

ITEM #:	<u>34</u>
DATE:	<u>02-13-24</u>
DEPT:	<u>P&H</u>

COUNCIL ACTION FORM

SUBJECT: REZONE OF PARCEL AT 210 SOUTH FIFTH STREET FROM AGRICULTURAL WITH O-E (ENVIRONMENTALLY SENSITIVE OVERLAY) TO HIGHWAY-ORIENTED COMMERCIAL WITH O-E (ENVIRONMENTALLY SENSITIVE OVERLAY).

BACKGROUND:

The Boys & Girls Clubs of Story County has requested rezoning of a 3.22 acre property located at 210 S. 5th Street. The north property line has frontage along South 5th Street with residential properties located across S. 5th Street. The south property line abuts City owned property which includes wooded area, open space, and watershed land for Ioway Creek. The western property line also abuts City property with wetlands and open space created by the City through the recent flood mitigation project. The eastern boundary abuts commercial zoned land containing several commercial uses. The Environmentally Sensitive Overlay applies to a southern portion of the site that is the floodway of Ioway Creek. (Attachment A – Current Zoning & Location Map).

The Agricultural zoning designation has been applied to this property for several decades. The Boys & Girls Club constructed its existing building under the Agricultural zone regulations in 1997. **The proposed rezoning to Highway-Oriented Commercial (HOC) is intended to better reflect the existing use and to facilitate an expansion of the Boys & Girls Club. (Attachment B- Proposed Zoning Map)**

There is one existing building on the property. The existing use is classified as a Community Facility, which is a permitted use in the HOC zone with review of a Site Development Plan. By contrast, a Community Facility is only permitted in Agricultural zones subject to review of a request for a Special Use Permit by the Zoning Board of Adjustment. Additionally, setbacks are reduced within HOC zoning compared to Agricultural zoning.

The subject property is situated adjacent to the Commercial Retail land use designation to the east, and is part of the Open Space designation of Ames Plan 2040. The site is the transition of the two land use designations (see Attachment C - Ames Plan 2040 Land Use Designation). The Open Space Designation anticipates land that is predominately natural and unbuilt such as environmentally sensitive areas and floodplains. The subject property is entirely within the floodplain and also has floodway overlay on the southwestern portion of the site, which is consistent with the designation. However, the built commercial component of the site is not representative of this designation.

Boundaries of the land use designations have flexibility as transition between designations and is not always property specific. The proposed HOC zoning is supported by the Community Commercial Retail Land Use designation that is to the east with the general transition of the land use to open space occurring at this site, since this site was previously developed (See Attachments E & F). Regardless of the base zoning, improvements are subject to floodplain development standards and the planned addition will meet flood protection requirements of Chapter 9 of the Ames Municipal Code.

The property also lies within the O-E (Environmentally Sensitive Overlay). This overlay is applied to

areas where Regulatory Floodway is located within the 100-year Floodplain. This property has Floodway on the southwestern half of the property southwest of the building. The entire property is located within 100-year floodplain.

Planning & Zoning Commission Recommendation

At the January 17 Planning & Zoning Commission meeting, the Planning & Zoning Commission reviewed the proposed rezoning. Staff explained the request to the Commission. The representative engineer for the Boys & Girls Club addressed the Commission. The Planning & Zoning Commission voted 6-0 to recommend that the City Council approve the rezoning request to rezone.

ALTERNATIVES:

1. Approve the request to rezone 3.22 acres of the property at 210 South 5th Street from “A” (Agricultural) with the O-E (Environmentally Sensitive Overlay) to “HOC” (Highway-Oriented Commercial) District with the O-E (Environmentally Sensitive Overlay).
2. Deny the request.
3. Defer action on this request and refer it back to City staff and/or the applicant for additional information.

CITY MANAGER'S RECOMMENDED ACTION:

The appropriateness of the rezoning should be considered in relation to the existing use of the site and the continued use of the site facilitated by rezoning the site to HOC consistent with the zoning abutting the site to the east. The current use of the site in this case will stay the same and be operated in a similar manner as is currently done. Additionally, the future expansion of facilities is consistent with current use. The Boys and Girls Club is a Community Facility supporting youth services in nature and has been compatible with the surrounding uses as is. The change will facilitate a more efficient future expansion of the current use while maintaining floodway overlay with O-E (Environmentally Sensitive Overlay) on the site where required.

Rezoning will have no impacts to current infrastructure and City services for this parcel, whether the site is a Community Facility as it is today or if it is used for another commercial purpose in the future. Commercial uses in this area have also operated in a compatible manner with the existing residential area to the north as well.

Staff believes that the boundary of the Open Space and Commercial Retail designation can be interpreted to allow for the proposed rezoning without a Land Use Map amendment recognizing this already developed site acting as a transition of land use. Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1, as described above.

ATTACHMENT(S):

[210 S 5th Addendum.pdf](#)

[Attachment A.pdf](#)

[Attachment B.pdf](#)

[Attachment C.pdf](#)

[Attachment D.pdf](#)

[Attachment D Cont..pdf](#)

[Attachment E.pdf](#)

[Attachment F.pdf](#)
[Attachment G.pdf](#)