29.807(3), except that the “Maximum Size of gasoline Service” shall be changed from a maximum of 8 fueling points to 10 fueling points].

. . .

(4) Architectural Standards. The following standards apply to all site improvements and buildings as specified, except that gas station canopies are deemed compatible with residential development and are therefore exempt from these requirements.

[Except for the inclusion of the above lead sentence, this section is the same as Section 29.807(4)].

. . .

(12) Signage. All signs visible from a public right-of-way are subject to the following standards.

[This is a new lead sentence that essentially exempts signs not visible from a public right-of-way].

(c) Size Restrictions.

- i. A wall sign shall be no larger than sixteen square feet, except that a wall sign may be up to 70 square feet in size if it is affixed to a building on a lot that abuts an arterial street, and the wall sign faces the arterial street.
- ii. . . .
- iii. Incidental signs. Incidental signs are allowed in addition to allowable wall and monument signs. Incidental signs are non-illuminated permanent signs no larger than six (6) square feet in area per sign.

(d) Number

- i. . . .
- ii. . . .
- iii. The cumulative area of all incidental signs shall not exceed 32 square feet per building for wall signs, and shall not exceed 8 square feet per site for ground signs.

[All other language as currently constituted in Section 29.807 would be included in the proposed chapter creating the GSC zone. Complete text of the pending CGS Zoning District is available from the City Attorney.]

Attachment E
Text portion of application submitted for rezoning of 3612 Stange

Rezoning Checklist

Reasons for requesting rezoning

To accommodate the placement of a Casey's store with five pumps instead of four, which is allowed in a CVCN.

Consistency of this with the Land Use Policy Plan

We feel it is consistent with Land Use Policy Plan as currently established.

Current Zoning

CVCN – Convenience Commercial Node

Proposed Zoning

CGS – Convenience General Service

Proposed Use

Convenience Store with Gas Sales

Complete Legal Description

Lot Three (3), Northridge Heights Subdivision, Twelfth Addition, an official replat, all being in and forming a part of the City of Ames, Story County, Iowa.

Land Area

1.25 acres (54,390 square feet)

Map

See Attached [A rezoning plat for 3612 Stange Road was attached to the application.]