

Staff Report

Old Middle School Master Plan Determination

April 9, 2013

BACKGROUND

On March 11, 2013, an application for rezoning of a parcel of land, owned by Breckenridge Group Ames Iowa LLC, was submitted to the City of Ames. The rezoning is for a parcel of land at 321 State Avenue and is the site of the former Ames Middle School (referred to herein as the middle parcel). **The request is to change the zoning designation from S-GA (Special-Government/Airport) to RL (Low-Density Residential).**

On March 15, an additional application was submitted for a parcel of land owned by Breckenridge Group Ames Iowa LLC at 601 State Avenue (referred to herein as the south parcel). This site was recently split from the larger lot on which the current Ames Middle School is located. **This request is to change the zoning designation from S-GA to FS-RM (Floating Suburban Residential Medium Density).**

Breckenridge Group Ames Iowa LLC owns an additional parcel, the former middle school athletic field, at 205 S. Wilmoth Avenue. That parcel lies along Lincoln Way and is referred to herein as the north parcel. That site is currently zoned as S-GA. **The owner is not seeking a change of zoning designation at this time and has stated that this will be done in a later phase.** A map is included as Attachment 1.

The S-GA zoning category is intended to apply to land owned by governments at the local, county, state, federal, or school level. If it remains in private ownership, no development would be possible. A rezoning is necessary to allow private development to occur.

The Land Use Policy Plan provides guidance for these properties in the event that a rezoning is sought. For the north and middle parcels, the LUPP designation is Low-Density Residential. This designation is summarized as “single-family residential with a maximum net density of 7.26 dwelling units per net acre.”

The south parcel is designated in the LUPP as Village/Suburban Residential, summarized as “all single-family, two-family, multi-family and manufactured residential uses that involve more than a net density of 8.0 units per acre with supporting convenience/neighborhood-scale commercial uses.”

As noted in the staff report of March 26, 2013, the first step in a change of zone is to determine whether the City Council will require a master plan to accompany the request. **If a master plan is required, the application will not be further processed until the master plan is received.**

The City Council may require a Master Plan if the property:

1. Contains more than one type of housing unit and will be developed in phases,
2. Is located on land that is wetlands, flood plain, designated as Greenways or Environmentally Sensitive Area in the LUPP, conservation easement, or other documented sensitive condition or natural resource,
3. May require new or upgraded public improvements, or
4. Has specific conditions or situations that require "more careful consideration of how the layout and design of a site affects general health, safety, and welfare...."

If any one of these conditions is met, the City Council may require a Master Plan. The full text of the conditions on which a Master Plan may be required is found in Attachment 2. Attachment 2 also contains the text of the ordinance describing the contents of a Master Plan, which are less than that required for a Preliminary Plat or Major Site Development Plan. It is intended to provide a broad view of the proposed development without being too specific on lot arrangements, street connections, buffering, etc.

Based on an examination of the site and the preliminary conversations with the owner's representative, staff can offer the following comments:

1. The development will likely be done in stages since a rezoning is not being sought at this time for the north parcel.
2. The middle parcel will contain an amenity building that serves residents of all three parcels.
3. The middle and south parcels contain flood plain as identified by FEMA.
4. The south parcel contains Greenway and Environmentally Sensitive Overlay as shown on the LUPP.
5. The south parcel contains a conservation easement.
6. The size of the developable area may require a traffic study or a utility review. This review may require improvements to streets, intersections, or utilities.
7. The proposed development, based on preliminary information submitted to staff by the owner's representative, as well as a review of similar projects that the owner has undertaken in other communities (see March 15 report by Melissa Mundt) indicates that this is a unique housing type and lot configuration which does not currently exist in Ames. **It is not known how multiple single-family homes on a single lot will affect the general health, safety, and welfare of the adjacent low-density residential neighborhoods which surround it.**

Based on this analysis of the criteria, staff believes that enough evidence is provided that can allow the City Council to determine that a Master Plan should be required to accompany this rezoning.

The City Council has previously received copies of letters from residents of the area, specifically from Julian Birch dated March 14 and two from Michael Peterson and Joanne Pfeiffer dated March 18 and March 22. A more recent letter from Iowa State University is also attached to this report. It would be fair to characterize these letters as expressing concern over the impact of the proposed project on the general health, safety, and welfare of their neighborhood.

As noted in the March 26 staff report, at the time of the rezoning and with the acquiescence of the owner, the City Council can impose further conditions than those allowed by the requested zoning designation, provided such conditions are agreed to in writing prior to the close of the public hearing. This approach is often referred to as “contract rezoning” and is authorized under Code of Iowa Chapter 414. Any conditions “must be reasonable and imposed to satisfy public needs which are directly caused by the requested change.”

In order to provide the clearest direction to the applicant, the Council may also wish to consider what specific conditions of approval that it would seek at the time it is asked to take action on the rezoning. These conditions should then be reflected in the Master Plan and in any subsequent subdivision plat or development plan. Listed below are several items that the City Council may wish to see in a Master Plan or conditions that it may impose at the rezoning.

- a. Based on previous projects done by the owner, it appears that the project will consist of multiple single-family homes on a single large lot. This does appear to be allowed by the Ames Municipal Code, which **prohibits multiple single-family homes on a single lot only if the lot is one acre or less.** However, this appears to be at odds with the stated purpose of the RL zoning designation which states, “**This zone is intended to accommodate primarily single-family dwellings, while accommodating certain existing two-family dwellings and other uses customarily found in low-density residential areas** [emphasis added].” A large number of single-family homes on a single lot is not a use customarily found in low density residential areas. (See the photo in Attachment C from Melissa Mundt’s report.) **The City Council may wish to condition, at least for the middle RL parcels, that only one home be placed on each lot.** This would require the property to be platted as a traditional subdivision, providing each lot with frontage on a street, public utilities and off-street parking. This requirement would still allow for the individual homes to be rented, as envisioned by the owner. It would also allow the integration of this development into the fabric of the adjoining neighborhoods and the community. For the south parcel, it is typical to see multiple apartment buildings on a single lot in an FS-RM area so this issue is not as important there.

If the City Council chose to allow multiple single-family homes on a single lot, then the Council should consider, as a condition of rezoning, that a Major Site Development Plan be submitted and approved prior to construction. This would be similar to the process for allowing apartment buildings in the FS-RM zone.

This would allow staff and the Council to review specific features such as building separation, parking location, landscaping, and buffering.

- b. Based on the expected concentration of students, it may be advisable to require descriptions of buffering and security. These should be physical design features that can be expected to be incorporated into the site and building designs, rather than employment of personnel which may be diminished over time.
- c. As part of the Master Plan, the City Council may wish to see a street connection of Tripp Street from Wilmoth Avenue to State Avenue. Such interconnectivity of residential neighborhoods is a consistent expectation of the City Council in reviewing other developments.
- d. As part of the Master Plan, the owner should identify the natural resources of the site, such as the flood plain, Greenway and Environmentally Sensitive Lands of the LUPP, conservation easements. Further, the owner should provide information as to how these resources will be protected as part of the project.
- e. As part of the Master Plan, the owner should identify any common facilities, such as open spaces or amenity buildings.
- f. As part of the Master Plan, the City Council can ask that all three properties be included. Although a rezoning is sought only for the middle and south parcels at this time, it is the owner's expressed expectation that the north parcel would be a later phase.

PROCESS AND DECISIONS

If the City Council does require a Master Plan, then the applications will be considered complete upon submittal of that Master Plan to the Department of Planning and Housing. The requests for rezoning will then be presented to the Planning and Zoning Commission for their recommendation within 90 days from that submittal.

The Commission will make a recommendation that will be forwarded to the City Council. There is no statutory time frame for bringing this to the City Council following the Commission's recommendation. Staff traditionally has placed this on the City Council agenda within three weeks of the Commission meeting.

At the public hearing of the City Council, the City Council has the ability to seek conditions of approval (contract rezoning) prior to the close of the hearing. This may require a continuation of the hearing until such time as a written agreement is reached between the City and the owner.

In addition, the hearing may also be the time for the City Council to consider changes to whatever Master Plan the owner has submitted. The owner may choose to offer multiple iterations of the Master Plan, allowing the City Council several options rather than

risking having one Master Plan turned down, only to resubmit another one two months later.

REZONING CONSIDERATIONS

Several comments from the March 26 staff report bear repeating here. The City Council should be aware that a request to rezone a property is a legislative action. Therefore, the Council has some degree of discretion, although it cannot arbitrarily deny the request if it is consistent with the Land Use Policy Plan. The Council is allowed to impose any reasonable conditions provided they are satisfying “public needs which are directly caused by the requested change.” The owner will also need to agree to these conditions, which will be the basis for a development agreement between the City and the owner.

The City Council can ask for enough information about the proposed change and proposed project so as to better understand what the public needs are and what conditions may be necessary to ameliorate the negative impacts. The City Council is not obligated to approve a rezoning if the proposed project is not consistent with the intent and purpose of the zoning district.

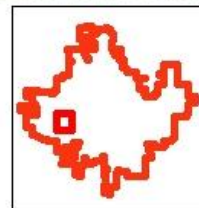
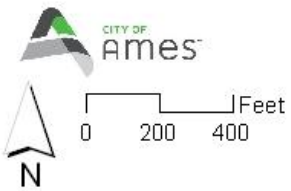
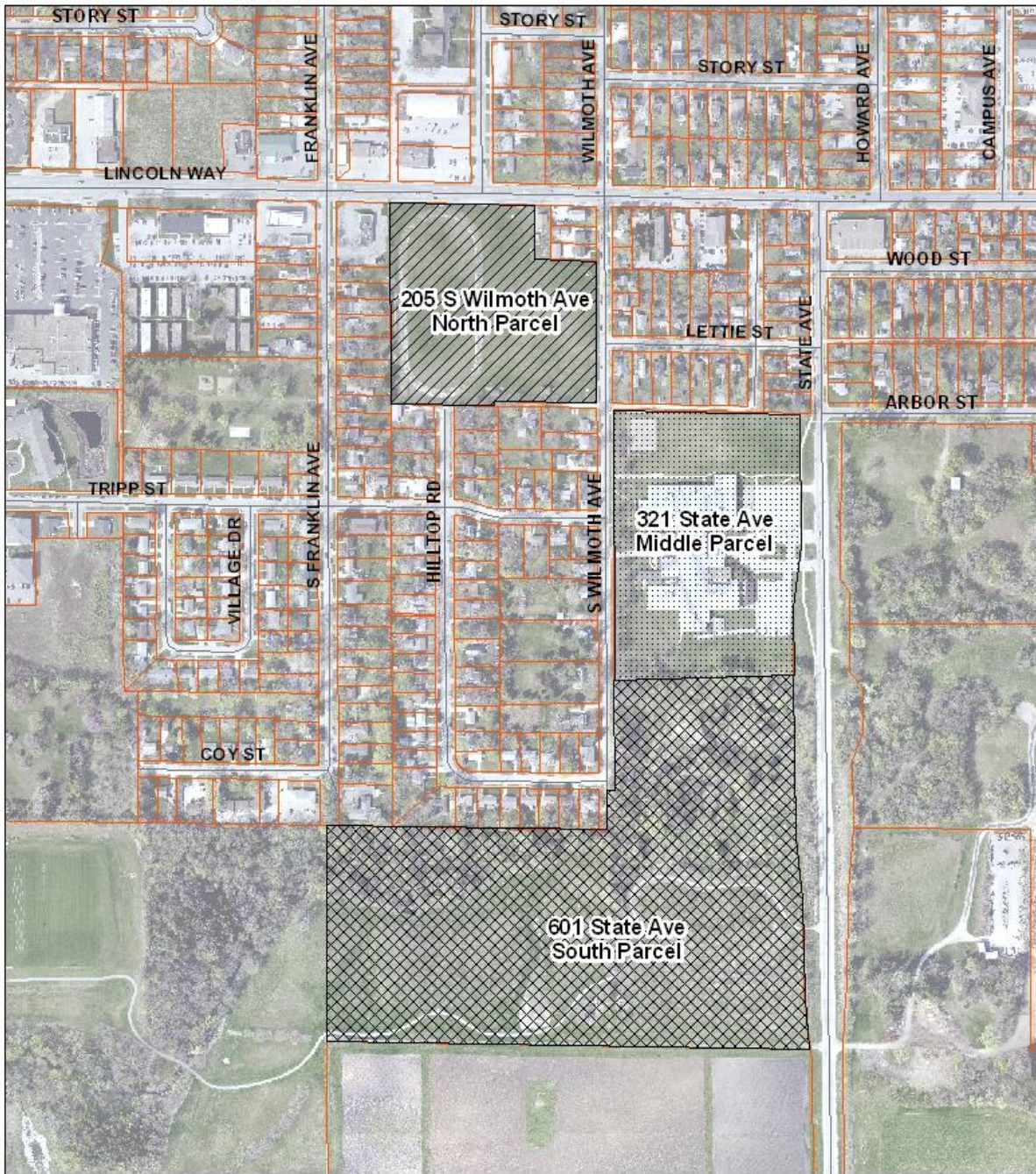
These two properties are currently zoned S-GA. This is a designation that applies only to properties owned by governmental agencies. A private owner would not be allowed to use the property or build anything on it. Therefore, it would be inappropriate for these properties to remain as S-GA indefinitely, especially since the LUPP identifies a future (non-governmental) land use for the property. Failure to ultimately change the zoning designation might be considered a “taking”.

The Council’s considerations of a rezoning request must be an examination of the potential impacts of the proposed request on the existing neighborhood and community as a whole. The Council is not obligated to rezone a property to maximize the profit of the owner, since the Council has no control over how much was paid for the property. The Council must not, however, eliminate all return from the property.

STAFF COMMENTS

The City Council should take two actions at this meeting. The first is to determine whether a Master Plan will be a requirement for the eventual consideration of the rezoning request. If so, the City Council should also clarify what additional information or constraints it desires to see in the Master Plan.

Attachment 1: Location Map



Attachment 2: Conditions for and Contents of a Master Plan

Section 29.1507(3)

- (b) The City Council may require a Master Plan to be submitted with a rezoning application if it determines that any one of the following conditions is met:
 - (i) The area to be rezoned will contain more than one type of residential dwelling unit and will be developed in multiple phases.
 - (ii) The area to be rezoned contains designated wetlands; flood plain and floodway boundaries; areas designated by the Ames Land Use Policy Plan as Greenways and Environmentally Sensitive Areas; conservation easements or other documented sensitive environmental conditions or valuable natural resources.
 - (iii) Development of the area with the most intensive uses permitted by the proposed zoning designation may require new, enlarged or upgraded off-site public improvements.
 - (iv) The City Council determines that due to specific conditions that exist on or around the area proposed to be rezoned, or due to situations that require more careful consideration of how the layout and design of a site affects general health, safety, and welfare, a Master Plan is necessary for consideration of the proposed zoning map amendment.
- (c) If the City Council determines that a Master Plan is required it shall be prepared in compliance with the requirements of Section 29.1507(4) and shall be reviewed concurrently with the application for a zoning text amendment.

Section 29.1507(4)

- (4) **Master Plan.** When a Master Plan is required, it shall be submitted in compliance with the following:
 - (a) Submittal Requirements. The Master Plan shall contain the following information:
 - (i) Name of the applicant and the name of the owner of record.
 - (ii) Legal description of the property.
 - (iii) North arrow, graphic scale, and date.
 - (iv) Existing conditions within the proposed zoning boundary and within 200 feet of the proposed zoning boundary: Project boundary; all internal property boundaries; public rights-of-way on and adjacent to the site, utilities; easements; existing structures; topography (contours at two-foot intervals); areas of different vegetation types; designated wetlands; flood plain and floodway boundaries; areas designated by the Ames Land Use Policy Plan as Greenways and Environmentally Sensitive Areas
 - (v) Proposed zoning boundary lines.
 - (vi) Outline and size in acres of areas to be protected from impacts of development
 - (vii) Outline and size in acres of areas proposed of each separate land use and for each residential unit type
 - (viii) Pattern of arterial streets and trails and off-site transportation connections
 - (ix) For proposed residential development provide the number of unit type for each area, expressed in a range of the minimum to maximum number to be developed in each area
 - (x) For proposed residential development provide a summary table describing all uses of the total site area, including the number of units per net acre for each unit type and each zoning area.

Appendix 3: Illustrative Project

Waco, TX, shown below:



April 4, 2013

The Honorable Ann Campbell, Mayor of Ames
and Members of the Ames City Council
515 Clark Avenue
Ames, IA 50010

Subject: Old Middle School Site Development

Dear Mayor Campbell and Members of the City Council:

The pending rezoning and development of the Old Middle School Property raises a number of potential concerns by Iowa State University. When the University sold a portion of this track to the Ames Community School District in 2000 the expectation was that the land would be used for public purposes, not high density student housing. We have indicated a willingness to consider recommending repurchase of the south parcel which is adjacent to university agricultural operations but that alternative was not pursued in the sale of the overall site. If this area is to be developed for high density student housing the university would strongly encourage the Ames City Council to require the development of a Master Plan addressing a number of issues and determine financial responsibility for how those will be addressed in the future.

Issues of particular concern to Iowa State University:

- Impact on adjacent agricultural plot and field work, require adequate fencing.
- Light pollution on adjacent experimental field plots.
- College Creek watershed impact and downstream water management.
- Portions of State Street are an institutional road. Responsibility for funding road improvements. Who will pay for widening, signalization other possible improvements
- This project may require traffic signalization or construction of a roundabout at State Street and Mortensen to safely manage traffic.
- Adequate parking in the area.
- CyRide cost increases for bus service. ISU and students fund ~70% of CyRide operations. Where will financial support come from for expanded service?
- Impact on Arboretum and Cross Country Track on east side of State Street.
- Walking and bicycle paths from the housing area to campus and retail and residential developments to the west.
- Impact on ISU recreational area to east.
- Law enforcement and fire protection impact.
- Campustown revitalization is higher priority for resource commitments and may be a better location for expanded student housing.
- Long term ISU enrollment trend. Is housing of this type needed and can it be converted to other uses if there are changes in enrollment trends?
- Impact on residential neighborhood and housing that many of our younger faculty and staff occupy. The neighborhood is opposed to the project.

The Honorable Ann Campbell, Mayor of Ames
and Members of the Ames City Council

April 4, 2013

Page 2

Iowa State University enrollments are continuing to increase and there may be a need for additional student housing. The university is in the process of adding an additional 720 beds in Frederickson Court which will be completed in 2014. Historically, Iowa State has housed approximately one third of the undergraduate student enrollment in university operated housing. For younger undergraduate students the university provides support staff and programs resulting in higher retention and graduation rates. The majority of the off campus private housing organizations support this since their housing operations typically do not provide this support. The majority of the private housing operators in Ames indicate they prefer to market to upper class undergraduates and graduate students. The plan being proposed by the Breckenridge Group is not a traditional apartment style development, a relatively new concept. They have several projects under development in other campus communities but not a long history of operational success. Ownership of several of their completed projects has transferred to other organizations. The lack of demonstrated success and comments from the communities and campuses where they are developing projects contributes to the university's recommendation that a detailed Master Plan be required including addressing the long term financial obligations that this development will impose on the university and City of Ames.

The university is prepared to provide additional comments and participate in the city planning and zoning process as it impacts Iowa State University.

Very truly yours,



Warren R. Madden
Senior Vice President for Business and Finance

cc: Steven Leath
Steve Schainker
Tom Hill
Miles Lackey
Cathy Brown