

ITEM #: 6
DATE: 01-21-15

COMMISSION ACTION FORM

REQUEST: Rezone from Agricultural (A) to Highway-Oriented Commercial (HOC) for property at 710 S. Duff Avenue (rear parcel)

BACKGROUND INFORMATION:

Amerco Real Estate Company is requesting a rezoning of their property (addressed as 710 S. Duff Avenue—Rear) from A-Agricultural to Highway-Oriented Commercial (HOC). Amerco also owns a nearby property, also addressed as 710 S. Duff Avenue, from which U-Haul operates. A location map is found in Attachment A.

The lot proposed for rezoning is about 1 acre (242' by 180'). It lies east of (behind) the lot currently occupied by U-Haul. It does not have frontage on a public street. There is an existing non-conforming structure on the site that was used by the former owner, Ames Rental.

The Land Use Policy Plan Future Land Use Map identifies this site as Highway-Oriented Commercial and that the site is located in the flood plain of the Squaw Creek. Uses around the site are commercial to the north and west. Lands to the east and immediately south are open areas for agriculture. The Squaw Creek flood plain extends to the west, north and east of the site, with a floodway designation to the south. (Attachment D)

ALTERNATIVES:

1. The Planning and Zoning Commission can recommend that the City Council approve the request for rezoning from A-Agricultural to HOC-Highway-Oriented Commercial, based upon staff's analysis as found in the addendum.
2. The Planning and Zoning Commission can recommend that the City Council deny the request for rezoning from A-Agricultural to HOC-Highway-Oriented Commercial for the subject parcel, if the Commission finds that the City's regulations and policies are not met.
3. 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 site was previously used for storage by Ames Rental. Use of the site and the structure on the site were nonconforming prior to end of the use of the site by Ames Rental. With rezoning to HOC, commercial use of the site would be allowed subject to the development standards of the City's Zoning and Flood Plain Regulations of the Municipal Code. Notably, any new habitable structure will be required to be located 3

feet above the base flood elevation. The existing building on the site will not be able to be reused for a new use and will likely need to be demolished for full use of the site consistent with the requested HOC zoning. The owner would also need to establish a right of access to the site prior to its redevelopment.

The proposed rezoning is consistent with the LUPP land use designation and general goals for commercial development. The site has utility infrastructure available to serve the site. The site has no public street frontage, but it is an existing lot that the owner has some access rights established to the parcel from South Duff. Prior to the site's redevelopment, adequate access to the site would be required to be demonstrated to staff.

With the issues of redevelopment of the site identified and the knowledge that rezoning of the site to HOC will not remedy the nonconforming status of the existing building in the flood plain, **staff can recommend that the Planning and Zoning Commission act in accordance with Alternative #1, which is to recommend that the City Council approve the request for rezoning the subject parcel from A-Agricultural to HOC-Highway-Oriented Commercial.**

ADDENDUM

REZONING BACKGROUND:

Existing Land Use Policy Plan. The LUPP designation of the entire subject area is Highway-Oriented Commercial. This designation includes most of the land abutting S. Duff Avenue that lies outside the Floodway of Squaw Creek. The LUPP identifies that the subject site is within the flood plain, but outside of the floodway. The site is also outside of the greenway designation of Squaw Creek as well. An excerpt from the LUPP Future Land Use Map is found in Attachment B.

The LUPP also has a number of policy statements regarding the amount of commercial land and development impacts on the environment. These are found in Attachment C. They are summarized below.

- Additional land for commercial development is needed to accommodate the projected population in 2030.
- Ames seeks further private investment.
- Ames seeks protection of natural resources and compatibility with environment.
- Ames supports infill development where there is existing capacity.

Previous and Existing Zoning. The site was annexed into the City of Ames in 1962. In a 1963 zoning map, it was designated as Light Industrial. A zoning map dated 1971 shows this site in a General Commercial district, where it remained until the current zoning ordinance and map were adopted in 2000. It is now Agricultural. That zoning designation was likely due to it being in the flood plain and its proximity to the City well fields although the LUPP appears to anticipate a rezoning to allow commercial uses.

Existing Uses of Land. There is a 7,237 square foot metal building on the site. It was used for Ames Rental when they owned it. The City Assessor lists 1958 as the year of construction.

It appears that this structure is non-conforming in regards to the flood plain regulations. The City Assessor has placed very little value on this structure so nearly any improvements will require the structure to meet those regulations, either by elevating or floodproofing to three feet above the 100-year flood level (BFE or base flood elevation).

Land uses that occupy the subject property and surrounding properties are described in the following table:

Direction from Subject Property	Existing Land Uses
Subject Property	Vacant building, former equipment rental
North	Commercial, Wal-Mart
East	Wal-Mart parking, Ag land
South	Ag land
West	Commercial, vacant land

Flood Plain. This site is entirely within the Floodway Fringe. The Floodway is just to the south. A Flood Plain map is found in Attachment D. Within the Floodway Fringe, any new or substantially improved structure must be elevated or floodproofed to 3 feet above the BFE. This can be accomplished by raising the floor to the required height upon fill, or hardening the structure to ensure it is protected from hydraulic forces of a 100-year flood event. Alternative, the existing structure can be demolished and a new building erected that is elevated or floodproofed to 3 feet above the BFE.

Infrastructure. All needed utilities are available on this site or on nearby properties. The owner will have to acquire any easements needed for extensions of service lines prior to approval of any site development plan.

Access. Staff and the applicant have not been able to document complete legal access to this site. This site does not share a property line with the other U-Haul property, approximately 30 feet of Walmart property. There is an access easement from S. Duff Avenue to a point about 50 feet west of the west line of this property. This easement was granted by an adjacent property owner (Asgrow Seeds—now B & D Land Company) to Ames-Falls Creek (now Boston Common), the Cummings property (former O'Malley & McGee), and Ames Rental (now Amerco Real Estate and occupied by U-Haul).

Prior to any site plan approval, the owner will need to demonstrate legal access to the parcel.

Applicant's Statements. The applicant has provided an explanation of the reasons for the rezoning in Attachment E. The applicant requests the change in order to facilitate the use of this site for self-storage/mini-warehouse.

Findings of Fact. Based upon an analysis of the proposed rezoning and laws pertinent to the applicant's request, staff makes the following findings of fact:

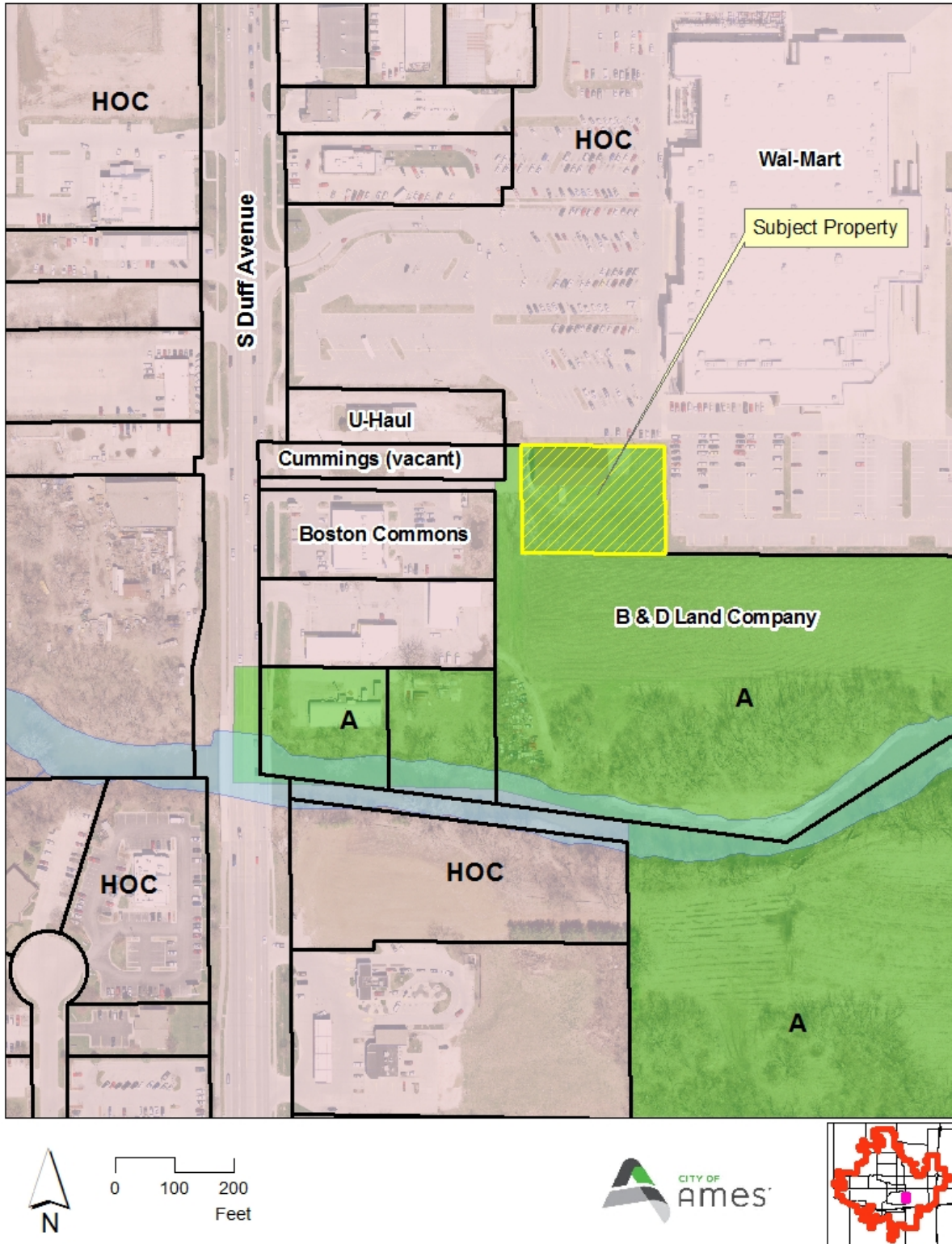
1. Ames *Municipal Code Section 29.1507(2)* allows owners of 50 percent or more of the area of the lots in any district desired for rezoning to file an application requesting that the City Council rezone the property. The owner of this single parcel has requested the rezoning.
2. The subject property has been designated on the Land Use Policy Plan (LUPP) Future Land Use Map as "Highway-Oriented Commercial."
3. The "Highway-Oriented Commercial" land use designation supports the "HOC" zoning designation. Under the "HOC" zoning designation, the proposed expansion of U-Haul can be accommodated subject to the uses allowed within this zone.
4. The site is within the Floodway Fringe, allowing development upon a showing of compliance with development standards.

5. Infrastructure is available to this site. The owner will need to obtain any necessary easements for service line connections to the site.
6. No there is no access to this site from a public right-of-way. The owner will need to demonstrate access prior to approval of a minor site development plan.

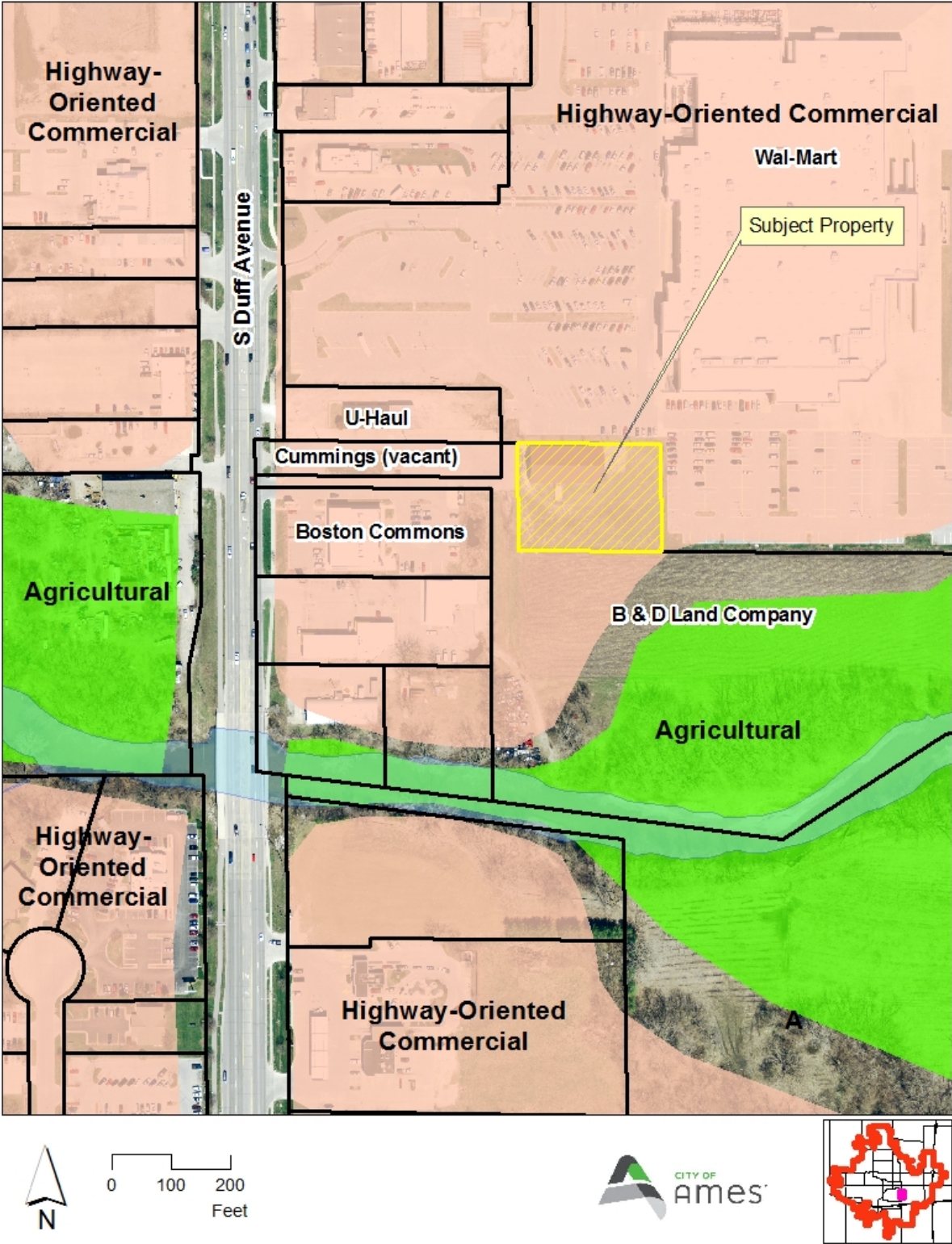
Public Notice. Notice was mailed to property owners within 200 feet of the subject site. As of this writing, no comments have been received.

Conclusions. Based upon the analysis in this report, staff concludes that the proposed rezoning of the subject property is consistent with the Future Land Use Map, as well as the Goals and Objectives of the City of Ames Land Use Policy Plan.

ATTACHMENT A: LOCATION AND CURRENT ZONING



ATTACHMENT B: LAND USE POLICY PLAN MAP [EXCERPT]



ATTACHMENT C: LAND USE POLICY PLAN (2011) [EXCERPTS]

Chapter One, Growth Determinants:

Land Use Projections. There are currently 15,677 acres of land within the City limits, an increase from 1999 when there were 13,727 acres. A previous study estimated there are approximately 240 net developable acres remaining in the City for residential development. This can accommodate housing for about 3,000 persons. This is insufficient to meet any but the lowest population projections for Ames within the current City limits.

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Commercial. It is estimated that an additional 64 to 385 acres of land will be needed to accommodate the commercial needs to serve the projected population in 2030. This assumes that the current ratio of commercial acreage per capita is to be maintained in the future.

Chapter One, Goals for a New Vision:

Goal No. 1. 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.

1.A. 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.

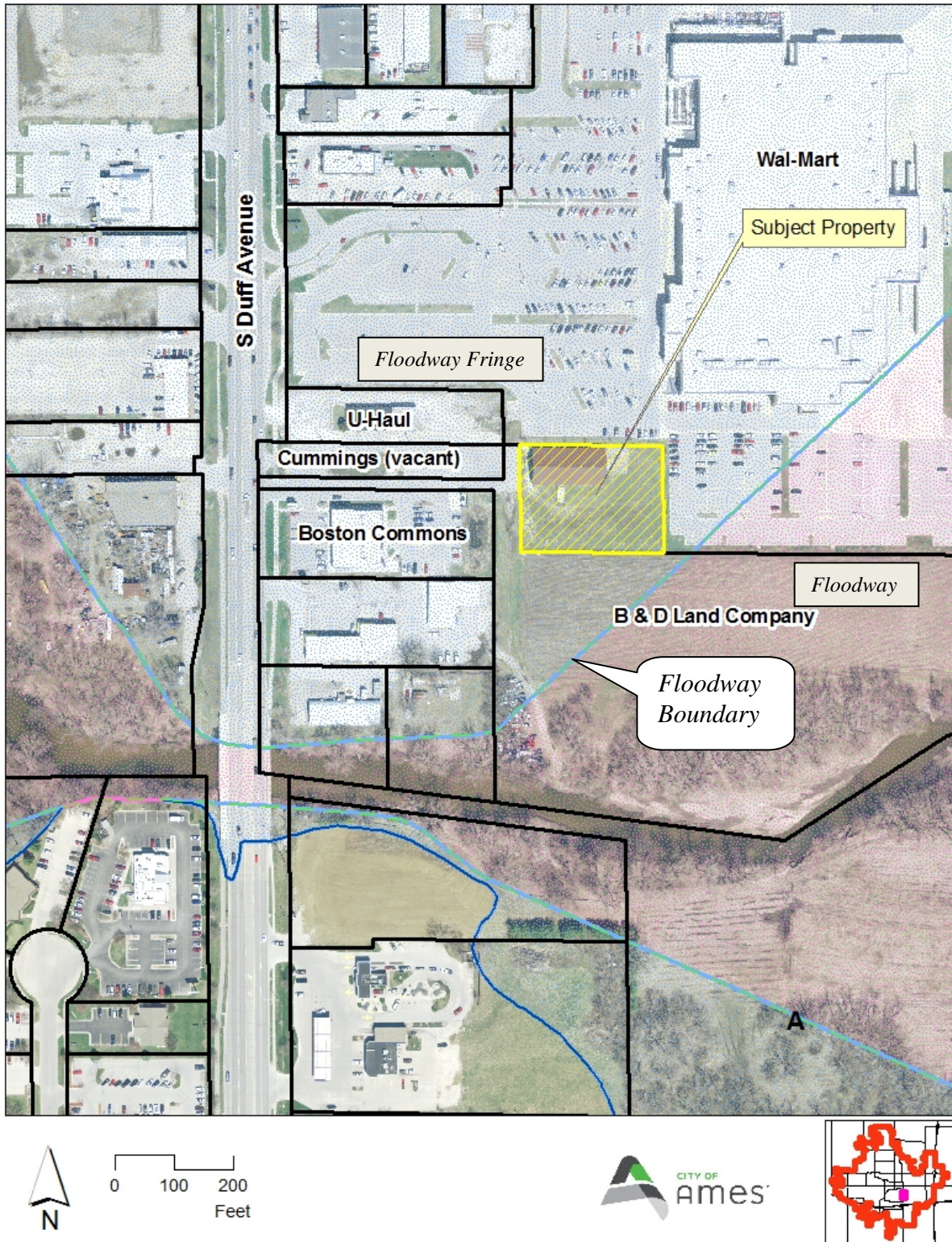
Goal No. 2. In preparing for the target population and employment growth, it is the goal of Ames to assure the adequate provision and availability of developable land. It is the further goal of the community to guide the character, location, and compatibility of growth with the area's natural resources and rural areas.

2.D. Ames seeks a development process that achieves greater conservation of natural resources and compatibility between development and the environment.

Goal No. 5. 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.

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

ATTACHMENT D: FLOOD PLAIN MAP



ATTACHMENT E: APPLICANT'S STATEMENT



Rezone Application Information

Legal Description:

Parcel 1A (90-11-400-070) NW 1/4 Section 11 Township 83 N. Range 24 W. of the 5th Principal Meridian, Story County, Iowa.

Current Zoning:

Agricultural (A)

Consistency of the Rezoning with the Land Use Policy Plan:

This parcel is currently has an existing 22' high metal equipment storage building on site. Staff has previously determined that our storage and equipment rental business functions as, and is considered a mini-warehouse or self service storage building and that these uses are not allowed without a rezoning the parcel to Highway Commercial (HOC) consistent with current Land Use Policy Plan designation for the site of HOC.

Proposed Use:

We are proposing the construction of a 41,058 s.f. 2-story storage facility. This facility will incorporate the existing 7,237 s.f. warehouse building into the design and construction of the facility. Portions of the building may be climate controlled. Self-storage areas of the building will be internally accessed by our customers which will limit the need for exterior overhead doors.