

COUNCIL ACTION FORM

SUBJECT: STATE RECREATION TRAIL GRANT APPLICATION FOR 6TH STREET

BACKGROUND:

This action seeks approval of a grant application to improve the shared use path and bicycle facilities on 6th Street from Hazel Avenue to the Brookside Park entrance. This work will be done in conjunction with the 2015/16 Bridge Rehabilitation Program (6th Street Bridge over Squaw Creek).

The 2015/16 Bridge Rehabilitation Program (6th Street Bridge over Squaw Creek) is the result of a multi-year process for the replacement of the bridge due to its condition. This year, the 6th Street Bridge over Squaw Creek ranked high enough on the State's city bridge candidate list to be offered funding for replacement, which must be used within three years of award. This grant will provide up to 80% of all eligible costs up to a limit of \$1,000,000. The most current estimate of the total costs of the bridge is \$2,094,400. The total budget for this project is currently programmed in the CIP for \$2,870,000. That amount, however, includes engineering fees and \$340,000 for the reconstruction of 6th Street west of the bridge. Final design for this project will begin after July 2014, and construction cost estimates will be refined for the 2015/16 CIP to reflect all anticipated costs of the bridge replacement and 6th Street reconstruction.

As part of the reconstruction of the bridge and 6th Street to the west, several bike lane improvements will also be made. Bike lanes will be extended to the entrance of Brookside Park, and enhancements will be made to the crossing area to allow for better pedestrian crossings and a transition area for the bike lanes (see attachment).

As part of this project, it was recognized that improvements could also be made at the intersection of Hazel Avenue and 6th Street to provide a safer intersection for all modes of traffic. This would include the installation of radar detection units, bike signals, and painting of bike boxes. A bike box is a colored area at a signalized intersection that allows bicyclists to pull in front of waiting traffic. Designed to be used only at red lights, the box is intended to reduce car-bike conflicts, increase cyclist visibility, and provide bicyclists with a head start when the light turns green. These improvements would be packaged with the bike lanes and shared use path improvements, and bring the total estimated cost of all these improvements to \$141,255. Staff has identified potential grant funding to assist in financing these bicycle detection enhancements.

The Iowa DOT administers grants through the State's Recreational Trail Program that provide \$2 million annually statewide to fund only the construction portion of public trail projects. The application deadline is July 1st of each funding cycle with a minimum requirement of 25% in local matching funds. This would amount to \$35,300 in local funding for this grant, which could be covered with G.O. Bonds from the bridge project.

There are other requirements for this grant. First, these grant monies must be used for a trail that is part of a local or area-wide trail plan. This project would meet this criterion as part of the Ames Area Metropolitan Planning Organization's long range plan. Second, trails resulting from successful applications must be maintained as a public facility for a minimum of 20 years. A certification to this effect must be included as part of the application packet.

If awarded, this grant could act as a vital funding source to supplement the City for the cost of this project, while providing highly innovative improvements to enhance the City's multi-modal transportation network. If the grant is not funded, the bike lanes, shared use path improvements and pedestrian crossing improvements will still proceed, since these are core components of the plan. However, the enhanced bicycle detection improvements at the intersection of Hazel Avenue and 6th Street would be removed from the project for future consideration.

ALTERNATIVES:

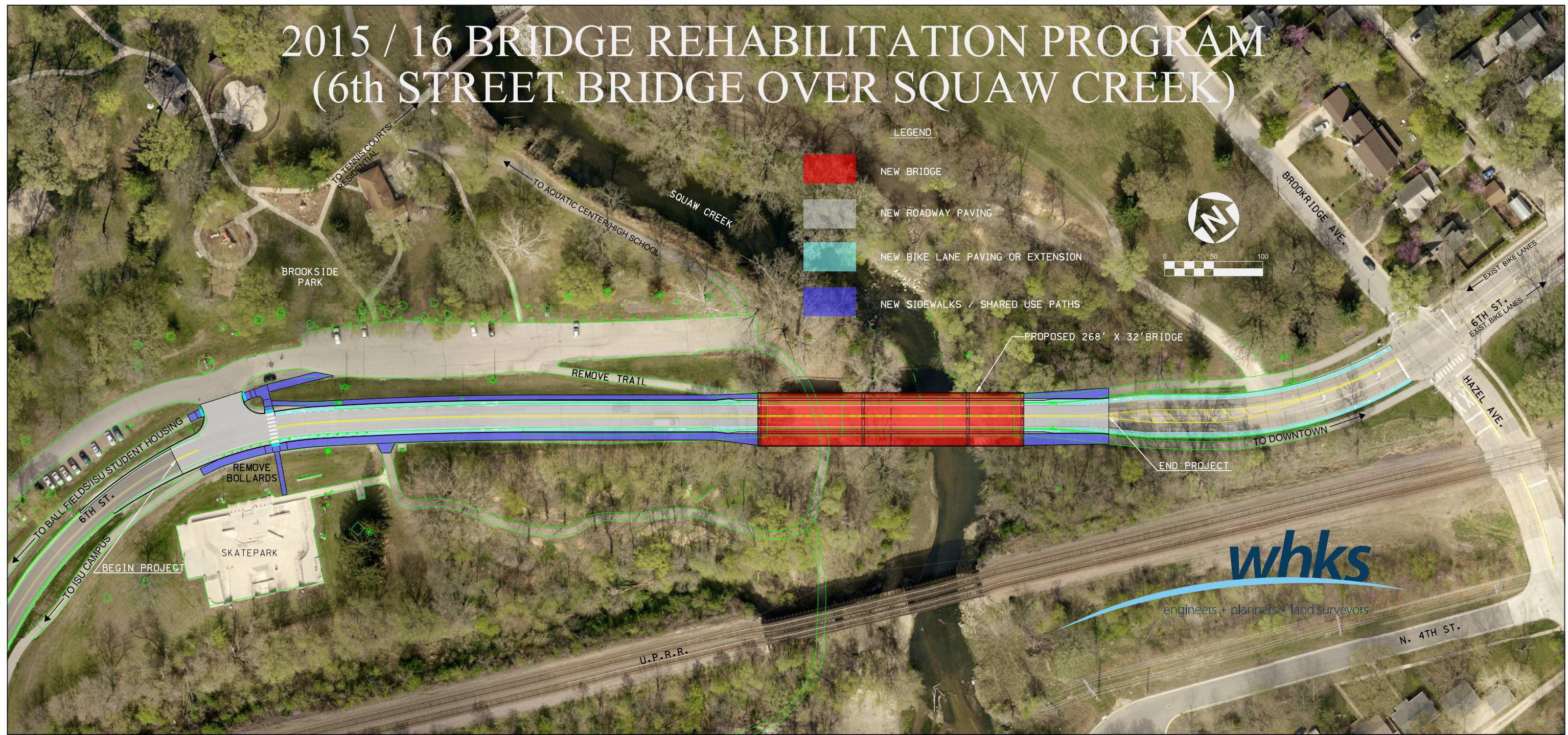
1. Approve the Recreational Trail Program application associated with the 2015/16 Bridge Rehabilitation Program (6th Street Bridge over Squaw Creek) up to the maximum amount of \$104,942 (equaling 75% of the total estimated eligible project costs), and concurrently provide assurance that the trail will be adequately maintained as a public facility for a minimum of 20 years.
2. Reject the grant application.

MANAGER'S RECOMMENDED ACTION:

If awarded, this grant will provide a significant benefit to the City by improving multi-modal transportation and increasing the safety of all users along this corridor.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the Recreational Trail Program application associated with the 2015/16 Bridge Rehabilitation Program (6th Street Bridge over Squaw Creek) up to the maximum amount of \$104,942, and providing assurance that the trail will be adequately maintained as a public facility for a minimum of 20 years.

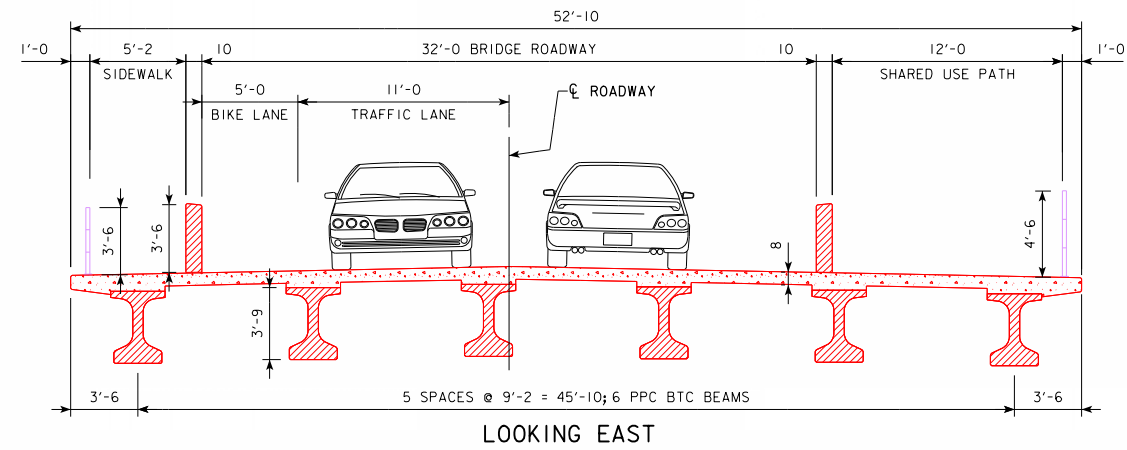
2015 / 16 BRIDGE REHABILITATION PROGRAM (6th STREET BRIDGE OVER SQUAW CREEK)



PROJECT FEATURES

1. REPLACE EXISTING 3-SPAN, 250' X 26' FRACTURE CRITICAL STEEL GIRDER BRIDGE WITH 268' X 32' PPCB BRIDGE.
2. REPLACE ROADWAY APPROACHES AND DETERIORATED PAVEMENT UP TO AND INCLUDING THE BROOKSIDE PARK ENTRANCE.
3. CREATE CONTINUOUS BIKE LANES FROM BROOKSIDE PARK ENTRANCE TO HAZEL/BROOKRIDGE AVE.
-ALLOW FOR A CONTINUOUS BIKE LANE CONNECTION FROM BROOKSIDE PARK TO GRAND AVE.
-INSTALL BIKE SIGNALS AND BIKE BOXES WITH RADAR DETECTION SYSTEM AT HAZEL/BROOKRIDGE AVE. INTERSECTION.
4. IMPROVE CONNECTIONS OF SHARED USE PATHS AND SIDEWALKS.
-RELOCATE CROSSWALK AT BROOKSIDE PARK ENTRANCE AND INSTALL ACTIVATED PEDESTRIAN SIGNAL TO IMPROVE PEDESTRIAN SAFETY.
-COMPLY WITH THE AMERICAN WITH DISABILITIES ACT(ADA) FOR SIDEWALKS AND SHARED USE PATHS INCLUDING SLOPE COMPLIANCE, DETECTABLE WARNINGS, AND ACCESSIBLE ROUTES.
5. ENHANCE PUBLIC ACCESSIBILITY AND PERCEPTION OF THE BROOKSIDE PARK AREA.

BRIDGE CROSS SECTION



COUNCIL ACTION FORM

SUBJECT: REQUESTS FROM AT&T WIRELESS TO PLAN AND DESIGN A CELLULAR ANTENNA INSTALLATION ON CITY PROPERTY

BACKGROUND:

Several cellular providers have contracts to place private cellular network equipment on City property. In early 2014, City staff was approached by a firm representing AT&T Wireless to place a cellular antenna on City property located along Billy Sunday Road. The City and AT&T have been working to narrow the focus down to a particular site. AT&T has now identified its optimal site as City property northwest of the Dog Park.

The following steps must occur prior to construction of an antenna: (1) AT&T must complete a site evaluation to ensure its proposed design will be structurally sound; (2) AT&T must enter into a lease agreement with the City to use the property; and (3) AT&T must obtain a Special Use Permit from the Zoning Board of Adjustment.

If agreed to, the lease document will describe the specific site area that AT&T has rights to use. If AT&T is unable to obtain a Special Use Permit or finds that the specific site is unsuitable for construction, the lease would need to be amended, which would take additional time. Furthermore, if the site must be relocated, AT&T would have to conduct new soil testing, which would be costly for AT&T and disruptive to the City's property. In order to avoid that scenario, AT&T is requesting authorization to make a joint application with the City for a Special Use Permit and to conduct its site engineering analysis prior to entering a long term lease with the City.

SPECIAL USE PERMIT:

According to the City's zoning code, AT&T must receive a Special Use Permit from the Zoning Board of Adjustment (ZBA) prior to constructing its antenna. In granting this permit, ZBA may place certain conditions on the orientation, location, dimensions, and other aspects of the antenna installation.

AT&T has requested permission to make a joint application for a Special Use Permit prior to completion of the lease agreement. Since the City owns the property on which AT&T would like to place an antenna, the City Council must agree to be listed as the property owner on the Special Use Permit application. In the event that ZBA places conditions on the use of the site, the changes can be made on the plans and incorporated into the lease agreement prior to that agreement returning to the City Council.

Obtaining a Special Use Permit at this time does not grant AT&T the ability to use the site. AT&T would still be required to receive property rights through a lease with the

City. If the Special Use Permit is granted, AT&T would proceed with its site studies and the lease agreement would be brought to the City Council.

RIGHT OF ENTRY:

Until a lease is agreed to between the City and AT&T, AT&T does not have rights to conduct soil tests and take measurements on the property. These activities are essential to the planning process prior to construction. In order to allow that site evaluation to proceed, the City and AT&T may enter into a separate agreement that allows AT&T access to the property to complete its evaluation.

This type of agreement was approved by the City Council this past winter to allow Verizon Wireless to access a separate City property under negotiation. Under the terms of this temporary agreement, AT&T and its contractors would have rights to enter the property to conduct inspections, surveys, structural strength analysis, subsurface boring tests, an environmental site assessment, and any other types of testing AT&T deems necessary. These activities would be conducted at AT&T's cost and the City would not be responsible for the actions of AT&T's employees or contractors.

This agreement would be in effect for a period of one year. However, upon execution of the lease which would allow AT&T to construct its antenna, the temporary agreement's terms regarding site access would be superseded by the lease agreement's terms. Additionally, if no lease agreement is completed, AT&T would be responsible for returning the area to its original condition.

ALTERNATIVES:

1. a. Authorize AT&T Wireless to make a joint application for a Special Use Permit to install a cellular antenna on City property northwest of the Dog Park. AT&T would not be permitted to proceed with installation until a lease is agreed to by the City Council.
- b. Approve an agreement granting AT&T Wireless a limited right of entry to City property for the purposes of inspection and testing.
2. Do not approve an agreement with AT&T Wireless.

MANAGER'S RECOMMENDED ACTION:

This agreement and the pursuit of a Special Use Permit do not obligate the City to lease the site to AT&T. If AT&T is able to obtain the Special Use Permit and its study finds the site acceptable, AT&T must still receive the City's agreement to a long-term lease.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as described above.



LIMITED RIGHT OF ENTRY

The undersigned is the owner (“Owner”) of the property, premises or easement (the “Property”) described as follows:

Address: 605 Billy Sunday Road and 2110 South Duff Avenue, Ames, IA 50010

Assessors Property ID: 09-14-275-000 and 09-14-250-000

Consent. Subject to the limitations and conditions below, the Owner does hereby grant permission to New Cingular Wireless PCS, LLC, a Delaware limited liability company, and its agents, employees, consultants and representatives (herein individually and collectively referred to as “AT&T Wireless”) to enter onto the Property and contiguous property owned or controlled by the Owner for the purpose of performing an inspection of the Property, including surveys, a structural strength analysis, subsurface boring tests, an environmental site assessment, and any other activities as AT&T Wireless may deem necessary, at the sole cost of AT&T Wireless (collectively, the “Work”). In addition, AT&T Wireless may remove samples of the soil from the Property.

Indemnity. To the fullest extent permitted by law, AT&T Wireless shall indemnify and hold harmless the Owner, its agents, and employees from and against all claims, damages, losses, and expenses including, but not limited to, reasonable attorney’s fees arising out of or resulting from the performance of the Work, provided that any such claim, damage, loss, or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property (other than the work itself), including the loss of use resulting therefrom; and (2) is caused in whole or in part by any negligent act or omission of AT&T Wireless, any subcontractor, anyone employed by any of them or any one for whose acts, any of them may be liable.

Insurance. AT&T Wireless agrees that it will, at its own expense, procure and maintain occurrence basis Commercial General Liability (CGL) insurance from a company or companies authorized to do business in the state of Iowa, in amounts of \$1,000,000 Combined Single Limit (Bodily Injury and Property Damage) per occurrence and \$2,000,000 Aggregate Limits. Certificates of Insurance will be provided by AT&T Wireless indicating that Owner has been included as Additional Insured on the policy(ies). AT&T Wireless shall provide Owner at least thirty (30) days prior written notice of any cancellation or non-renewal of any required coverage of said policy(ies) that is not replaced. Owner’s additional insured status shall (i) be limited to bodily injury, property damage or personal and advertising injury caused, in whole or in part, by AT&T Wireless, its employees, agents or independent contractors; (ii) not extend to claims for punitive or exemplary damages arising out of the acts or omissions of Owner, its employees, agents or independent contractors or where such coverage is prohibited by law or to claims

Site Name: 16th & Duff
FA: 10549334

arising out of the gross negligence of Owner, its employees, agents, or independent contractors; and (iii) not exceed AT&T Wireless' indemnification obligation under this Agreement.

Limitations and Conditions. The consent granted above is subject to the following limitations and conditions: (1) at least 48 hours prior to entering the Property, AT&T Wireless shall notify Owner in writing or by telephone; (2) notification shall include the identities of the agents, employees, consultants, and representatives of AT&T Wireless who will be entering onto the Property, the time and date of the planned entry, the locations on the Property where AT&T Wireless will be conducting its activities, and the nature of the activities to be conducted; (3) notification shall be directed to the attention of Joshua Thompson, Parks and Facilities Superintendent (jthompson@city.ames.ia.us, 515-239-5364); (4) Owner reserves the right to limit or deny access or to require rescheduling of inspection activities if Owner determines that planned inspection activities by AT&T Wireless would interfere with previously scheduled activities or otherwise jeopardize the security, safety, or confidentiality of City of Ames employees.

Authority. The individual executing this consent on behalf of the Owner represents to AT&T Wireless that such individual is authorized to do so by requisite action of the Owner.

Term. This consent is granted for a period of three hundred and sixty-five (365) days from the date indicated below. Recognizing that the Owner and AT&T Wireless are currently in negotiations for a lease agreement concerning this Property, this consent shall terminate upon the commencement date of that lease agreement. Thereafter, the terms of that lease agreement shall govern the use of the Property. In the event that the Term of this consent expires and no lease agreement is adopted by the Owner and AT&T Wireless for this Property, AT&T Wireless shall return the Property to its condition that existed prior to the commencement of the Work by AT&T Wireless, reasonable wear and tear excepted.

OWNER:
CITY OF AMES

ATTEST:

By: _____
Ann Campbell, Mayor

Diane Voss, City Clerk

Date: _____

AT&T WIRELESS:
New Cingular Wireless PCS, LLC,
By: AT&T Mobility Corporation
Its: Manager

Site Name: 16th & Duff
FA: 10549334

By: _____
Print Name: _____
Its: _____
Date: _____



Creospan, Inc.
1515 E. Woodfield Rd.
Suite 860
Schaumburg, IL 60173

Date: 6/16/2014

To: City of Ames; City Council

Re: AT&T's Proposal to Build a Cellular Tower

In AT&T Mobility's (AT&T) pursuit of providing the highest quality wireless telecommunications service, it proposes to build a telecommunications facility on City property at the Dog Park. The proposal will involve building an equipment shelter and a one hundred fifty (150) foot monopole tower within leased premises and placing nine (9) antennas and adding associated equipment to the facility (the Proposed Site).

As part of AT&T's ongoing development and improvement of its wireless network, Radio Frequency (RF) engineers have identified the need for a telecommunications facility in this area of the Town. The required location of the facility was determined by computer modeling that evaluates population density, topography, and current antenna system capacity. The computer modeling defines a "Search Ring," which is the area in which a telecommunications site must be located in order to properly integrate into AT&T's telecommunications network.

The first step in AT&T's site selection process is to determine requirements from the governing municipality. Once informed, site acquisition specialists search the area designated by the RF engineers and AT&T. In order to minimize tower proliferation, the acquisition specialists look to mount antennas on existing towers, water tanks, and other structures before considering building a new tower. In this instance, however, there are no available existing structures that satisfied AT&T's RF needs within the search ring.

AT&T respectfully requests that it be allowed to submit an application for a Special Use Permit for the use of this site.

Sincerely,

Ronak Desai

CREOSPAN Inc. (Vendor for AT&T)
ronak.desai@creospan.com
Cell: 847-732-7410



MEMO

To: Mayor and Members of the City Council

From: City Clerk's Office

Date: June 20, 2014

Subject: Contract and Bond Approval

There is no Council Action Form for Item No. 18. Council approval of the contract and bond for this project is simply fulfilling a *State Code* requirement.

/jr

COUNCIL ACTION FORM

**SUBJECT: WATER TREATMENT PLANT LIME SLUDGE DISPOSAL
CONTRACT RENEWAL**

BACKGROUND:

The City's Water Treatment Plant is a conventional lime-softening facility. The plant generates approximately 22,000 wet tons of lime sludge, a by-product of the lime softening process, each year. The lime sludge consists primarily of calcium carbonate and magnesium hydroxide and is dewatered and stored in lagoons prior to disposal on agricultural ground as a soil conditioner. To continue to have adequate storage for the lime sludge, the lime sludge must be cleaned out of the lagoons annually.

On May 28, 2013, City Council awarded a contract to Wulfekuhle Injection and Pumping, Inc. of New Vienna, Iowa for the removal and disposal of lime sludge. The contract agreement calls for the removal of 28,000 wet tons of lime at a unit cost of \$10.99 per wet ton, four dust control applications at \$500 per application, and mobilization charges totaling \$6,500 for a total contract price of \$316,220. **The contract is renewable annually for a total of five years, dependent on successful performance by the contractor each year.** The contract unit prices bid are fixed for the entire five-year agreement.

Work performed by the contractor is being completed to staff's satisfaction and in accordance with the contract requirements. The FY 2014/15 operating budget includes \$316,220 for this work.

ALTERNATIVES:

1. Award the second year of the lime sludge disposal contract to Wulfekuhle Injection and Pumping, Inc. of New Vienna, Iowa in the amount of \$316,220.
2. Do not award the contract for FY 2014/15 to Wulfekuhle Injection and Pumping, Inc.; and direct staff to solicit new bids for removal and disposal of lime sludge.

MANAGER'S RECOMMENDED ACTION:

The contractor has been completing the lime sludge disposal work to staff's satisfaction.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving renewal of the second year of the five-year agreement with Wulfekuhle Injection and Pumping Inc. for removal and disposal of the Water Treatment Plant's lime sludge in the amount of \$316,220.

COUNCIL ACTION FORM

SUBJECT: PURCHASE OF SHARED PUBLIC SAFETY SOFTWARE
MAINTENANCE FROM SUNGARD PUBLIC SECTOR

BACKGROUND:

On June 14, 2005, the City entered into a 28E intergovernmental agreement with Iowa State University and the Story County Sheriff's Office supporting a joint computer network for public safety. This agreement included sharing of the network costs.

The total cost associated with the operation of the network was approved by the City Council as part of the FY 2014/15 budget process and included \$142,089 for existing Sungard Public Sector software maintenance. As part of the 28E Agreement, the City is responsible to arrange and pay for software maintenance. This cost is later shared per the terms of the agreement. There may also be additional costs as applications are expanded.

Sungard Public Sector is the shared public safety software vendor for the Public Safety Computer Aided Dispatch, Police Records, Jails Records, Phase II Mapping, NCIC/State Interface, and reporting applications. The City contracts with Sungard on an annual basis for maintenance services. Sungard Public Sector is the sole provider of maintenance for these software applications.

Included in this yearly maintenance is 24-hour programming support, software upgrades on all applications throughout the year, and eligibility to participate in the annual Sungard Users' Group meeting where software enhancements are requested and formalized for the next year.

ALTERNATIVES:

1. Waive formal bidding requirements and authorize FY 2014/15 software maintenance contracts with Sungard Public Sector at a cost of \$142,089.
2. Do not authorize continuing software maintenance contracts with Sungard Public Sector.

MANAGER'S RECOMMENDED ACTION:

Sungard Public Sector is the sole provider of the maintenance services for the shared public safety network software. Software maintenance is required to continue service delivery and to keep systems up-to-date. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.

COUNCIL ACTION FORM

SUBJECT: PURCHASE OF SOFTWARE MAINTENANCE FROM SUNGARD
PUBLIC SECTOR

BACKGROUND:

The approved FY 2014/15 budget includes \$90,128 for Sungard Public Sector software maintenance.

Sungard Public Sector is the City's software vendor for the integrated financial, utility billing, building permit and citation management applications. The City contracts with Sungard on an annual basis for maintenance services. Sungard Public Sector is the sole provider of maintenance for these software applications.

Included in this yearly maintenance is 24-hour programming support, software upgrades on all applications throughout the year, and eligibility to participate in the annual Sungard Users' Group meeting where software enhancements are requested and formalized for the next year.

ALTERNATIVES:

1. Waive formal bidding requirements and authorize FY 2014/15 software maintenance contracts with Sungard Public Sector at a cost of \$90,128.
2. Do not authorize continuing software maintenance contracts with Sungard Public Sector.

MANAGER'S RECOMMENDED ACTION:

Sungard Public Sector is the sole provider of the maintenance services for the integrated financial, utility billing, building permits, and citation management software. The agreement for these applications includes software maintenance.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby waiving formal bidding requirements and authorizing FY 2014/15 software maintenance contracts with Sungard Public Sector at a cost of \$90,128.

COUNCIL ACTION FORM

SUBJECT: **COMPLETION OF ABATEMENT WORK FOR AMES PUBLIC LIBRARY**

BACKGROUND:

Historic walls within the Library made of asbestos-containing plaster and lead-based paint were found in various areas of the building. Two firms were employed to ensure compliance with regulations pertaining to abatement found in the Iowa Administrative Code.

Abatement Specialties, LLC was awarded the contract to perform abatement of asbestos-containing materials (ACM) and lead-based paint (LBP) on November 27, 2012. Terracon Consultants, Inc. of Des Moines, Iowa, was hired by the Library to carry out testing, monitoring, and reporting on the abatement activities being conducted by Abatement Specialties, LLC. Work began in December 2012. **ACM was found to be present in additional areas of the building that needed to be disturbed, and a total of eight change orders were issued as construction progressed, of which two needed Council approval.** It should be noted that one of the change orders approved by Council removed LBP abatement on all of the 1904 and 1940 wood windows from Abatement Specialties' contract, since that work was changed to a preservation project, not removal.

Original contract amount	\$49,659
Change orders #1-8	<u>47,766</u>
Final Contract Amount	\$97,425

Terracon has now submitted the close-out document detailing the procedures employed and results obtained, and evidencing the reports that have been filed with appropriate governmental authorities, with the Library and with the City Clerk. The cover letter signed by Terracon's representatives appears on the following page.

ALTERNATIVES:

1. Accept completion of the contract with Abatement Specialties, LLC, for Ames Public Library Renovation and Expansion Abatement Work at a total cost of \$97,425 and authorize final payment to the contractor.
2. Delay acceptance of this project.

MANAGER'S RECOMMENDED ACTION:

All of the work included in the contract with Abatement Specialties, LLC has now been completed and the Terracon industrial hygienists have certified completion.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby accepting completion of the contract with Abatement Specialties, LLC, for Ames Public Library Renovation and Expansion Abatement Work at a total cost of \$97,425 and authorizing final payment to the contractor.

April 23, 2014



Ames Public Library
515 Douglas Avenue
Ames, IA 50010

Attn: Ms. Lynne Carey

Re: Asbestos and LBP Abatement Services Report
Ames Public Library
Ames, IA 50010
Terracon Project No. 08127094


Dear Ms. Carey:

Terracon Consultants, Inc. is pleased to provide you with this asbestos and lead-based paint (LBP) abatement services report for abatement conducted and additional suspect asbestos-containing materials collected at the above-referenced project site. The asbestos and LBP abatement services were conducted in general accordance with our proposal 08120473R2 dated August 16, 2012 and subsequent Supplements dated November 20, 2012 and September 24, 2013, respectively. A description of our asbestos and LBP abatement services is provided in the attached report.

We appreciate the opportunity to be of service to you on this project. If you have any questions or comments regarding this report or if we may be of further assistance, please contact the undersigned at 515.244.3184 or tlulrich@terracon.com.

Sincerely,
Terracon Consultants, Inc.


Terrence L. Ulrich
Project Industrial Hygienist


Cindy A. Baldwin, CIH, LIH
Senior Industrial Hygienist

TLU/CAB/08127094 APL AbatementRpt1.docx

Copies: Addressee (2)
Brad Heemstra, Integrity Construction (1 electronic)

Terracon Consultants, Inc. 600 SW 7th Street, Suite M Des Moines, Iowa 50309
P [515] 244 3184 F [515] 244 5249 terracon.com

Geotechnical

Environmental

Construction Materials

Facilities

COUNCIL ACTION FORM

**SUBJECT: 2010/11 STORM WATER FACILITY REHABILITATION PROGRAM –
SPRING VALLEY SUBDIVISION (UTAH DRIVE/OKLAHOMA DRIVE)
AND 2012/13 FLOOD RESPONSE AND MITIGATION PROGRAM
(CLEAR CREEK LANDSLIDE – UTAH DRIVE)**

BACKGROUND:

In accordance with requirements in the Municipal Code, new developments within the community are required to provide storm water management quantity control. This involves regulating stormwater runoff discharge to pre-developed conditions through extended detention and/or retention. Through development agreements, the City has previously accepted responsibility for the long-term maintenance of many of these facilities. This annual Capital Improvements Plan (CIP) program was developed to address these maintenance responsibilities.

The 2010/11 Storm Water Facility Rehabilitation Program location identified in the CIP was the Spring Valley Subdivision (Utah Drive/Oklahoma Drive). The project consisted of clearing overgrown vegetation, removing excess silt from an overflow structure, improving the overflow structure, installing new storm sewer piping, and planting new woodland vegetation. The project also included the Utah Drive Landslide improvements located just southwest of this area. This is a part of the 2012/ 13 Flood Response and Mitigation Program.

On August 28, 2013, City Council awarded this project to Con-Struct, Inc. of Ames, Iowa, in the amount of \$336,630. One change order was administratively approved by staff in accordance with Purchasing Policies and Procedures. This change order, a deduction in the amount of \$22,859.40, was the balancing change order for the work and reflected actual quantities installed in the field. Construction was completed in the amount of \$313,770.60. Engineering and contract administration totaled \$62,800, bringing overall project costs to \$376,570.60.

This project was financed from the 2010/11 Storm Water Facility Rehabilitation Program in the amount of \$100,000 from Storm Sewer Utility Funds, \$130,000 in G.O. Bonds as part of the 2012/13 Flood Response and Mitigation Program, and \$150,000 in Storm Sewer Utility Funds from the 2010/11 Storm Sewer Intake Rehabilitation Program, bringing **total available funding to \$380,000**. Any remaining funds will be utilized for contingencies and for additional projects in the future.

ALTERNATIVES:

1. Accept the 2010/11 Storm Water Facility Rehabilitation Program - Spring Valley Subdivision (Utah Drive/Oklahoma Drive) and the 2012/13 Flood Response and Mitigation project (Clear Creek Landslide – Utah Drive) as completed by Con-Struct, Inc., of Ames, Iowa, in the amount of \$313,770.60.
2. Direct staff to pursue modifications to the project.

MANAGER'S RECOMMENDED ACTION:

This project has now been completed in accordance with approved plans and specifications, and is within the approved budget.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby accepting the 2010/11 Storm Water Facility Rehabilitation Program - Spring Valley Subdivision (Utah Drive/Oklahoma Drive) and the 2012/13 Flood Response and Mitigation project (Clear Creek Landslide – Utah Drive) as completed by Con-Struct, Inc., of Ames, Iowa, in the amount of \$313,770.60.

COUNCIL ACTION FORM

SUBJECT: 2011/12 DOWNTOWN STREET PAVEMENT IMPROVEMENTS
(DOUGLAS AVENUE – MAIN STREET TO 7TH STREET)

BACKGROUND:

The annual Downtown Street Pavement Improvements program is for rehabilitation and/or reconstruction of streets within the downtown area. The 2011/12 program location was Douglas Avenue from Main Street to 7th Street. The project included pavement reconstruction, storm and sanitary sewer improvements, new water main from Main Street to 7th Street, new angled parking at the Ames Public Library (which increased the capacity from eight to 13 spaces and included two dedicated handicap parking stalls), and a ribbon of colored sidewalk concrete to match the previously reconstructed areas of downtown. This project also included bulb-out areas and colored concrete at the intersections to provide a similar feel to the other sections of downtown, as well as updated street lighting.

On August 28, 2012, City Council awarded this project to Con-Struct, Inc. of Ames, Iowa, in the amount of \$1,215,016. Four change orders were approved in accordance with Purchasing Policies and Procedures. The first change order, in the amount of \$10,553.12, included additional work for sanitary sewer and water main construction in the 500 block of Douglas Avenue. The second, in the amount of \$3,581.69, included additional work for sanitary and water main construction in the 400 block of Douglas Avenue. The third, in the amount of \$18,375, included a new lid on the underground electrical vault in the 400 block of Douglas Avenue. The fourth and final change order, in the amount of \$3,000.23, was the balancing change order to reflect actual quantities installed in the field.

Construction was completed in the amount of \$1,250,526.04. Final acceptance of this project was delayed over the winter of 2013/14 to ensure proper vegetative restoration growth in the spring of 2014. Engineering and contract administration costs totaled \$250,105, bringing overall project costs to \$1,500,631.04.

The project funding is summarized below:

FY11/12 General Obligation Bonds	\$ 750,000
2009 General Obligation Bonds (unobligated)	\$ 240,000
Sanitary Sewer Fund	\$ 277,775
Water Fund	\$ 162,100
Electric (street lighting)	<u>\$ 75,000</u>
Total Funding	\$1,504,875

ALTERNATIVES:

1. Accept the 2011/12 Downtown Street Pavement Improvements (Douglas Avenue from Main Street to 7th Street) as completed by Con-Struct, Inc. of Ames, Iowa, in the amount of \$1,250,526.04.
2. Direct staff to pursue modifications to the project.

MANAGER'S RECOMMENDED ACTION:

This project was completed in accordance with the approved plans and specifications and is within the approved budget.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby accepting the 2011/12 Downtown Street Pavement Improvements (Douglas Avenue from Main Street to 7th Street) as completed by Con-Struct, Inc. of Ames, Iowa, in the amount of \$1,250,526.04.

COUNCIL ACTION FORM

SUBJECT: **2011/12 ASPHALT PAVEMENT IMPROVEMENT PROGRAM & 2011/12
LOW POINT DRAINAGE IMPROVEMENTS (SOUTH OAK AVENUE)**

BACKGROUND:

The Asphalt Pavement Improvement Program is an annual program for reconstruction of full-depth asphalt streets, typically located within residential neighborhoods. Since the mid-1970's, many streets within residential subdivisions were installed using full-depth asphalt pavement. Full-depth replacement of these streets has become necessary due to structural pavement failure. The Low Point Drainage Improvements program is an annual program for drainage improvements to mitigate localized flooding at low points, and supports the City Council's goal of strengthening our neighborhoods.

The 2011/12 Asphalt Pavement Improvement Program was packaged into four separate contracts in order to better coordinate construction activities in the respective areas. These areas included: Indian Grass Court and Barr Drive; Ironwood Court combined with 2010/11 Low Point Drainage Improvements; Abraham Drive and Todd Circle; and this project – South Oak Avenue combined with 2011/12 Low Point Drainage Improvements.

The work on South Oak Avenue consisted of roadway reconstruction, repair of curb and gutter, and storm sewer intake replacement. On August 28, 2012, City Council awarded this project to Con-Struct, Inc. of Ames, Iowa, in the amount of \$511,021.70. One change order was administratively approved by staff. This change order, a deduction in the amount of \$4,863.35, was the balancing change order to reflect actual quantities installed in the field. Construction was completed in the amount of \$506,158.35. Final acceptance of this project was delayed over the winter of 2013/14 to ensure proper vegetative restoration growth in the spring of 2014.

The 2011/12 Asphalt Pavement Improvement Program includes **expenses** as follows:

Barr Drive/Indian Grass Court (Actual)	\$ 456,088.13
Abraham Drive/Todd Circle (Actual)	\$ 214,993.40
Ironwood Court (Estimated)	\$ 650,000.00
South Oak Avenue (Actual)	\$ 506,158.35
Engineering/Administration (Estimated)	<u>\$ 336,000.00</u>
Total	\$2,163,239.88

The 2011/12 Asphalt Pavement Improvement Program and Low Point Drainage Programs include **funding** as follows:

2011/12 Asphalt Pavement Improvement Program	\$2,576,000
2011/12 Low Point Drainage Program (S. Oak Ave)	\$ 60,000
2010/11 Low Point Drainage Program (Ironwood Ct)	<u>\$ 125,000</u>
Total	\$2,761,000

Any remaining funds will be utilized for contingencies and for additional projects in the future.

ALTERNATIVES:

1. Accept the 2011/12 Asphalt Pavement Improvement Program & 2011/12 Low Point Drainage Improvements (S. Oak Avenue) as completed by Con-Struct, Inc. of Ames, Iowa, in the amount of \$506,158.35.
2. Direct staff to pursue changes to the project.

MANAGER'S RECOMMENDED ACTION:

The project has now been completed in accordance with approved plans and specifications, and is within the approved budget.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby accepting the 2011/12 Asphalt Pavement Improvement Program & 2011/12 Low Point Drainage Improvements (S. Oak Avenue) as completed by Con-Struct, Inc. of Ames, Iowa, in the amount of \$506,158.35.

26 & 27



Caring People ♦ Quality Programs ♦ Exceptional Service

MEMO

Legal Department

To: Mayor Campbell and Members of the City Council

From: Judy K. Parks, City Attorney *[Signature]*

Date: June 20, 2014

Subject: Request for Continuance of Rezoning hearings on 601 State and 205 South Wilmoth

The City has received the attached request from Breckenridge Group LLC for continuation of the hearings on the rezoning requests it has made for 601 State Street and 205 South Wilmoth. As you are aware, litigation related to this development is pending as are negotiations to attempt to resolve same. Because action on either of these pending applications could pose obstacles and/or result in unnecessary work regarding some of the options for resolution of the litigation, Breckenridge has requested that these hearings be continued.

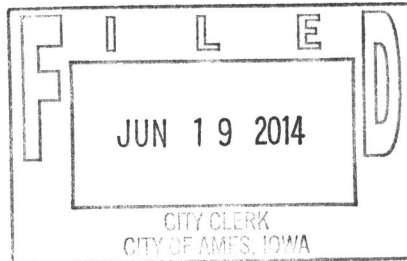
It is appropriate and recommended that this request be granted for both properties, and that these items be postponed to a later meeting without opening the hearing or taking of testimony. The hearings and the opportunity for public input would be given at a date to be later determined, but which will be preceded by proper public notice. Moving to table them would be the recommended action.



Brian D. Torresi
BrianTorresi@davisbrownlaw.com
phone: 515-246-7860
Ames Office

June 19, 2014

Judy Parks, City Attorney
City of Ames, Iowa
515 Clark Ave.
Ames, IA 50010



Re: Breckenridge Group Ames Iowa, LLC ("Breckenridge")

Judy:

Thank you for your letter of June 18, 2014 (the "Letter") wherein you represent to Breckenridge, in response to the anticipated request by Breckenridge to postpone the public hearings with respect to Breckenridge's pending rezoning applications (collectively, the "Applications"), that no public input or action will be taken by the Ames City Council related to the Applications at the June 24, 2014 meeting. Accordingly, in reliance on the representations made in the Letter, Breckenridge hereby requests the postponement of the public hearings related to the Applications.

Very truly yours,

DAVIS, BROWN, KOEHN, SHORS & ROBERTS, P.C.

A handwritten signature in black ink, appearing to read 'Brian D. Torresi', written over a horizontal line.

Brian D. Torresi

Cc: Charlie Vatterott

DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

PHONE 515.288.2500 FIRM FAX 515.243.0654
WEB WWW.DAVISBROWNLAW.COM

THE DAVIS BROWN TOWER
215 10TH STREET, STE. 1300
DES MOINES, IA 50309

THE HIGHLAND BUILDING
4201 WESTOWN PKWY, STE. 300
WEST DES MOINES, IA 50266

THE AMES OFFICE
2605 NORTHRIDGE PKWY, STE. 101
AMES, IA 50010

COUNCIL ACTION FORM

SUBJECT: PUBLIC HEARING ON PROPOSED SOUTH ANNEXATION

BACKGROUND:

Five owners of 15 parcels of land in the general area south of the ISU Research Park have petitioned the City for annexation. These parcels total 249.46 acres in size. Because the annexation of these properties would create unincorporated islands that are prohibited by state law, an additional 60.80 acres of land (comprising 11 owners of 14 parcels) are included in the annexation. State law allows for up to 20% of the area of an annexation to contain property owned by non-consenting land owners.

Collectively, this annexation is referred to as the South Annexation with a total area of 310.26 acres split between 80.4 percent consenting and 19.6 percent non-consenting land owners. The proposed annexation is located in Sections 15, 16, 21, and 22 of Washington Township.

The City has fulfilled all necessary steps required by City policies and the Code of Iowa for describing the area of annexation and giving public notice. The next step is for the City Council to take action on the proposed South Annexation. City Council needs to conduct the public hearing on June 24th before taking action on the request. The proposed area is shown in Attachment A, and an index of consenting/non-consenting owners is included as Attachment B. **A full analysis of the annexation is included in the attached addendum.**

Upon Council approval, the annexation will be submitted to the state City Development Board for final approval. The City Development Board will conduct a public hearing on the proposed annexation in order to give non-consenting owners an additional opportunity to be heard. That hearing likely will be held in August.

City staff has met or spoken with the non-consenting owners several times. There remains some opposition, especially among Cedar Lane owners, although no one spoke at the Planning and Zoning Commission meeting.

ALTERNATIVES:

1. The City Council can conduct the public hearing and approve a resolution to annex the South Annexation properties.
2. The City Council can deny the proposed annexation.

3. The City Council can hold a public hearing, request additional information from the petitioners or City staff, and defer action to a later date.

MANAGER'S RECOMMENDED ACTION:

This annexation allows for the expansion of the ISU Research Park, as well as for further residential development in the Southwest Allowable Growth Area. It provides for the logical extensions of City utilities and services. The proposed annexation includes 60 acres of land owned by non-consenting owners, which are included so as not to create an island of unincorporated land that is not allowed by state code.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative 1, thereby approving the proposed annexation of 310.26 acres of land in Sections 15, 16, 21, and 22 of Washington Township.

According to state law, any owner seeking annexation has a right to withdraw up to three days following the public hearing, unless that owner has waived those rights in writing or has an agreement with the City to provide for the extension of services. In this instance, no waivers have been provided by any of the applicants. An applicant may withdraw up until the end of the business day of Friday, June 27. If any owner does withdraw, the City Council will need to approve a modified resolution at a subsequent meeting to reflect the final boundaries.

ADDENDUM

On April 22, 2014, the City Council provided direction to staff to combine the “Reyes” and “ISU Research Park” annexation petitions with the “Burgason” application to define the boundaries of the current South Annexation request. The City received annexation petitions for 249.46 acres of land adjacent to the City limits along Cedar Lane, 530th Avenue (University Boulevard) and S. Riverside Drive. The annexation petitions were filed in accordance with state law and local policies. Since the annexation request would create islands of unincorporated land, 14 non-consenting owners were added to the territory as allowed by Code of Iowa, Section 368.7(a). The total annexation comprises 310.26 acres. A location map of the proposed annexation is included as Attachment A. It identifies the parcels owned by both consenting and non-consenting land owners. The consenting and non-consenting land owners are identified in Attachment B.

The ISU Research Park is proposing an expansion within land owned by themselves and Hunziker Development. There are five residential properties along S. Riverside Avenue that are included in this annexation in order to avoid creating islands.

Between Cedar Lane and University Boulevard, properties owned by Burgason Enterprises, Reyes, and RDJ Holdings have petitioned for annexation for residential purposes. An additional nine properties are included to avoid creating islands.

Land Use Policy: In 2013, the Ames Urban Fringe Plan (AUF)—a component of the Land Use Policy Plan—was amended to designate the area south of the Iowa State University Research Park as Planned Industrial. The area west of that, between Cedar Lane and University Boulevard, has been Urban Residential since the adoption of the Ames Urban Fringe Plan in 2007. The Urban Residential and Planned Industrial designations require annexation before any subdivisions or development can be approved. An excerpt of the Urban Fringe Plan map is found in Attachment C.

The Land Use Policy Plan also identifies areas adjacent to the City that are appropriate for annexation for residential development. The area between Cedar Lane and University Boulevard is within the Southwest II Allowable Growth Area. An excerpt of the Land Use Policy Plan map is found in Attachment D.

Infrastructure: The City does not plan to extend new infrastructure with this voluntary annexation. As is City policy, before development can occur, the developer must extend City infrastructure to the area. Capacity is available to allow for proper extension of utilities to the properties. The ISU Research Park is working on the development of Phase III of the park and has been active in working with the City to prepare for the extension of City streets, sanitary sewer and water.

City staff has reviewed preliminary development plans for the Reyes/RDJ Holdings site, even though no final design for development has been submitted. The Burgason area has prepared only a concept at this time.

Since some of this area lies within the Xenia Rural Water District territory and several owners receive service from Xenia, agreements will need to be in place for all consenting owners regarding the buyout of service territory and disconnection of service prior to development. The non-consenting owners will be under no obligation to withdraw from Xenia service territory unless they subsequently seek to connect to City water or to develop some or all of their land.

Non-Consenting Properties: State law allows for up to 20% of the property within a voluntary annexation to be owned by owners who do not consent to the annexation for the purpose of creating logical and efficient boundaries or to eliminate islands. This is often referred to as the 80/20 rule. **In this case the 80/20 rule is applied to avoid creating islands that are prohibited under state law.** Any annexed property is subject to the ordinances of the City, but does not have any automatic changes to use of the property, such as removal of non-conforming uses or structures or connections to City water or sewer lines. A “frequently asked questions” document was provided to the property owners. Staff has also talked with many of the non-consenting owners to advise them of the implications of annexation on their property interests.

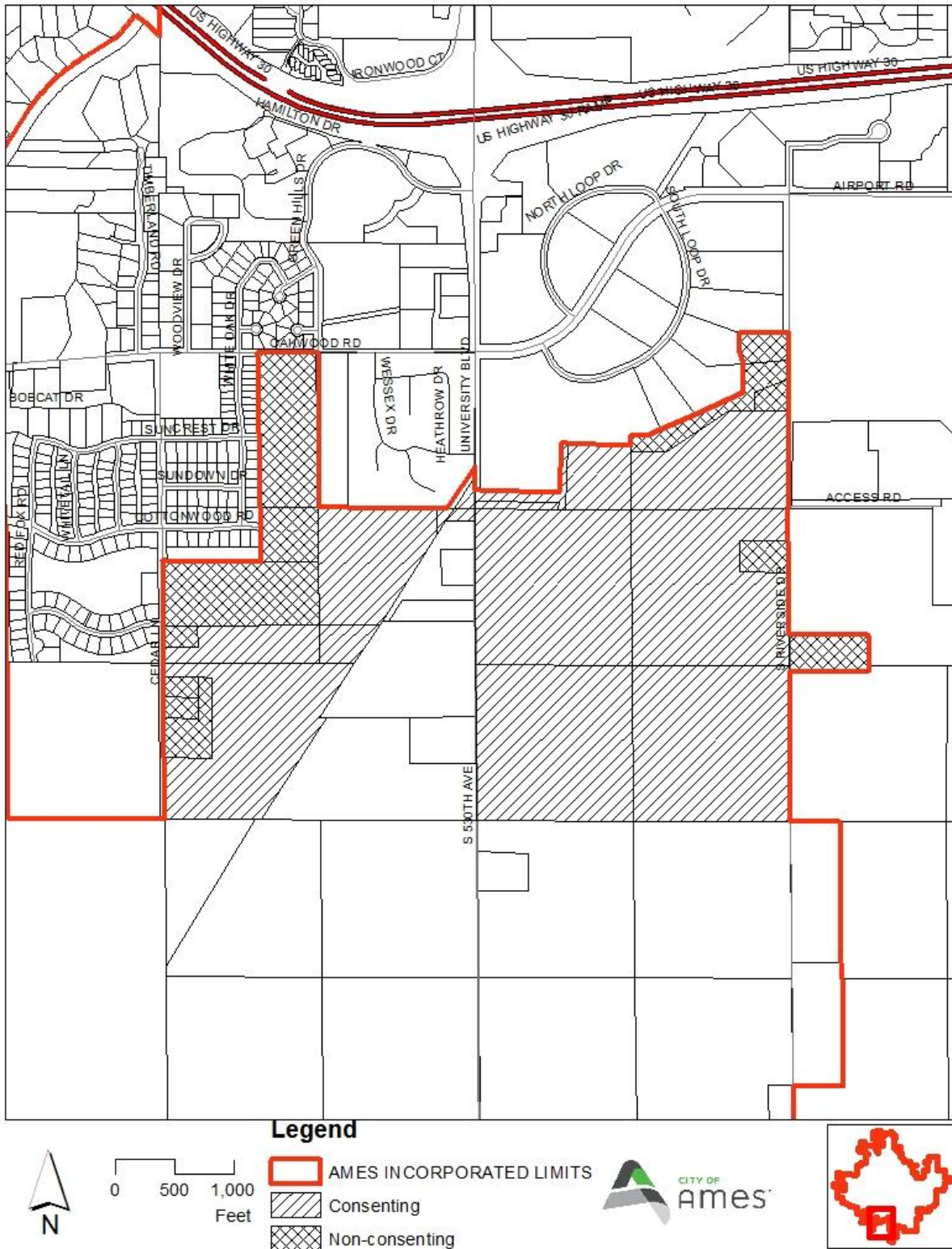
Additional Information: The proposed voluntary annexation area includes fourteen non-consenting property owners in order to avoid creating a jurisdictional island. Because of this, the City Development Board in Des Moines will conduct a hearing and take action on this proposed annexation after City Council approval.

Consultation with Township Trustees and County Supervisors: As part of the state-mandated process for annexations, City staff held a consultation with the Washington Township Trustees and the Story County Supervisors on May 12th. One supervisor attended and did not indicate any issues or recommendations for altering the proposed annexation. No written objections or recommendations were received from the Township Trustees. The Supervisors approved a resolution at their meeting on June 3rd supporting the annexation (Attachment E).

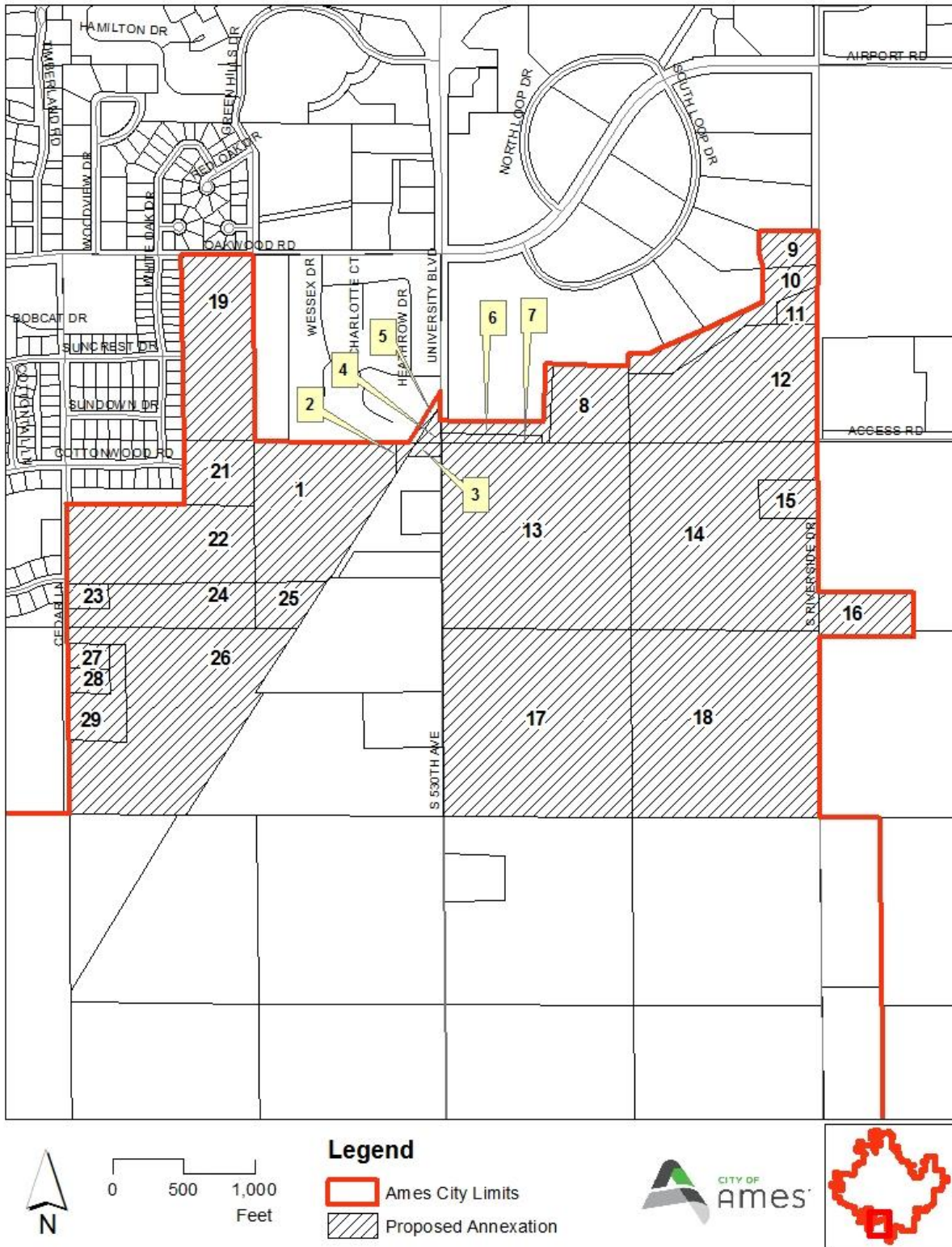
Planning and Zoning Commission: The Ames Planning and Zoning Commission held a public hearing on this proposed annexation on June 4th. Following the staff presentation, no one spoke in favor or in opposition to the proposed annexation. The Commission voted 5-0 to recommend that the City Council approve the request to annex 310.26 acres, all in Sections 15, 16, 21, and 22 of Washington Township, Story County by finding that the proposed annexation is consistent with the Land Use Policy Plan and Urban Fringe Plan.

Effect of any Consenting Withdrawal: According to state law, any owner seeking annexation has a right to withdraw up to three days following the public hearing, unless that owner has waived those rights in writing or has an agreement with the City to provide for the extension of services. In this instance, no waivers have been provided by any of the applicants. An applicant may withdraw up until the end of the business day of Friday, June 27. If any owner does withdraw, the City Council will need to approve a modified resolution at a subsequent meeting to reflect the final boundaries.

ATTACHMENT A: LOCATION MAP



ATTACHMENT B: INDEX OF CONSENTING/NON-CONSENTING OWNERS



ConsentingParcel 1:

Owner: Jamie Reyes and Daphne Reyes
Area: 18.61 acres

Parcel 2:

Owner: RDJ Holdings, LLC (Stephen J. Banks,
Registered Agent)
Area: 0.35

Parcel 3:

Owner: RDJ Holdings, LLC (Stephen J. Banks,
Registered Agent)
Area: 0.48 acres

Parcel 4:

Owner: Jamie Reyes and Daphne Reyes
Area: 0.53 acres

Non-ConsentingParcel 5:

Owner: Holly Plagmann
Area: 0.59 acres

Parcel 9:

Owner: John A. Forth and Deborah L. Forth
Area: 2.26 acres

Parcel 10:

Owner: Stephen L. Harder and Letitia A. Harder
Area: 4.42 acres

Parcel 11:

Owner: John F. Smith Trust (John F. Smith, Trustee)
Area: 1.46 acres

Parcel 15:

Owner: Arthur E. Riley and Kathleen M. Riley
Area: 2.57 acres

Parcel 16:

Owner: Gary J. May and Katherine J. May
Area: 5.00 acres

Parcel 19:

Owner: Oakwood Akers, LLC
Area: 14.67 acres

Parcel 6, 7, 8:

Owner: Iowa State University Research Park (Steve
Carter, Executive Director)
Area: 9.90 acres

Parcel 12, 13, 14:

Owner: Iowa State University Research Park (Steve
Carter, Executive Director)
Area: 98.31 acres

Parcel 17, 18:

Owner: Erben Hunziker and Margaret Hunziker
Apartments, LLC (Dean Hunziker, Trustee)
Area: 79.72 acres

Parcel 24, 25, 26:

Owner: Burgason Enterprises LLC
Area: 41.56 acres

Parcel 20:

Owner: Oakwood Akers, LLC
Area: 0.45 acres

Parcel 21:

Owner: Oakwood Akers, LLC
Area: 5.10 acres

Parcel 22:

Owner: David P. Skarshaug and Jeanne P.
Skarshaug
Area: 16.83 acres

Parcel 23:

Owner: Jon David Engelman and Patrice Louise
Engelman
Area: 1.18 acres

Parcel 27:

Owner: Steven W. Burgason and Anne Burgason
Area: 1.13 acres

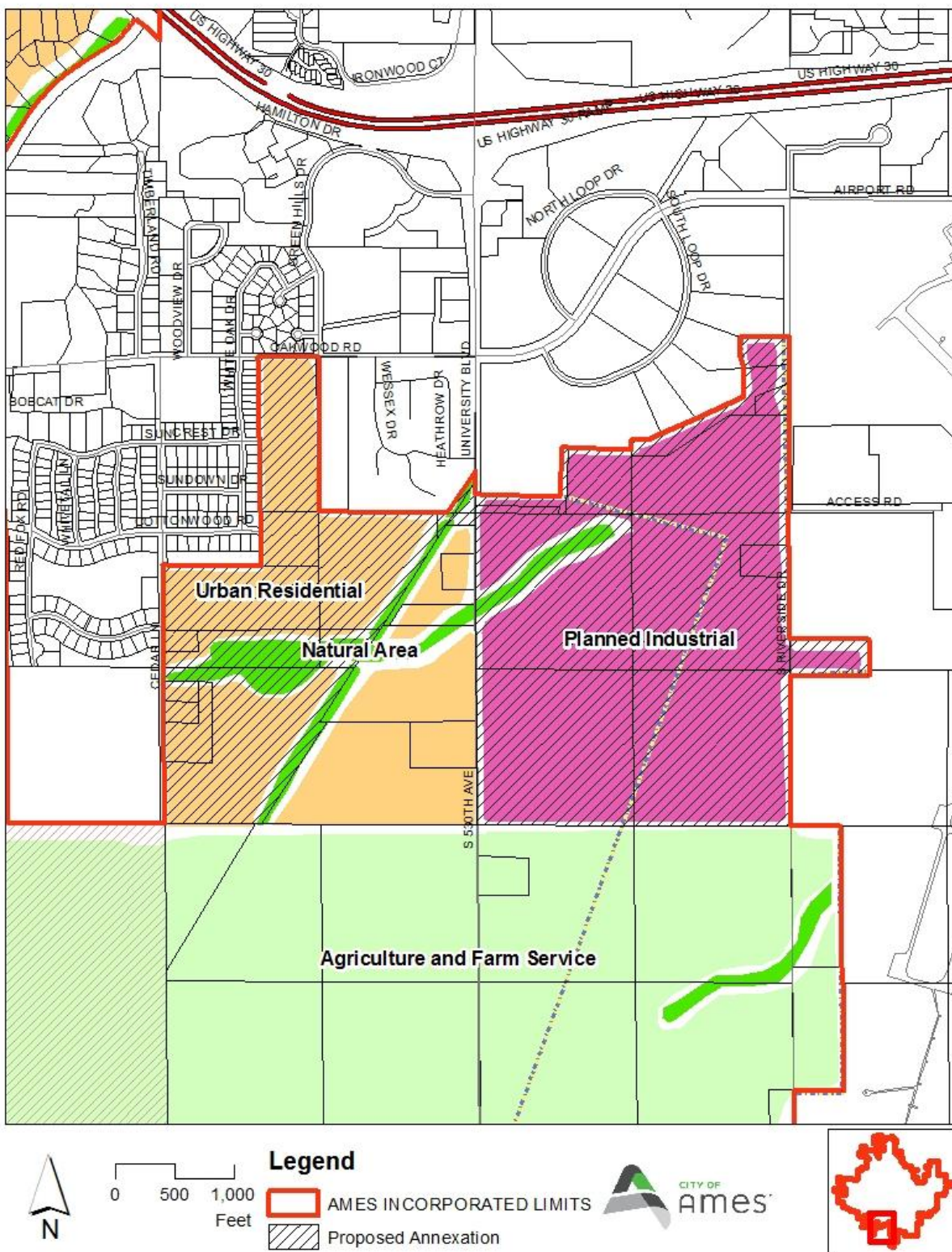
Parcel 28:

Owner: Steven Walter Burgason and Anne Frances
Burgason
Area: 1.14 acres

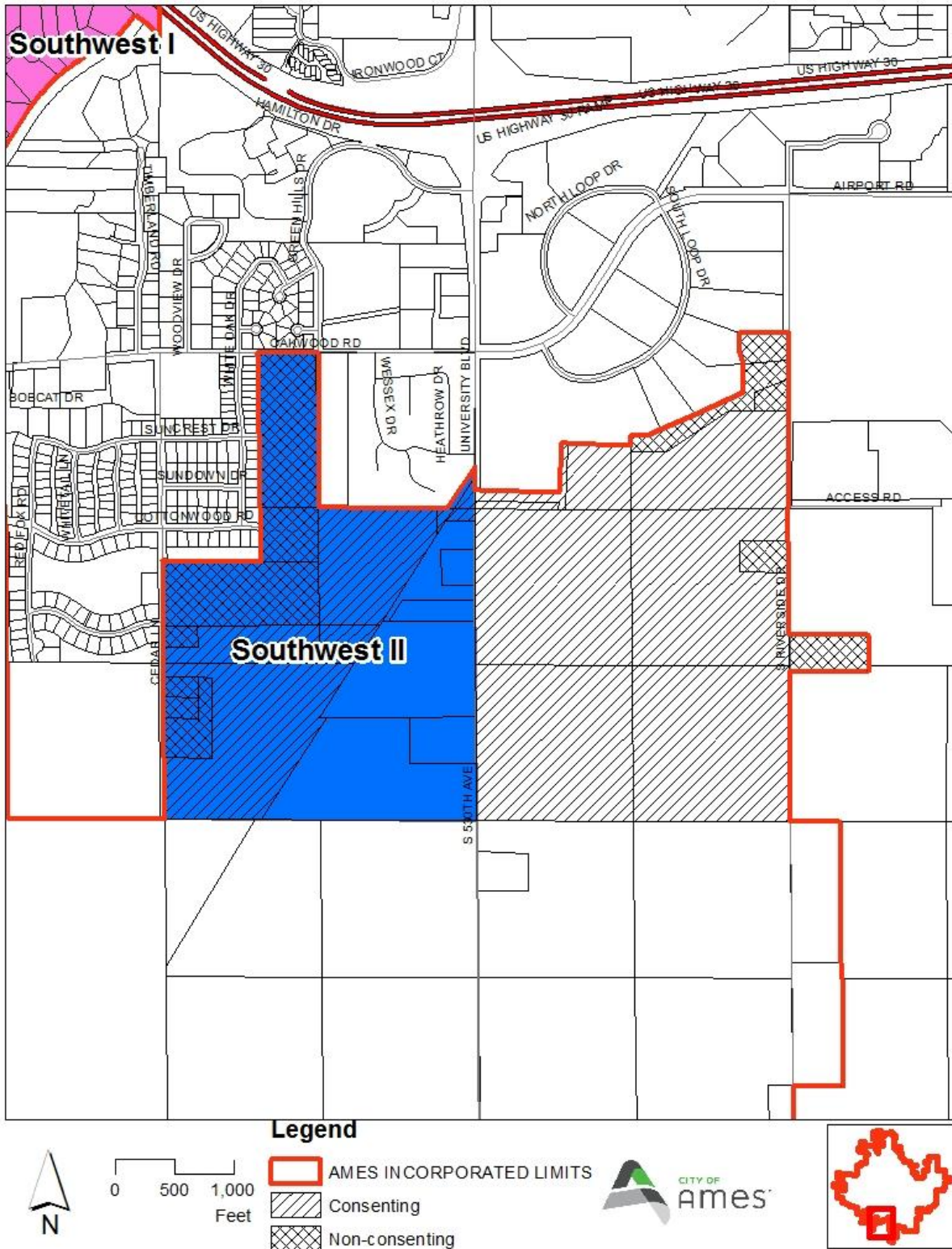
Parcel 29:

Owner: Steven B Harold Jr. and Sonia M Harold
Area: 4.00 acres

ATTACHMENT C: AUF LAND USE MAP (EXCERPT)



ATTACHMENT D: LUPP LAND USE MAP (EXCERPT)



**ATTACHMENT E: STORY COUNTY RESOLUTION OF SUPPORT
[ATTACHMENTS TO RESOLUTION NOT INCLUDED]**

DO NOT WRITE IN THE SPACE ABOVE, RESERVED FOR RECORDER

Prepared by Leanne Harter, Story County Planning & Development Department, 900 6th St., Nevada, Iowa 50201 515-382-7245

Please return to:
Auditor

**STORY COUNTY IOWA
RESOLUTION OF THE BOARD OF SUPERVISORS
RESOLUTION NO. 14-101**

WHEREAS, there has been submitted to the Board of Supervisors for Story County, Iowa, copies of application for voluntary annexation of certain into the City of Ames regarding real property situated in Story County, Iowa, a copy of which application and plat diagrams is attached hereto and by this reference made a part hereof, consisting of several parcels of land comprising 80.17 percent of the total territory proposed for annexation as identified below, and;

Applicant	Number of Parcels and Parcel Identification Number (s)
ISU Research Park	3 parcels
ISU Research Foundation	3 parcels
Hunziker Apartments, LLC	2 parcels
Jaime and Daphne Reyes and RDJ Holdings, LLC	4 parcels
Burgason Enterprises, LLC	3 parcels

WHEREAS, these 15 parcels are described as shown on Attachment "A"; and

WHEREAS, the proposed annexation also includes fourteen additional parcels that have been added in order to avoid creating islands, as allowed by the *Code of Iowa*, Section 368.7, comprising 19.83 percent of the total proposed annexation; and

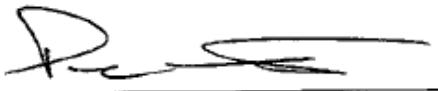
WHEREAS, Attachment "B" is a map that illustrates the total territory for which the City is contemplating annexation; and

WHEREAS, the members of this Board are in support of the application for voluntary annexation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Story County, Iowa, that its records shall reflect that this Board is in support of the proposed annexation, and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the City Clerk of the City of Ames, Iowa.

Dated this 3RD day of June, 2014.



Board of Supervisors
Story County, Iowa



County Auditor
Story County, Iowa

Moved by: Sanders
Seconded by: Clinton
Voting Aye: Sanders, Clinton, Toot
Voting Nay: None
Absent: None

Chairperson declared this Resolution: **ADOPTED AND APPROVED.**

Staff Report

Council Referral of Request from Mays and from Others Being Annexed for Reduced Fees for Future Connection to City Water and Sanitary Sewer Services

June 24, 2014

BACKGROUND

The proposed South Annexation is a mix of large tracts of land intended for new development and several properties with existing homes. Some of these homes receive domestic water from private wells, some from the City, and some from Xenia Rural Water District. All have on-site sewage systems, typically a septic field. Some of the properties have City water and sewer lines adjacent to their properties, while other are far removed from existing City utilities.

As land is annexed, the City does not typically require existing homes or developments to connect to City utilities at the time of annexation. Further, the City itself does not automatically extend new infrastructure at the time of annexation. The City does require that developers extend City infrastructure in accordance with subdivision and improvement specifications with new construction. The City does not have an obligation to extend these utilities if it is a voluntary annexation within the “80/20” non-consenting standards.

After annexation, a property owner whose property abuts City sewer and water facilities can seek connection to abutting sewer and water facilities upon paying a connection fee, which is currently set at \$18 per linear foot of frontage for each utility. However, before connecting to City water, an owner whose property is currently in Xenia Rural Water District’s service territory must pay any disconnection fee and buyout costs to Xenia before becoming eligible to connect to City water. Once that is demonstrated to the City’s satisfaction, they, too, can connect to City water at the current formula.

Several non-consenting property owners in the proposed southern annexation area have requested that the City Council offer reduced utility connection fees at the same rate that was offered to property owners in the recent northern annexation along Grant Avenue. This request was initially received from Gary and Kathy May at 2978 S. Riverside Drive and was referred by the City Council at the May 20 meeting (see Attachment A). It has since been echoed by other home owners who are affected by the proposed Southern Annexation.

In brief, these land owners feel that annexation is being brought to them against their wishes. In the case of the Mays, they offered to consent to annexation in return for the reduced fees—as was offered to the Grant Avenue owners. While the Mays and the others would certainly benefit from access to City services, their lots were platted to

county lot standards that are larger than what would have been allowed under City standards. Therefore, the costs of connecting to city sewer and water exceed those of in-town residents, even though they are obtaining only a single utility connection.

To staff's knowledge, the northern annexation was the first time the City created an incentive for property owners to voluntarily join an annexation. In the northern annexation approved in December, 2013, the connection fee to existing homes was capped at the cost of a typical city lot width of 80 feet. At the current \$18 per linear foot rate, connections would thus be available for a connection fee of \$1,440 for sanitary sewer and \$1,440 for City water. This offer was made available to any property owners who voluntarily applied for annexation and agreed to provide any needed road rights-of-way or utility easements. In addition, if any property owner who took advantage of the reduced fee were to subsequently seek a subdivision for further development, they would then pay the difference between the \$1,440 capped fees and the per acre price established in the water and sewer connection fee districts.

STAFF COMMENTS:

If the City Council wishes to offer a reduced connection fee to existing home owners whose properties are being annexed, staff has identified two options.

Option 1 is to grant all non-consenting property owners the right to a single domestic water connection and a single sanitary sewer connection with an exception to the lot width formula, and to calculate the appropriate fee on a typical 80 foot city lot width. This could be done with or without a sunset provision. This action could be taken without securing any concessions, such as obtaining easements or needed rights-of-way from the owners. Under this option, staff would return to the City Council with a single resolution identifying which property owners would benefit.

Option 2 is to grant single connections to City water and sewer as described above, but to also require the property owner to provide any necessary road rights-of-way or utility easements that may be necessary as utilities and paving are installed in Cedar Lane, Oakwood Road, University Boulevard, and S. Riverside Drive. In this case, the City Council can direct staff to prepare agreements with each owner seeking the reduced fee in return for providing any necessary easements or rights-of-way. At this point in the planning and design, it is not known what, if any, rights-of-way or easements may be needed. These agreements would be brought back individually as each owner agreed to the terms.

ATTACHMENT A: MAY LETTER

Pkts. 5-16-14

Property annexation South Ames

Kathy May

to:

jripperger@city.ames.ia.us

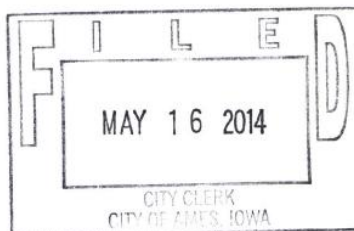
05/16/2014 11:18 AM

Cc:

Gary May

Please respond to Kathy May

Show Details



Dear Ames Mayor and City Council,

We are Gary and Kathy May. Our home is located at the property on 2978 South Riverside Drive. We have been notified by the City of Ames that our property is being annexed in the next few months due to the annexation of the ISU Research Park.

We did not volunteer for this action, nor did we consent. We purchased this property to enjoy a rural lifestyle and see no tangible benefit to being annexed. However, we would be willing to consent to the annexation if the City of Ames provide to us the option of connecting our property to sewer and/or water services at some point in the future, at our discretion, and at the rate charged for in-town properties. We understand you have offered this same accommodation to property owners along Grant Avenue in North Ames.

Thank-you for your consideration,

Gary and Kathy May

2978 S Riverside Dr

Ames, IA 50010

garykathymay@yahoo.com

515-231-7488

515-231-8435

COUNCIL ACTION FORM

SUBJECT: **ZONING TEXT AMENDMENT FOR REZONING PETITION AND
MASTER PLAN REQUIREMENT**

BACKGROUND:

In the past year there have been six petitions for zoning map amendments related to the Floating Suburban (FS) zoning districts. These are the first significant rezoning petitions for the City in several years and have involved an extensive amount of staff time in their review. In an effort to improve the efficiency of this process and in the spirit of continuous improvement for our customers, the Planning and Zoning Commission and the City Council, staff is proposing two changes to Chapter 29. The first is to simplify the rezoning master plan determination process. The second relates to the processing time of a zoning amendment by staff and the timing of forwarding the item to the Planning and Zoning Commission.

Rezoning and Master Plan Determination

Article 15 of the City's Zoning Code prescribes the procedures for a requested rezoning text amendment or map amendment. Section 29.1507 allows for either a City Council initiated process or for a property owner initiated process. (See Attachment A) When owners of 50% or more of the area of the lots in a zoning district or part thereof desire a change to a district or regulation, they may petition for a zoning amendment directly and make an application request without City Council initiation. It is then subject to a public hearing process for a recommendation by the Planning and Zoning Commission and, ultimately, a public hearing with the City Council for approval.

However, when a property is part of rezoning to Floating Suburban Residential Low (FS-RL) or Residential Medium (FS-RM) zoning, it is mandatory that an applicant first seek City Council direction on whether a Master Plan must accompany the application. For all other zoning districts it is not a mandatory requirement prior to making an application, with the caveat that City Council at any time may request a Master Plan.

The City Council modified the Master Plan process in August of 2012 to remove the mandatory Master Plan and Preliminary Plat requirement concurrent with an FS zoning request. This was intended to allow for a more streamlined review and flexibility for developers that have not fully formulated their development concept at the initial stage of rezoning. The criteria for what is required in a Master Plan was adopted with that text amendment.

As the Code is currently written, even if someone chooses to do a Master Plan, they must plan for 2-4 weeks of additional processing time just for confirmation by the City Council that it indeed wants a Master Plan before an application can be submitted to

staff. Staff believes this is an unnecessary step in the process that requires additional staff time and time for Council on a requirement that to date has been perfunctory.

Staff recommends a change to the Code to allow for the option of a developer to submit a Master Plan consistent with the Code requirements without a Council determination of the need. This would still allow for an applicant that does not believe a Master Plan is necessary to seek a Council determination prior to making a rezoning application. Language to implement this change is presented below.

Section 29.1507 (3) Master Plan Determination. Before an application is made for amending the zoning map to designate any property as F-S RL or F-S RM, the applicant must either prepare a master plan or shall request that the City Council determine whether a Master Plan will be required. When City Council first considers an application for amending the zoning map to any other zoning district, the City Council may require a Master Plan be submitted prior to taking action on the rezoning request. The procedural requirements for this determination shall be as follows:

Process for Planning and Zoning Commission Review

The current processing requirements for a rezoning petition establish that a rezoning application is to be “immediately transmitted to the Planning and Zoning Commission for an investigation and report...” Once transmitted to the Commission, a 90-day clock begins within which a recommendation must be made to the City Council. With some recent applications this has not been a productive process to “immediately” transmit applications to the Planning Commission. Items have been placed upon Planning and Zoning Commission agendas to meet this requirement with no staff report or public hearing notice and no action taken by the Commission until a later date. This occurred when items met the minimal submittal requirements, but either had not been fully evaluated by staff or the applicant was non-responsive in providing supplemental information requested by staff.

Past practice was to only proceed to the Commission when an application was complete and reviewed by staff and ready for a public hearing notice.

Staff recommends modification to the “immediately transmit” language to account for staff review and assessment of an application to fit the practice of scheduling items on regular meetings dates. Staff does not propose to change the 90-day requirement for Planning and Zoning Commission to make a recommendation to the City Council.

There are two possible approaches to address this need. One would be to simply replace the term “immediately” with wording about the next regularly scheduled meeting to clarify the intent of when to transmit it. While this provides clarity in the process, however, it does not account for staff time to review an application. Therefore, staff recommends adding language allowing for a 30-day staff review and comment period prior to forwarding to the Commission.

Section 29.1507 (2) Petition for Amendment.

Whenever the owners of 50% or more of the area of the lots in any district or part thereof desire amendment, supplement or change in any of the provisions of this Ordinance applicable to such area, they may file an application in the Department of Planning and Housing requesting City Council to make such amendment, supplement or change. Such application shall be accompanied by a map or diagram showing the area affected by the proposed amendment, supplement, or change, together with the boundaries of said area, and the names and addresses of all the owners of record in the Office of the County Recorder and Auditor of Story County, Iowa, of lots therein and within a distance of 200 feet from the boundaries of said area.

The Planning and Housing Director shall within 30 days of receiving such application review it for completeness and adequacy of materials supporting the request and the need for any additional documentation or studies related to the request. A written response to comments by the Planning and Housing Director, if any, is required prior to having the application noticed for a public hearing and transmitted to the Planning and Zoning Commission. Such application shall be transmitted immediately to the Planning and Zoning Commission for an investigation and report. The Planning and Zoning Commission shall file its recommendations approving, disapproving or modifying the proposed amendment, supplement or change with City Council within 90 days thereafter.

Planning and Zoning Commission Recommendation

The Planning and Zoning Commission considered these text amendments at a public hearing on June 4th. There was no comment from the public at the meeting, and the Commission voted 5-0 to recommended approval to the City Council.

ALTERNATIVES:

1. The City Council can adopt the proposed text amendments for the option of submitting a Master Plan with a rezoning application and for the process to have staff review prior to transmitting a zoning application to the Planning and Zoning Commission.
2. The City Council can adopt the proposed amendments with modifications.
3. The City Council can decline to adopt the proposed amendment.

MANAGER'S RECOMMENDED ACTION:

Staff has identified these two issues related to administration of the Zoning Code, and believes modified language would allow for a more effective review of applications. Of the recent six determination requests to the City Council, five have required master

plans and one has not. None of the five that required the Master Plan objected to the requirement. The option for submitting a Master Plan with a zoning request benefits the applicant in speeding up the review process and encourages applicant's to provide master plans with the rezoning application.

Rezoning petitions come in a wide variety of types in terms of size and uses from small 0.5 acre sites up to 200+ acre sites with a master plan, and from single-family homes to industrial parks. The proposed changes to staff review of a rezoning application and transmittal to the Commission reflects the City's standard practice for development review of other application types. The 30 day period allows for adequate time to staff to meet with all affected departments and provide recommendations to an applicant about the appropriateness of the request and adequacy of the application materials. This change will ensure that staff has adequate time to review the project and will ensure the applicant provides adequate information for the Planning and Zoning Commission to consider at a public hearing on the merits of the rezoning petition.

Therefore, it is the recommendation of the City Manager that the Council accept Alternative No. 1, thereby adopting the text amendments proposed above.

Attachment A

Sec. 29.1507. ZONING TEXT AND MAP AMENDMENTS

(1) **Authorization.** The City Council may, from time to time, on its own initiative, on petition, or on recommendation of the Planning and Zoning Commission, after public notice and hearings, and after a report by the Planning and Zoning Commission, or after 30 days written notice to said Commission, amend, supplement or change the regulations, districts, or Official Zoning Map herein or subsequently established.

(2) **Petition for Amendment.** Whenever the owners of 50% or more of the area of the lots in any district or part thereof desire amendment, supplement or change in any of the provisions of this Ordinance applicable to such area, they may file an application in the Department of Planning and Housing requesting City Council to make such amendment, supplement or change. Such application shall be accompanied by a map or diagram showing the area affected by the proposed amendment, supplement, or change, together with the boundaries of said area, and the names and addresses of all the owners of record in the Office of the County Recorder and Auditor of Story County, Iowa, of lots therein and within a distance of 200 feet from the boundaries of said area. Such application shall be transmitted immediately to the Planning and Zoning Commission for an investigation and report. The Planning and Zoning Commission shall file its recommendations approving, disapproving or modifying the proposed amendment, supplement or change with City Council within 90 days thereafter.

(3) **Master Plan Determination.** Before an application is made for amending the zoning map to designate any property as F-S RL or F-S RM the applicant shall request that the City Council determine whether a Master Plan will be required. When City Council first considers an application for amending the zoning map to any other zoning district, the City Council may require a Master Plan be submitted prior to taking action on the rezoning request. The procedural requirements for this determination shall be as follows:

(a) Information as required by Section 29.1200(2) for a Pre-Application Conference shall be forwarded to City Council.

(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.

(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

Attachment A

(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.

(xi) For proposed commercial development: placement, size in square feet and approximate dimensions for all buildings, locations and approximate dimensions of all parking areas; areas of landscape, screening, buffer, plaza and open space; circulation pattern for all modes of transportation on the site.

(b) Number of copies. Submit seven (7) copies of the Master Plan on a sheet not to exceed 30" x 40", and one (1) reduced copy of the Master Plan no larger than 11" x 17".

(5) **Compliance with Master Plan.** When a Master Plan is required and the proposed zoning map amendment is approved, a zoning agreement shall be approved by the City and agreed to by the owners of the property in the area of the proposed zoning map amendment that requires all development to be in compliance with the Master Plan. No Preliminary Plat, Final Plat, Major Site Development Plan, Minor Site Development Plan or Special Use Permit shall be approved that does not comply with the approved Master Plan. The process for amending the Master Plan shall be the process specified in this section for a zoning map amendment.

(6) **Conditions.** Council may impose reasonable conditions on map amendments in accordance with Section 414.5 of the Iowa Code.

(7) **Notice.**

(a) Map. Notice of a map change shall be made by mail, publication and posting, in accordance with Sections 29.1500(2)(d)(i), (ii) and (iii) above, except that at least 7 days notice must be given. In no case shall the public hearing be held earlier than the next regularly-scheduled City Council meeting following the notice.

(b) Text. Notice of a text change shall be made by publication in accordance with Section 29.1500(2)(d)(ii) above, except that at least 7 days notice must be given. In no case shall the public hearing be held earlier than the next regularly-scheduled City Council meeting following the notice.

(8) **Vote Required When Amendment Protested.** If a written protest against any proposed amendment, supplement or change has been filed with the City Clerk, signed by the owners of 20% or more of the area of the lots included in the proposed amendment, supplement or change or by the owners of 20% or more of the property that is located within 200 feet of the exterior boundaries of the property for which the amendment, supplement or change is proposed, such amendment, supplement or change shall not become effective except by favorable vote of at least $\frac{3}{4}$ of all members of the City Council.

(9) **Renewal of Petition After Denial.** Whenever a petition requesting an amendment, supplement, or change of any regulation prescribed by this Ordinance has been denied by the City Council, such petition cannot be renewed for one year thereafter unless it is signed by the owners of at least 50% of the property owners who previously objected to the change. This provision, however, shall not prevent City Council from acting on its own initiative in any case or at any time as provided in this Section.

(10) **Processing Time.**

(a) Rezoning proposals referred by the City Council to the Planning and Zoning Commission shall be acted upon and returned to the Council not more than 90 days thereafter unless time extensions are specifically requested by the applicant.

(b) Failure of the Planning and Zoning Commission to render a decision within the time specified will be deemed approval of the application as submitted.

(Ord. No. 3815, 12-21-04; Ord. No. 4121, 08-28-12)

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTIONS 29.1507(2) AND (3) AND ENACTING NEW SECTIONS 29.1507 (2) AND (3) THEREOF, FOR THE PURPOSE OF AMENDING THE REVIEW PROCESS FOR ZONING TEXT AND MAP AMENDMENT APPLICATIONS; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting new Sections as follows:

“Sec. 29.1507. ZONING TEXT AND MAP AMENDMENTS.

...

(2) **Petition for Amendment.** Whenever the owners of 50% or more of the area of the lots in any district or part thereof desire amendment, supplement or change in any of the provisions of this Ordinance applicable to such area, they may file an application in the Department of Planning and Housing requesting City Council to make such amendment, supplement or change. Such application shall be accompanied by a map or diagram showing the area affected by the proposed amendment, supplement, or change, together with the boundaries of said area, and the names and addresses of all the owners of record in the Office of the County Recorder and Auditor of Story County, Iowa, of lots therein and within a distance of 200 feet from the boundaries of said area. The Planning and Housing Director shall within 30 days of receiving such application review it for completeness and adequacy of materials supporting the request and the need for any additional documentation or studies related to the request. A written response to comments by the Planning and Housing Director, if any, is required prior to having the application noticed for a public hearing and transmitted to the Planning and Zoning Commission. The Planning and Zoning Commission shall file its recommendation approving, disapproving or modifying the proposed amendment, supplement or change with City Council within 90 days thereafter.

(3) **Master Plan Determination.** Before an application is made for amending the zoning map to designate any property as F-S RL or F-S RM the applicant must either prepare a master plan or request that the City Council determine whether a Master Plan will be required. When City Council first considers an application for amending the zoning map to any other zoning district, the City Council may require a Master Plan be submitted prior to taking action on the rezoning request. The procedural requirements for this determination shall be as follows:

...”

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

COUNCIL ACTION FORM

SUBJECT: **ZONING TEXT AMENDMENT – FLOATING SUBURBAN RESIDENTIAL ZONING DISTRICT**

BACKGROUND:

City Council recently requested that staff review the maximum density standards of development within the Floating Suburban Residential (FS) zoning district with both the Residential Low and Residential Medium development standards. FS zoning is one of the two primary zoning categories that apply to the City's New Lands areas where the City has planned for additional growth. The other category is Village.

Through the recent review of FS-RL and FS-RM zoning requests, it became apparent that the FS zoning districts were different from the existing RL and RM zones in that there is no stated maximum development intensity. The FS zoning district instead has a maximum density inferred from the minimum lot size requirements rather than a stated range. (See Attachment A, Zoning District Comparison) Both FS-RL and FS-RM have a stated minimum density requirement of 3.75 units per net acre and 10 units per acre, respectively. Attached single-family homes are subject to subdivision review for the individual lots and are also subject to minor site plan review by staff.

Staff's review identified that the allowances for 12 units of attached single-family together with the minimum lot area standards have the **potential for townhome and rowhouse type developments exceeding 20 units per net acre in both FS-RL and FS-RM**. City Council then directed staff on April 22, 2014 to initiate a potential text amendment addressing development standards and maximum density within the FS zoning district for both FS-RL and FS-RM.

A range of options are available to articulate a maximum density limit and potentially to allow for flexibility in design of attached single-family homes. Staff has identified the following three topics to discuss for design issues, as well as a topic to clean up text and clarifications concerning density:

1. Stated maximum density range for FS-RL and FS-RM
2. Limitation on the number of units per attached single-family buildings
3. Layout and access for garage design and alley garage access
4. Clean up and clarify zoning amendment references and intent of net density and minimum FS-RM net density

A strikeout and underline version of draft amendments is included as Attachment C, and a complete draft ordinance is included as Attachment D.

The Planning and Zoning Commission reviewed the text amendment on June 4th and received public comment from two interests. Brian Torresi, representing Breckenridge LLC, was opposed to the amendments as it potentially could affect the development of

their property at 601 State Avenue. Scott Renaud, Fox Engineering, spoke about multiple concerns with the amendments based upon his extensive experience with development in Ames. Generally, he felt that the proposed text amendments concerning density limits and the definition of net density and development areas would negatively affect the flexibility property owners need to make development work within design requirements of lotting, access, open space, and the new stormwater treatment regulations. He also felt that the allowances to address rear and alley loaded townhouses were a positive in allowing for more options, but that the development standards as a whole for FS have not been thought through and this amendment process should take more time.

The Planning and Zoning Commission had a discussion about the merits of the density range and had comments specifically about the density and design requirements and whether FS zoning had the appropriate standards encourage a variety of housing types. The Commission believed a full review of the FS zoning standards may be appropriate in the light of current housing market demands. Ultimately, the Planning and Zoning Commission voted 5-0 to recommend that the Council adopt the proposed amendments and to encourage Council to have staff do a more comprehensive assessment of the FS zoning requirements.

1) Density Range Text Amendment

The traditional RL and RM base zones have exclusive density ranges that do not overlap. (See Attachment A) This makes a distinct differentiation in both density and unit types. The FS zoning has an overlap of use for attached single-family housing on individual lots, as well as overlap of the density range. [See Sec. 29.1202\(4\) of the Zoning Code for description of uses and development standards, starting on page 14 of the pdf.](#)

Staff recommends a stated density range of a minimum of 3.75 units per net acre to a maximum of 10 units per net acre for FS-RL and a range of 10 units per net acre to a maximum of 22.31 units per net acre for FS-RM.

This range allows for greater density in FS-RL than the comparable RL base zone maximum of 7.26 units per acre, but matches the FS-RM maximum density to RM. Staff supports this range to ensure there is no “gap” in development range between FS-RL and FS-RM and to promote flexibility and efficiency in development that is the LUPP goal for development within New Lands.

Staff reviewed the development density of recent FS-RL and FS-RM projects and found this proposed range does not create conflicts with recent patterns. FS-RL development has typically been around 4 units per acre, even when including some attached single-family as is the case in Northridge Heights. FS-RM developments with apartment buildings have also been at the low end of the range at 11-14 units per acre. No exclusive attached single-family developments have previously been developed within either FS-RL or FS-RM.

2) Units per Building Text Amendment

One reason for the high range of maximum density in the current standards is the provision to allow up to 12 attached units together for attached single-family. The most

common practice has been to develop front façade garage access units in clusters of 2-4 units. This begins to be the practical limit for front access units as the number of curb cuts for driveways impacts the streetscape. Staff did find examples of 11 units together within Somerset as walk-up rowhomes that have garages in the rear. However, this is within Village zoning rather than FS zoning. Attachment B shows examples of both configurations within Somerset.

Staff recommends allowing only up to 5 single-family attached together if they are front façade garage accessed. However, staff believes that retaining the 12 unit building option is appropriate when designed for rear garage access and trying to create a more pedestrian oriented streetscape aesthetic.

Limiting attached single-family to no more than five together reduces potential maximum density to approximately 16 units per acre in FS-RL. It does not go as far as the stated density range described in the previous section. Preserving the 12-unit building option does provide for some flexibility in design, but requires an alternative design approach for rear access only. It does not directly limit density. The City would maintain some discretion on density at the time of rezoning with a master plan and at the preliminary plat stage for determining alley access and suitability of any large 12 unit grouping of lots for compatibility with their surroundings. Staff would note that there is only limited architectural design review of attached homes and apartments that may merit further review beyond consideration of building size.

3) Layout and Access Text Amendment

To address design issues specific to home layout and garage access, there are additional worthy text amendments to the City's current setback requirements. While not critical to density limits, they are supportive of housing development flexibility.

Staff recommends maintaining the standard 25-foot setback for front garage access, but allowing the front of the home to be set back 20 feet. This would encourage placing a garage behind the front façade. For rear loaded garages, staff recommends a principal building front setback of 10 feet rather than 25 feet, to promote pedestrian oriented streetscapes with attached housing. Rear garages would follow alley setback requirements of the Code of either 8 feet or 20 feet from an alley to reduce potential parked car conflicts. Staff believes these corresponding changes to setbacks help provide some flexibility back to a developer in response to the limitations on density and promote positive influences on streetscape and home design.

4) Code Clean-up Text Amendments

Staff has identified the need for the following four minor text cleanup items:

A) Rezoning Amendment References

FS zoning "Establishment" sections have incorrect references to the rezoning map amendment process section of the Code. Staff proposes to clarify this reference and redirect it specifically to the section of map amendments that are initiated by property owners. This would distinguish it from Council initiated actions. F-VR establishment section also has been corrected for a general reference to the rezoning map amendment process.

B) Clarify Terminology of Net Density within FS zoning

Table 29.1202(6) of FS-RL lists the areas eligible for a deduction when calculating net density. The intent has been to view this as what may be deducted, not as a mandatory list. The current list was updated in 2009. Staff proposes adding a qualifier of “only” to 29.1202(6) to help clarify the practice of choosing from the list without it being a mandatory reduction. Acceptance of removing these areas from the net density calculation would be at the discretion of the Council in its rezoning and preliminary plat approvals.

In conjunction with this change, following the list of FS-RL net density requirements are the density standards of FS-RM. FS-RM states a minimum density requirement in this section, but is missing the clear use of the term “net acre” and appears to mean gross acres as written. Using net acres would match how density is calculated in the other residential zoning districts of Chapter 29.

C) Supplemental Development Standards Tables – Sections 29.1202.5 (1) and (2)

Within the development standards, staff has included amendments to coordinate setback terminology consistently across FS-RL and FS-RM. This includes making side and rear yard setbacks consistent for single family, duplex, and attached single family for both sets of development standards. Staff recommends simplifying the standards table by striking the party wall side yard language in favor of the recently adopted Single Family Attached Party Wall standards found in Article 4. Staff also suggests removing an inconsistency of stating 4-story setback standards when 4-story buildings are not allowed in FS-RL.

D) Landscape Requirements FS Zoning

Staff recommends changes to the FS-RM landscape requirements clarifying that the same 40% landscape requirement of FS-RL applies to single-family homes and duplexes in FS-RM. Attached single-family homes have no reference to landscape requirements in either FS-RL or FS-RM. Staff recommends adding a general requirement that unimproved areas be landscaped. Final landscaping would then be reviewed with the minor site development plan for each attached single-family home. This removes ambiguity on whether landscaping is required in FS-RM, yet does not limit lot coverage in the same manner as a mandatory landscape percentage. Staff also proposes a minor edit to the Article 4 section heading for Apartment Landscaping. It is misleading in that it leaves out FS-RM in the name, even though it specifically applies to FS-RM apartments. The change is to label it as Apartment Landscape Requirements, rather than include zoning district labels in the heading.

ALTERNATIVES:

1. The City Council may adopt the amendments for a stated density range; limitation on units per building; changes to setbacks; clarifications to Establishment Sections' references to rezoning and map amendment process by property owner petition; and cleanup of net density terminology.

2. The City Council may adopt the amendment listed above with modifications.
3. The City Council may decline to adopt the proposed text amendments.
4. The City Council may hold a public hearing and table this item or refer this issue back to staff for further information.

MANAGER'S RECOMMENDED ACTION:

Staff believes that the proposed amendments reasonably reflect the direction specified in Council's referral to recommend standards for maximum density in the FS-RL and FS-RM zoning districts. The stated maximum density range is the most direct means of establishing a clear limit on development to match Ames development patterns. The other amendments provide more clarity on the intent of the character of development, while to a lesser degree addressing density limits. Code clean-up is also needed for mistaken cross references to the rezoning map amendment process in the Establishment Sections, net density, development standards, and landscape requirements.

The proposed text amendments promote the general welfare for the community and its future growth. The text amendments provide for clarity in the development process, promote options for housing development, and ensure compatibility of new development in a manner that is consistent with the Goals of the LUPP.

Therefore, it is the recommendation of the City Manager that the Council accept Alternative No. 1, thereby approving the above text amendments.

Land Use Policy Plan Excerpts Supporting Text Amendments

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.

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.C. Ames seeks a development process that achieves greater compatibility among new and existing development.

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

Goal No. 4. It is the goal of Ames to create a greater sense of place and connectivity, physically and psychologically, in building a neighborhood and overall community identity and spirit. It is the further goal of the community to assure a more healthy, safe, and attractive 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. It is a further goal of the community to link the timing of development with the installation of public infrastructure including utilities, multi-modal transportation system, parks and open space.

Goal No. 6. It is the goal of Ames to increase the supply of housing and to provide a wider range of housing choices.

6.B. Ames seeks to establish densities of a net average 5.6 dwelling units per acre in maximizing the number of housing units in new areas.

6.C. Ames seeks to establish higher densities in existing areas where residential intensification is designated with the further objective that there shall be use and appearance compatibility among existing and new development.

Attachment A



*Caring People
Quality Programs
Exceptional Service*

TO: Honorable Mayor and City Council
FROM: Kelly Diekmann, Planning and Housing Director
DATE: April 11, 2014
SUBJECT: Residential Maximum Density Comparison

At the April 8th City Council meeting, Council referred a request for information comparing the maximum density standards for residential zoning districts.

The City of Ames has a total of nine zoning districts that are primarily for either existing or new residential development. The traditional Residential Base zones of Article 7 of the Zoning Code define expected minimum and maximum range of density for development through a stated range of the number of units per net acre. The following table summarizes density standards.

Residential Base Zone Summary

Zoning District	Minimum Density	Maximum Density
Low-Density Residential (RL)	None	7.26 units per net acre
Urban Core Residential Medium Density (UCRM)	None	7.26 units per net acre
Residential Medium Density (RM)	7.26 units per net acre	22.31 units per net acre
Residential High Density (RH)	11.2 units per net acre	38.56 units per net acre

The density range is function of minimum lot area required for each unit developed within the base zone and the size of the site. For example, the RL maximum density of 7.26 units per acre is equal to dividing an acre (1 acre = 43,560 sq. ft.) by a RL minimum lot size of 6,000 sq. ft. Zoning districts, such as UCRM, that allow for a range of lot areas per unit are capped by the upper limit of units per acre regardless of the use type and individual lot areas. There are also additional development standards of each zoning district and the Subdivision Code that influence actual density of a new development.

The Floating Suburban (FS) Residential Zoning Districts of Article 12 are somewhat different than the Residential Base Zones in that they contain a mandatory requirement to achieve minimum density while allowing for a wider range of uses. Each building type includes a minimum lot area per unit, but the mix of units results in variable maximum density range to be defined through the rezoning and subdivision review process. The following table summarizes the density requirements.

Attachment A

Floating Zones Residential Summary

Zoning District	Minimum Density	Maximum Density
Village Residential (F-VR)	Average of 8 units per acre	None ^a
Residential Low (FS-RL)	3.75 units per net acre	Lot area per unit type*
Residential Medium (FS-RM)	10 units per net acre	Lot area per unit type*

^a. Village Residential 40-acre minimum site size, no lot area per unit type requirement

* [See Tables 29.1202 \(5\)-1 and \(5\)-2](#)

The lot area per unit type requirement varies based upon single-family detached, single-family attached, and apartment building types. Within FS-RL, the theoretical calculated maximum density is 20 units per acre based solely upon the lot area per unit requirement for attached single-family homes. Within FS-RM, the theoretical calculated maximum density is 30 units per acre based solely upon the lot area per unit requirement for attached single-family homes. Within both zoning district, the maximum building size is restricted to no more than 12 units per building.

The remaining two zoning districts of Residential Low Density Park (RLP) and Residential Planned Development (PRD) are unique zoning districts based upon requirements for Major Site Plan Review and minimum site sizes of 10 acres for mobile home park development and a minimum of 2 acres for planned developments. RLP includes a maximum density of 7 units per acre. PRD has three options for maximum density based upon the choice of a low, medium, or high density residential base zoning that corresponds density limits stated above.

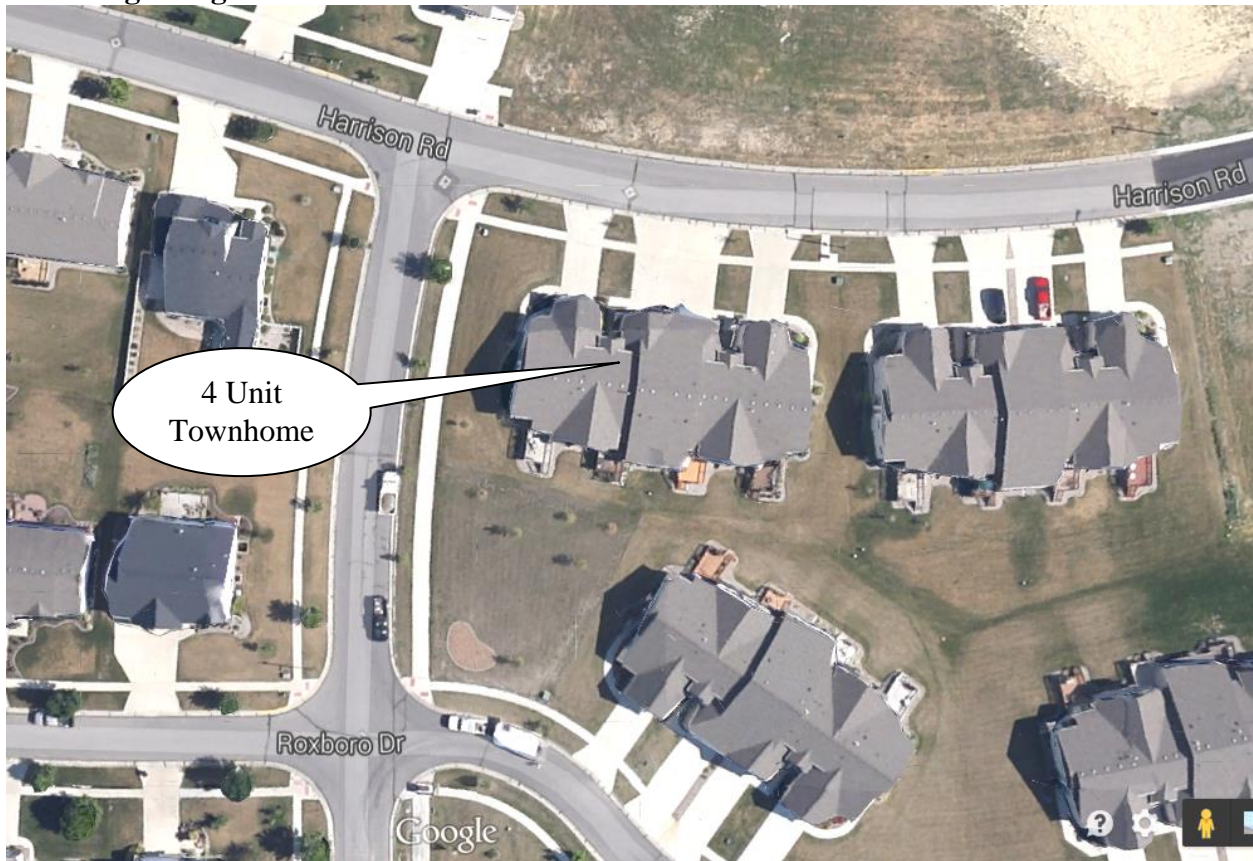
Attachment B

Somerset Townhomes- Bristol Dr



Attachment B

Northridge Heights- Harrison Rd



Underline Strike Out of Text Amendment
FLOATING ZONES

Sec. 29.1200. FLOATING ZONES

Sec. 29.1202. “F-S” SUBURBAN RESIDENTIAL ZONE.

(3) **Establishment.** The F-S is hereby established and applies to all lands that are rezoned to F-S on the Zoning Map ~~through a~~ Zoning Map Amendment as described in Section 29.1506-1507(2) may be approved provided the City Council makes the following findings:

- (a) The designation is consistent with the Land Use Policy Plan;
- (b) The development complies with all requirement of Section 29.1202 as stated herein;
- (c) The existing infrastructure system to be utilized by the land proposed to be zoned F-S has the capacity to support the development contemplated;
- (d) The designation and contemplated development of the land proposed to be zoned F-S has been selected by the property owner as an alternative to the F-VR zoning designation.

(Ord. No. 3591, 10-10-00)

(4) **Suburban Residential Permitted Uses.** The uses permitted in the Suburban Residential Floating Zone are set forth in the following tables: Suburban Residential Low Density (FS-RL) 29.1202(4)-1; Suburban Residential Medium Density (FS-RM) 29.1202(4)-2 below:

**Table 29.1202(4)-1
Suburban Residential Floating Zoning
Residential Low Density (FS-RL) Uses**

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Group Living	N	--	--
Household Living			
Single Family Dwelling	Y	ZP	ZEO
Two Family Dwelling	Y, if pre-existing	ZP	ZEO
Single Family Attached Dwelling, <u>Front Driveway access</u> (12-5 units or less)	Y	SDP Minor	Staff
<u>Single Family Attached Dwelling, Rear Driveway access</u> (12 units or less)	Y	<u>SDP Minor</u>	<u>Staff</u>
Apartment Dwelling (12 units or less)	N	--	--
Family Home	Y	ZP	ZEO
Household Living Accessory Uses			
Home Office	Y	HO	ZBA/Staff
Home Business	Y	HO	ZBA/Staff
Clubhouse	N	--	--
Short-term Lodging	N, except Bed and Breakfast permitted as a Home Occupation.	HO	ZBA/Staff
OFFICE USES	N	--	--
TRADE USES			
Retail Sales and Services General	N	--	--
Entertainment, Restaurant and Recreation Trade	N	--	--
INSTITUTIONAL USES			
Colleges & Universities	Y	SP	ZBA
Child Day Care Facilities	Y	SP	ZBA
Community Facilities	Y	SP	ZBA
Medical Centers	N	--	--
Religious Institutions	Y	SP	ZBA
Schools	Y	SP	ZBA

Social Service Providers	N	--	--
TRANSPORTATION, COMMUNICATIONS & UTILITY USES			
Basic Utilities	Y	SDP Major	City Council
Radio & TV Broadcast Facilities	N	---	---
Parks & Open Areas	Y	SDP Minor	Staff
Essential Public Services	Y	SP	ZBA
Personal Wireless Service Facilities	Y	SP	ZBA

Y = Yes: permitted as indicated by required approval.

N = No: prohibited

SP = Special Use Permit required: See Section 29.1503

ZP = Building/Zoning Permit required: See Section 29.1501

SDP Minor = Site Development Plan Minor: See Section 29.1502(3)

SDP Major = Site Development Plan Major: See Section 29.1502(4)

HO = Home Occupation

ZBA = Zoning Board of Adjustment

ZEO = Zoning Enforcement Officer

(Ord. No. 3825, 03-22-05)

Table 29.1202(4)-2
Suburban Residential Floating Zoning
Residential Medium Density (FS-RM) Uses

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Group Living	N, except Hospices, Assisted Living, and Nursing Homes, permitted by Special Permit.	SP	ZBA
Household Living			
Single Family Dwelling	Y	ZP	ZEO
Two Family Dwelling	Y	ZP	ZEO
Single Family Attached Dwelling, <u>Front Driveway Access</u> -(42-5 units or less)	Y	SDP Minor	Staff
<u>Single Family Attached Dwelling, Rear Driveway Access</u> (12 units or less)	Y	SDP Minor	Staff
Apartment Dwelling (12 units or less)	Y	SDP Major	City Council
Family Home	Y	ZP	ZEO
Independent Senior Living Facility (unlimited number of units)	Y	SP	ZBA
Household Living Accessory Uses			
Home Office	Y	HO	ZBA/Staff
Home Business	Y	HO	ZBA/Staff
Clubhouse	N	--	--
Short Term Lodging	N, except Bed and Breakfast permitted as a Home Occupation.	HO	ZBA
OFFICE USES	N	--	--
TRADE USES			
Retail Sales and Services General	N	--	--
Entertainment, Restaurant and Recreation Trade	N	--	--
INSTITUTIONAL USES			
Colleges & Universities	Y	SP	ZBA
Community Facilities	Y	SP	ZBA
Funeral Facilities	Y	SP	ZBA
Child Day Care Facilities	Y	HO or SP (depending on size)	Staff/ZBA
Medical Centers	N	--	--
Religious Institutions	Y	SP	ZBA
Schools	Y	SP	ZBA

Social Service Providers	Y	SP	ZBA
TRANSPORTATION, COMMUNICATIONS & UTILITY USES			
Basic Utilities	Y	SDP Major	City Council
Essential Public Services	Y	SP	ZBA
Radio & TV Broadcast Facilities	N	---	---
Parks & Open Areas	Y	SDP Minor	Staff
Personal Wireless Communication Facilities	Y	SP	ZBA

Y = Yes: permitted as indicated by required approval.

N = No: prohibited

SP = Special Use Permit required: See Section 29.1503

ZP = Building/Zoning Permit required: See Section 29.1501

SDP Minor = Site Development Plan Minor: See Section 29.1502(3)

SDP Major = Site Development Plan Major: See Section 29.1502(4)

HO = Home Occupation

ZBA = Zoning Board of Adjustment

ZEO = Zoning Enforcement Officer

(Ord. No. 3579, 8-22-00; Ord. No. 3591, 10-10-00; Ord. No. 3595, 10-24-00, Ord. No. 3622, 7-10-01; Ord. No. 3825, 03-22-05)

(5) **Suburban Residential Floating Zone Supplemental Development Standards.** The standards that are applicable to property that is developed using the F-S floating zone alternative shall be those zone supplemental development standards that are applicable to other areas of the City that are zoned RL, Residential Low Density, RM Residential Medium Density and RLP Residential Low Density Park Zone. These standards are set forth in the Tables 29.1202(5)-1 Residential Low Density and 29.1202(5)-2 Residential Medium Density. The zone supplemental development standards for areas that are to be zoned RLP Residential Low Density Park Zone shall adhere to the standards as set forth in Section 29.705 of this ordinance.

a. FS-RL Household Living uses shall not exceed a maximum of 10 dwelling units per net acre.

b. FS-RM Household Living uses, excepting Independent Senior Living, shall not exceed a maximum of 22.31 dwelling units per net acre.

**Table 29.1202(5)-1
Suburban Residential Floating Zone
Residential Low Density (FS-RL) Supplemental Development Standards**

SUPPLEMENTAL DEVELOPMENT STANDARDS	F-S ZONE LOW DENSITY		
	SINGLE FAMILY	TWO FAMILY DWELLINGS	SINGLE FAMILY ATTACHED DWELLING
Minimum Lot Area	6,000 sf	7,000 sf	3,500 sf per unit for exterior units; 1800 sf per unit for interior units
Minimum Principal Building Setbacks: Front Lot Line Side Lot Line Side Lot Line (party wall line for Single Family Attached Dwelling) Side Lot Line (all other side lots — lines except party wall line) Rear Lot Line	25 ft. 20 ft.; 25 feet to garage face 6 ft.; or 8 ft. for 2 stories 8 ft. for 3 stories 20 ft. ; alley loaded garage either ft. or more than 20 ft.	25 ft. 20 ft.; 25 feet to garage face 6 ft.; or 8 ft. for 2 stories 8 ft. for 3 stories 20 ft. ; alley loaded garage either ft. or more than 20 ft.	10 ft. for building less than 30 feet in height; 20 feet for buildings greater than 30 feet in height; 25 feet to garage face 25 ft. 0 ft. 6 ft. for one story; 8 ft. for 2 stories; 10 ft. for 3 stories 20 ft. for 4 stories 20 ft. ; alley loaded garage either ft. or more than 20 ft.
Corner Lots	Provide 2 front yards and 2 side yards	Provide 2 front yards and 2 side yards	Provide 2 front yards and 2 side yards

Minimum Frontage:	35 ft. @ street line; 50 ft. @ building line	35 ft. @ street line; 50 ft. @ building line	24 ft @ street line and building line
Maximum Building Coverage	35%	40%	No Maximum
Maximum Site Coverage (includes all buildings, paving and sidewalks on lot)	60%	60%	No Maximum
Minimum Landscaped Area	40%	40%	No Minimum Unimproved area of lot
Maximum Height Principal Building	40 ft. or 3 stories, whichever is lower	40 ft. or 3 stories, whichever is lower	40 ft. or 3 stories, whichever is lower
Parking Between Buildings and Streets	No	No	No
Drive-Through Facilities	No	No	No
Outdoor Display	No	No	No
Outdoor Storage	No	No	No
Trucks and Equipment	No	No	No

Note: Maximum Height for an Accessory Building has been deleted for all categories. This is addressed in Sec. 29.408(7)(a)(ii).

Table 29.1202(5)-2
Suburban Residential Floating Zone
Residential Medium Density (FS-RM) Supplemental Development Standards

Supplemental Development Standards	F-S Zone			
	Single Family Dwellings	Two Family Dwellings	Single Family Attached Dwellings	Multiple Family Dwellings
Minimum Lot Area	6,000 sf	7,000 sf	2,400 sf for exterior units; 1,200 sf for interior units.	7,000 sf for the first two units; 1,800 sf for each additional unit
Minimum Principal Building Setbacks: Front Lot Line Side Lot Line	25-20 ft. <u>25 feet to garage face</u>	25-20 ft. <u>25 ft garage face.</u>	25-20 ft. <u>10 ft. for building less than 30 feet in height; 20 feet for buildings greater than 30 feet in height; 25 feet to garage face</u>	25 ft 6 ft for 1 story; 8 ft for 2 stories; 10 ft for 3 stories; 20 ft for 4 stories
Side Lot Line (party wall line for Single Family attached Dwelling)			0 ft	
Side Lot Line (all other side lot lines except party wall line)	6 ft for 1 story; 8 ft for 2 stories; 10-8 ft for 3 stories; 20 ft for 4 stories	6 ft for 1 story; 8 ft for 2 stories; 10-8 ft for 3 stories; 20 ft for 4 stories	6 ft for 1 story; 8 ft for 2 stories; 10 ft for 3 stories; 20 ft for 4 stories	
Rear Lot Line	25-20 ft. <u>alley loaded garage either ft. or more than 20 ft</u>	25-20 ft. <u>alley loaded garage either ft. or more than 20 ft</u>	25-20 ft. <u>alley loaded garage either ft. or more than 20 ft</u> 0 ft for back-to-back single family attached dwellings	25 ft. <u>alley loaded garage either ft. or more than 20 ft</u>
Corner Lots	Provide two front yards	Provide two front yards	Provide two front yards	Provide two front yards

	and two side yards	and two side yards	and two side yards	and two side yards
Minimum Frontage	35 ft @ street line; 50 ft @ building line	35 ft @ street line; 50 ft @ building line	24 ft @ street line and building line	35 ft @ street line; 50 ft @ building line
Minimum Landscaping	40%	40%	Unimproved area of lot	See Article 29.403
Maximum Height Principal Building	50 ft or 4 stories, whichever is lower	50 ft or 4 stories, whichever is lower	50 ft or 4 stories, whichever is lower	50 ft or 4 stories, whichever is lower
Maximum Height Accessory Building	12 ft to midpoint of roof, 15 ft to ridge	12 ft to midpoint of roof, 15 ft to ridge	12 ft to midpoint of roof, 15 ft to ridge	12 ft to midpoint of roof, 15 ft to ridge
Drive-through Facilities	No	No	No	No
Outdoor Display	No	No	No	No
Outdoor Storage	No	No	No	No
Trucks and Equipment	Light only, no advertising	Light only, no advertising	Light only, no advertising	Light only, no advertising

(Ord. No. 3579, 8-22-00; Ord. No. 3591, 10-10-00; Ord. No. 3595, 10-24-00, Ord. No. 3640, 12-11-01, Ord. No. 3660, 4-23-02)

(6) **Suburban Residential Floating Zone Suburban Regulations.** The Suburban Regulations for the F-S zone are provided for in Table 29.1202(6) below.

Table 29.1202(6)
Suburban Residential Floating Zone Suburban Regulations

SUBURBAN REGULATIONS	F-S ZONE
Minimum Density Suburban Residential Low Density (FS-RL)	The minimum average density for one and two-family dwelling units, two-family dwelling units, and single family attached dwelling units in areas zoned FS-RL shall be 3.75 dwelling units per net acre. Net acres shall be determined <u>only</u> by subtracting from the gross acreage of a subdivision the land area devoted to the following uses or containing the following characteristics: 1. Public or private right-of-way; 2. Common open space owned by the City of Ames or owned by property owners in common through a Homeowner's Association or a similar private entity 3. Areas of severe slope where the topography exceeds 10% as determined by the Story County Soil Survey; 4. Areas containing natural resources as identified in the Natural Areas Inventory of the City of Ames dated 1994. 5. Areas reserved as an outlot or by easement to the city for planting as woodland, prairie, wetland or other native plant community. 6. Stormwater detention areas and stormwater retention ponds required by the Ames Municipal Code or as a condition of a permit or other City approval. 7. Areas reserved as an outlot or by easement to the city to protect natural archeological and/or historic features.
Minimum Density Suburban Residential Medium Density (FS-RM)	The minimum density for property developed in the FS-RM zone shall be 10 units per <u>net</u> acre.

Lot and Block Design Requirements	Block lengths that exceed 660 feet in length on a block face shall contain a mid-block cut through or cross walk to enable effective pedestrian movement through the block. From one street to another street on the opposite block face.
Open Space Requirement	A minimum of 10% of the gross area shall be devoted to common open space. A minimum of 15% of the gross area shall be devoted to common open space for back-to-back single family attached dwellings. Common open space shall be owned and maintained by the City of Ames or by a Homeowner's Association or a similar private entity.
Landscape Buffer Requirement	A landscaped buffer of 10 feet in width shall be provided in the setback area of any lot zoned FS-RM where the lot is adjacent to any lot zoned FS-RL. The landscaping shall adhere to the L.3 Standards as provided for in Section 29.403 of the ordinance.
Parking Requirements	Parking shall be provided to meet the requirement as set forth in Section 29.406 of this ordinance.

(Ord. No. 3579, 8-22-00; Ord. No. 3591, 10-10-00; Ord. No. 3640, 12-11-01; Ord. No. 3660, 4-23-02; Ord. No. 4021, 1-12-10)

(7) **Site Development Plan Amendments.** All site development plans approved hereunder may only be amended pursuant to the same procedures for approving an F-S Plan as provided herein.
(Ord. No. 3591, 10-10-00)

Sec. 29.1203. "F-PRD" PLANNED RESIDENCE DISTRICT

(1) **Purpose.** The F-PRD is intended to provide for development of a variety of innovative housing types, including: attached and detached dwellings, zero lot line detached housing, clustered housing development, residential condominiums and innovative multiple family housing projects. In all instances, development that occurs in areas zoned F-PRD shall include integrated design, open space, site amenities and landscaping that exceeds the requirements that exist in underlying base zone development standards.

(2) **Planned Residence District Development Principles.** Property developed according to the requirements of this district shall create a development pattern that is more aesthetic in design and sensitive to the natural features of the site and to surrounding uses of land than would customarily result from the application of Base Zone requirements. Innovation and flexibility in the design and development of the property shall create a more efficient and effective utilization of land. Property that is zoned F-PRD shall adhere to the following development principles:

(a) Provide for innovative and imaginative approaches to residential development that would not occur as a result of the underlying zoning regulations;

(b) Result in a more efficient, aesthetic, desirable and economic use of land and other resources while maintaining the density of use, as provided for in the Land Use Policy Plan and the underlying base zone regulations;

(c) Promote innovative housing development that emphasizes efficient and affordable Home ownership and rental occupancy;

(d) Provide for flexibility in the design, height and placement of buildings that are compatible with and integrate with existing developed neighborhoods and the natural environment;

(e) Promote aesthetic building architecture, significant availability of open space, well designed and landscaped off-street parking facilities that meet or exceeds the underlying zone development standards, more recreation facilities than would result with conventional development, and pedestrian and vehicular linkages within and adjacent to the property;

(f) Provide for the preservation of identified natural, geologic, historic and cultural resources, drainage ways, floodplains, water bodies and other unique site features through the careful placement of buildings and site improvements; and

(g) Provide for a development design that can be more efficiently served by existing and proposed infrastructure, including: street, water, sewer, and storm water infrastructure, than would be otherwise required as a result of conventional development.

(3) **Establishment.** The F-PRD zone is hereby established and applies to all lands that are rezoned to F-PRD on the ~~zoning-Zoning~~ Zoning Map through a Zoning Map Amendment as described in Section 29.4506-1507(2) may be approved provided the City Council makes the following findings:

- (a) The designation is consistent with the Land Use Policy Plan;
- (b) The development complies with all requirement of Article 29.1203 as stated herein;
- (c) The existing infrastructure system to be utilized by the land proposed to be zoned F-PRD has the capacity to support the development contemplated;
- (d) The designation and contemplated development of the land proposed to be zoned F-PRD has been selected by the property owner as an alternative to the F-VR or the F-S zoning designation.
(Ord. No. 3591, 10-10-00)

(4) **Planned Residence District (F-PRD) Floating Zone Permitted Uses.** The uses permitted in the F-PRD are set forth in table 29.1203(4) below.

Table 29.1203(4)
Planned Residence District (F-PRD) Floating Zone Uses

Permitted Principle Uses	Permitted Accessory Uses
Single Family House Two-Family House Apartment Building Townhouse Group Living, if pre-existing	Recreational facilities for the residents of the PRD Accessory uses of the Household Living category provided for in Section 29.500 of this ordinance Garages Open spaces uses Home occupations subject to standards of Section 29.1304 of this ordinance Home Day Care subject to the standards of Section 29.1304 Office and Trade use where the property owner can demonstrate through a written Market Study that the Office and Trade use can be supported by the residents of the Planned Residence District Project Rental services offices not to exceed 5,000 square feet Assisted Living, for the residents of the PRD

(Ord. No. 3858, 11-08-06; Ord. No. 4060, 4-26-11)

(5) **Planned Residence District (F-PRD) Floating Zone Supplemental Development Standards.** Property that is zoned F-PRD shall be developed in accordance with the Zone Supplemental Development Standards listed in Table 29.1203(5) below.

Table 29.1203(5)
**Planned Residence District Floating Zone
Supplemental Development Standards**

SUPPLEMENTAL DEVELOPMENT STANDARDS	F-PRD ZONE
Area Requirement	A minimum of two (2) acres shall be required for all areas developed as F-PRD
Density	Densities of developments shall be as provided for residential base zones as follows: <ol style="list-style-type: none"> 1. Low-Density Residential (RL) - no more than seven and twenty-six hundredths (7.26) dwelling units per net acre. 2. Urban Core Residential Medium Density (UCRM) - no more than seven and twenty-six hundredths (7.26) dwelling units per net acre. 3. Residential Medium Density (RM) - at least seven and twenty-six hundredths (7.26) but no more than twenty-two and thirty-one hundredths (22.31) dwelling units per net acre 4. Residential High Density (RH) - at least eleven and two tenths (11.2) dwelling units per net acre but no more than thirty-eight and fifty-six hundredths (38.56) dwelling units per acre. Where a development encompasses more than one residential base zone, each area of the PRD development shall comply with the density requirements that are set by the base zone

	that the area is in. Density transfer from an area of a PRD zoned for higher density to an area of the same PRD zoned for lower density shall not be permitted.
Height Limitations	Structures proposed to be developed in areas zoned PRD shall be compatible with the predominant height of structures in adjacent neighborhoods. There is no absolute height limitation in the PRD district.
Minimum Yard and Setback Requirements	There are no specified yard and setback requirements in areas zoned PRD, except that structures constructed adjacent to public right-of-way and adjacent to the exterior boundary of an area zoned PRD shall comply with the setback standards in the underlying base zone regulations unless there are physical features on the site that would justify a different setback than provided for in the base zone.
Parking Requirements	Parking for uses permitted in areas zoned PRD shall comply to the parking standards set forth in Section 29.406 of this ordinance
Open Space Design Requirements	Open space shall be designed as a significant and integrated feature of the entire area to be developed as a PRD project. Open space may include such features as: Larger recreation areas for all residents of the PRD project. Mini-parks for selected residents of a PRD project. Pedestrian open space systems. Environmental features, drainage ways, flood prone areas and other areas of geologic, cultural or historic significance.
Open Space Area Requirement	The area devoted to open space in a PRD project shall meet the landscape and open space requirements as set forth in the base zone standards. Those standards are: Residential Low Density - 40% open space. Residential Medium Density - 40% open space. Residential High Density - 35% open space
Open Space Improvements and Amenities	Open Space and amenity features in areas zoned PRD shall include such features as: Pathway systems Club houses and meeting room facilities Playground facilities Swimming pool improvements Tennis courts Volleyball improvements Picnic shelters Other similar amenities
Maintenance of Open Space and Site Amenities	Open space and site amenities for areas developed as a PRD project shall be the ownership and maintenance responsibilities of a Homeowner's Association.
Street/Infrastructure Improvements	Street improvements, water sanitary sewer, storm sewer improvements, and electric facilities shall be installed in compliance with the subdivision regulations of the City and shall meet the construction specifications of the City.

(Ord. No. 3591, 10-10-00, Ord. No. 3652, 3-26-02; Ord. No. 3771, 07-13-2004)

(6) **Effects and Limitations of Approval.** When a Site Development Plan Major is approved and property has been rezoned to F-PRD, the contents of the plan, the location, design, height, and use of all buildings and structures, and any other requirements related to the buildings or the use, plus any other site improvements, shall constitute the development regulations for the use and development of the property. Construction of buildings, or the use of the property in any way that constitutes a major change from the approved Site Development Plan Major, shall constitute a violation of the Zoning Ordinance and shall be enforceable as provided for in Article 16 of this ordinance.

(7) **Effective Period of Approval and Time Extensions.**

(a) **Period of Approval.** The approval of any Site Development Plan Major under this Section shall be effective for a period of one (1) year from the date at which the rezoning decision of the City Council is finalized and published in a newspaper of general circulation. The approval of the Site Development Plan Major shall become null and void as a result of any of the following circumstances:

(i) Failure to obtain Building Permits for the commencement of construction within the one year period of approval;

(ii) Failure to commence construction within 18 months of approval of the Site Development Plan Major. For the purpose of this provision construction shall be defined as including site excavation and excavation for and installation of footings and foundations for structures approved for construction.

(b) **Time Extension.** The owner of property who has obtained an approval of a Site Development Plan Major under this article may petition the City Council for an extension of time to the effective period of approval as long as the following conditions are met:

(i) The request for a time extension is submitted and acted upon by the City Council within the one year period of approval;

(ii) The request for a time extension is accompanied by a written explanation describing events or circumstances that have prevented the commencement of construction and the events or circumstances shall be beyond the control of the property owner.

(8) **Progress on Phased Development.** Where the approval of a Site Development Plan Major has included the approval of a Phasing Plan for a “F-PRD” project, the progress for developing the “F-PRD” project shall occur according to approved phasing plan. No variation of the development progress from the approved Phasing Plan shall occur without the City Council approval of a revision to the Phasing Plan. Failure to obtain approval of a revision to the Phasing Plan shall nullify the approval of the entire Site Development Plan Major. No further construction of any kind shall be permitted without subsequent approval of the Site Development Plan Major in accordance with Section 29.1203(6) of this article.

(9) **Minor Changes.** Minor changes to the approved Site Development Plan Major may occur after staff of the Department of Planning and Housing has determined that the proposed changes are minor in nature, and revised plans have been provided to the Department for purposes of keeping the Site Development Plan Major current. Minor changes are defined as changes that:

- (a) Do not constitute a change in the land use of the project; or the overall layout and design;
- (b) Do not increase the density or intensity of use, and the number of buildings or a change in dwelling unit types;
- (c) Does not change the overall landscape design of the F-PRD project; or
- (d) Change the height or placement of buildings, or other major site features.

(Ord. No. 4167, 12-17-13)

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTIONS 29.403(6); 29.1201(4); 29.1202(2)(e)-(6); 29.1203(3) AND ENACTING NEW SECTIONS 29.403(6); 29.1201(4); 29.1202(2)(e)-(6); 29.1203(3) THEREOF, FOR THE PURPOSE OF AMENDING THE DENSITY RANGE, UNIT LIMITS, AND SETBACK REQUIREMENTS IN THE FS-RL AND FS-RM ZONING DISTRICTS; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting new Sections as follows:

“Sec. 29.403. LANDSCAPING AND SCREENING.

...

(6) Landscaping Requirements for Apartment Dwellings.

...

Sec. 29.1201. “F-VR” VILLAGE RESIDENTIAL DISTRICT

...

(4) **Establishment.** The F-VR district is hereby established and applies to all lands that are rezoned Village Residential on the Zoning Map through a Zoning Map Amendment as described in Section 29.1507 provided that the City Council makes the following findings:

- (a) The designation is consistent with the Land Use Policy Plan.
- (b) The development complies with all requirements of Section 29.1201 as stated herein;
- (c) The existing infrastructure system to be utilized by the proposed F-VR has the capacity to support the development contemplated as a result of the rezoning designation.
- (d) The parcel will have access to and be served by public transportation now or in the future.
- (e) The designation and contemplated development of the proposed F-VR provides for an alternative land use not available under the zoning designation prior to the proposed amendment.

...

Sec. 29.1202. “F-S” SUBURBAN RESIDENTIAL ZONE

...

(3) **Establishment.** The F-S is hereby established and applies to all lands that are rezoned to F-S on the Zoning Map. A Zoning Map Amendment as described in Section 29.1507(2) may be approved provided the City Council makes the following findings:

- (a) The designation is consistent with the Land Use Policy Plan;
- (b) The development complies with all requirement of Section 29.1202 as stated herein;
- (c) The existing infrastructure system to be utilized by the land proposed to be zoned F-S has the capacity to support the development contemplated;
- (d) The designation and contemplated development of the land proposed to be zoned F-S has been selected by the property owner as an alternative to the F-VR zoning designation.

(Ord. No. 3591, 10-10-00)

...

**Table 29.1202(4)-1
Suburban Residential Floating Zoning
Residential Low Density (FS-RL) Uses**

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Group Living	N	--	--
Household Living			
Single Family Dwelling	Y	ZP	ZEO
Two Family Dwelling	Y, if pre-existing	ZP	ZEO
Single Family Attached Dwelling, Front Driveway Access (5 units or less)	Y	SDP Minor	Staff
Single Family Attached Dwelling, Rear Driveway Access (12 units or less)	Y	SDP Minor	Staff
Apartment Dwelling (12 units or less)	N	--	--
Family Home	Y	ZP	ZEO
Household Living Accessory Uses			
Home Office	Y	HO	ZBA/Staff
Home Business	Y	HO	ZBA/Staff
Clubhouse	N	--	--
Short-term Lodging	N, except Bed and Breakfast permitted as a Home Occupation.	HO	ZBA/Staff
OFFICE USES	N	--	--
TRADE USES			
Retail Sales and Services General	N	--	--
Entertainment, Restaurant and Recreation Trade	N	--	--
INSTITUTIONAL USES			
Colleges & Universities	Y	SP	ZBA
Child Day Care Facilities	Y	SP	ZBA
Community Facilities	Y	SP	ZBA
Medical Centers	N	--	--
Religious Institutions	Y	SP	ZBA
Schools	Y	SP	ZBA
Social Service Providers	N	--	--
TRANSPORTATION, COMMUNICATIONS & UTILITY USES			
Basic Utilities	Y	SDP Major	City Council
Radio & TV Broadcast Facilities	N	---	---
Parks & Open Areas	Y	SDP Minor	Staff
Essential Public Services	Y	SP	ZBA
Personal Wireless Service Facilities	Y	SP	ZBA

Y = Yes: permitted as indicated by required approval.

N = No: prohibited

SP = Special Use Permit required: See Section 29.1503

ZP = Building/Zoning Permit required: See Section 29.1501

SDP Minor = Site Development Plan Minor: See Section 29.1502(3)

SDP Major = Site Development Plan Major: See Section 29.1502(4)

HO = Home Occupation

ZBA = Zoning Board of Adjustment

ZEO = Zoning Enforcement Officer

(Ord. No. 3825, 03-22-05)

Table 29.1202(4)-2
Suburban Residential Floating Zoning
Residential Medium Density (FS-RM) Uses

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Group Living	N, except Hospices, Assisted Living, and Nursing Homes, permitted by Special Permit.	SP	ZBA
Household Living			
Single Family Dwelling	Y	ZP	ZEO
Two Family Dwelling	Y	ZP	ZEO
Single Family Attached Dwelling. Front Driveway Access (5 units or less)	Y	SDP Minor	Staff
Single Family Attached Dwelling. Rear Driveway Access (12 units or less)	Y	SDP Minor	Staff
Apartment Dwelling (12 units or less)	Y	SDP Major	City Council
Family Home	Y	ZP	ZEO
Independent Senior Living Facility (unlimited number of units)	Y	SP	ZBA
Household Living Accessory Uses			
Home Office	Y	HO	ZBA/Staff
Home Business	Y	HO	ZBA/Staff
Clubhouse	N	--	--
Short Term Lodging	N, except Bed and Breakfast permitted as a Home Occupation.	HO	ZBA
OFFICE USES	N	--	--
TRADE USES			
Retail Sales and Services General	N	--	--
Entertainment, Restaurant and Recreation Trade	N	--	--
INSTITUTIONAL USES			
Colleges & Universities	Y	SP	ZBA
Community Facilities	Y	SP	ZBA
Funeral Facilities	Y	SP	ZBA
Child Day Care Facilities	Y	HO or SP (depending on size)	Staff/ZBA
Medical Centers	N	--	--
Religious Institutions	Y	SP	ZBA
Schools	Y	SP	ZBA
Social Service Providers	Y	SP	ZBA
TRANSPORTATION, COMMUNICATIONS & UTILITY USES			
Basic Utilities	Y	SDP Major	City Council
Essential Public Services	Y	SP	ZBA
Radio & TV Broadcast Facilities	N	---	---
Parks & Open Areas	Y	SDP Minor	Staff
Personal Wireless Communication Facilities	Y	SP	ZBA

Y = Yes: permitted as indicated by required approval.

N = No: prohibited

SP = Special Use Permit required: See Section 29.1503

ZP = Building/Zoning Permit required: See Section 29.1501

SDP Minor = Site Development Plan Minor: See Section 29.1502(3)

SDP Major = Site Development Plan Major: See Section 29.1502(4)

HO = Home Occupation

ZBA = Zoning Board of Adjustment

ZEO = Zoning Enforcement Officer

(Ord. No. 3825, 03-22-05)

(5) **Suburban Residential Floating Zone Supplemental Development Standards.** The standards that are applicable to property that is developed using the F-S floating zone alternative shall be those zone supplemental development standards that are applicable to other areas of the City that are zoned RL, Residential Low Density, RM Residential Medium Density and RLP Residential Low Density Park Zone. These standards are set forth in the Tables 29.1202(5)-1 Residential Low Density and 29.1202(5)-2 Residential Medium Density. The zone supplemental development standards for areas that are to be zoned RLP Residential Low Density Park Zone shall adhere to the standards as set forth in Section 29.705 of this ordinance.

- a. FS-RL Household Living uses shall not exceed a maximum of 10 dwelling units per net acre.
- b. FS-RM Household Living uses, excepting Independent Senior Living, shall not exceed a maximum of 22.31 dwelling units per net acre.

**Table 29.1202(5)-1
Suburban Residential Floating Zone
Residential Low Density (FS-RL) Supplemental Development Standards**

SUPPLEMENTAL DEVELOPMENT STANDARDS	F-S ZONE LOW DENSITY		
	SINGLE FAMILY	TWO FAMILY DWELLINGS	SINGLE FAMILY ATTACHED DWELLING
Minimum Lot Area	6,000 sf	7,000 sf	3,500 sf per unit for exterior units; 1800 sf per unit for interior units
Minimum Principal Building Setbacks: Front Lot Line	20 ft.; 25 ft. to garage face	20 ft.; 25 ft. to garage face	10 ft. for buildings less than 30 ft. in height; 20 ft. for buildings greater than 30 ft. in height; 25 ft. to garage face
Side Lot Line (except party wall line)	6 ft. for 1 story 8 ft. for 2 stories 8 ft. for 3 stories	6 ft. for 1 story 8 ft. for 2 stories 8 ft. for 3 stories	6 ft. for 1 story; 8 ft. for 2 stories; 10 ft. for 3 stories
Rear Lot Line	20 ft.; alley loaded garage either 8 ft or more than 20 ft.	20 ft.; alley loaded garage either 8 ft or more than 20 ft.	20 ft.; alley loaded garage either 8 ft or more than 20 ft.
Corner Lots	Provide 2 front yards and 2 side yards	Provide 2 front yards and 2 side yards	Provide 2 front yards and 2 side yards
Minimum Frontage:	35 ft. @ street line; 50 ft. @ building line	35 ft. @ street line; 50 ft. @ building line	24 ft @ street line and building line
Maximum Building Coverage	35%	40%	No Maximum
Maximum Site Coverage (includes all buildings, paving and sidewalks on lot)	60%	60%	No Maximum
Minimum Landscaped Area	40%	40%	Unimproved area of lot
Maximum Height Principal Building	40 ft. or 3 stories, whichever is lower	40 ft. or 3 stories, whichever is lower	40 ft. or 3 stories, whichever is lower
Parking Between Buildings and Streets	No	No	No
Drive-Through Facilities	No	No	No
Outdoor Display	No	No	No
Outdoor Storage	No	No	No
Trucks and Equipment	No	No	No

Note: Maximum Height for an Accessory Building has been deleted for all categories. This is addressed in Sec. 29.408(7)(a)(ii).

Table 29.1202(5)-2
Suburban Residential Floating Zone
Residential Medium Density (FS-RM) Supplemental Development Standards

Supplemental Development Standards	F-S Zone			
	Single Family Dwellings	Two Family Dwellings	Single Family Attached Dwellings	Multiple Family Dwellings
Minimum Lot Area	6,000 sf	7,000 sf	2,400 sf for exterior units; 1,200 sf for interior units.	7,000 sf for the first two units; 1,800 sf for each additional unit
Minimum Principal Building Setbacks: Front Lot Line	20 ft.; 25 ft. to garage face	20 ft.; 25 ft. to garage face	10 ft. for buildings less than 30 ft. in height; 20 ft. for buildings greater than 30 ft. in height; 25 ft. to garage face	25 ft
Side Lot Line (except party wall line)	6 ft. for 1 story 8 ft. for 2 stories 8 ft. for 3 stories 20 ft for 4 stories	6 ft. for 1 story 8 ft. for 2 stories 8 ft. for 3 stories 20 ft for 4 stories	6 ft for 1 story; 8 ft for 2 stories; 10 ft for 3 stories; 20 ft for 4 stories	6 ft for 1 story; 8 ft for 2 stories; 10 ft for 3 stories; 20 ft for 4 stories
Rear Lot Line	20 ft.; alley loaded garage either 8 ft or more than 20 ft.	20 ft.; alley loaded garage either 8 ft or more than 20 ft.	20 ft.; alley loaded garage either 8 ft or more than 20 ft. 0 ft for back-to-back single family attached dwellings	25 ft.; alley loaded garage either 8 ft or more than 20 ft.
Corner Lots	Provide two front yards and two side yards	Provide two front yards and two side yards	Provide two front yards and two side yards	Provide two front yards and two side yards
Minimum Frontage	35 ft @ street line; 50 ft @ building line	35 ft @ street line; 50 ft @ building line	24 ft @ street line and building line	35 ft @ street line; 50 ft @ building line
Minimum Landscaped area	40%	40%	Unimproved area of lot	See Article 29.403
Maximum Height Principal Building	50 ft or 4 stories, whichever is lower	50 ft or 4 stories, whichever is lower	50 ft or 4 stories, whichever is lower	50 ft or 4 stories, whichever is lower
Maximum Height Accessory Building	12 ft to midpoint of roof, 15 ft to ridge	12 ft to midpoint of roof, 15 ft to ridge	12 ft to midpoint of roof, 15 ft to ridge	12 ft to midpoint of roof, 15 ft to ridge
Drive-through Facilities	No	No	No	No
Outdoor Display	No	No	No	No
Outdoor Storage	No	No	No	No
Trucks and Equipment	Light only, no advertising	Light only, no advertising	Light only, no advertising	Light only, no advertising

(Ord. No. 3579, 8-22-00; Ord. No. 3591, 10-10-00; Ord. No. 3595, 10-24-00, Ord. No. 3640, 12-11-01, Ord. No. 3660, 4-23-02)

(6) **Suburban Residential Floating Zone Suburban Regulations.** The Suburban Regulations for the F-S zone are provided for in Table 29.1202(6) below.

Table 29.1202(6)
Suburban Residential Floating Zone Suburban Regulations

SUBURBAN REGULATIONS	F-S ZONE
Minimum Density Suburban Residential Low Density (FS-RL)	The minimum average density for one and two-family dwelling units, two-family dwelling units, and single family attached dwelling units in areas zoned FS-RL shall be 3.75 dwelling units per net acre. Net acres shall be determined only by subtracting from the gross acreage of a subdivision the land area devoted to the following uses or containing the following characteristics: 1. Public or private right-of-way; 2. Common open space owned by the City of Ames or owned by property owners in common through a Homeowner's Association or a similar private entity 3. Areas of severe slope where the topography exceeds 10% as determined by the Story County Soil Survey; 4. Areas containing natural resources as identified in the Natural Areas Inventory of the City of Ames dated 1994. 5. Areas reserved as an outlot or by easement to the city for planting as woodland, prairie, wetland or other native plant community. 6. Stormwater detention areas and stormwater retention ponds required by the Ames Municipal Code or as a condition of a permit or other City approval. 7. Areas reserved as an outlot or by easement to the city to protect natural archeological and/or historic features.
Minimum Density Suburban Residential Medium Density (FS-RM)	The minimum density for property developed in the FS-RM zone shall be 10 dwelling units per net acre.
Lot and Block Design Requirements	Block lengths that exceed 660 feet in length on a block face shall contain a mid-block cut through or cross walk to enable effective pedestrian movement through the block. From one street to another street on the opposite block face.
Open Space Requirement	A minimum of 10% of the gross area shall be devoted to common open space. A minimum of 15% of the gross area shall be devoted to common open space for back-to-back single family attached dwellings. Common open space shall be owned and maintained by the City of Ames or by a Homeowner's Association or a similar private entity.
Landscape Buffer Requirement	A landscaped buffer of 10 feet in width shall be provided in the setback area of any lot zoned FS-RM where the lot is adjacent to any lot zoned FS-RL. The landscaping shall adhere to the L.3 Standards as provided for in Section 29.403 of the ordinance.
Parking Requirements	Parking shall be provided to meet the requirement as set forth in Section 29.406 of this ordinance.

(Ord. No. 3579, 8-22-00; Ord. No. 3591, 10-10-00; Ord. No. 3640, 12-11-01; Ord. No. 3660, 4-23-02; Ord. No.4021, 1-12-10)

...

Sec. 29.1203. "F-PRD" PLANNED RESIDENCE DISTRICT

...

(3) **Establishment.** The F-PRD zone is hereby established and applies to all lands that are rezoned to F-PRD on the Zoning Map. A Zoning Map Amendment as described in Section 29.1507(2) may be approved provided the City Council makes the following findings:

- (a) The designation is consistent with the Land Use Policy Plan;
- (b) The development complies with all requirement of Article 29.1203 as stated herein;
- (c) The existing infrastructure system to be utilized by the land proposed to be zoned F-PRD has the capacity to support the development contemplated;
- (d) The designation and contemplated development of the land proposed to be zoned F-PRD has been selected by the property owner as an alternative to the F-VR or the F-S zoning designation.
(*Ord. No. 3591, 10-10-00*)

...

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

COUNCIL ACTION FORM

SUBJECT: WATER POLLUTION CONTROL FACILITY SWITCHGEAR CONTROLS
REPLACEMENT PROJECT

BACKGROUND:

On May 3, 2014, the City Council granted approval to issue a Notice to Bidders for the Water Pollution Control (WPC) Facility Switchgear Controls Replacement Project. On June 12, the City received bids to provide all labor, equipment, materials, and other components necessary to complete the replacement project according to City specifications. Lump sum bids were received as follows:

The Waldinger Corporation, Des Moines, IA	\$70,400
Ziegler Power Systems, Altoona, IA	\$71,282
Eaton Corporation, Lenexa, KS	\$136,918

This project is scheduled in the 2013/14 Amended Capital Improvements Plan as part of the WPC Electrical System Maintenance Project budgeted at \$117,500. The engineering consultant's contract has already been awarded in the amount of \$4,300, leaving \$113,200 available for the construction work.

All of these bids appear to be responsive. The lump-sum prices shown above include a bid alternate to install, wire, and configure ground fault sensors provided by the City. Staff recommends accepting this alternate. The Waldinger Corporation offered the lowest price on the base bid as well, and accepting the bid alternate does not alter which firm is the successful bidder.

ALTERNATIVES:

1. Receive the report of bids and accept the low lump-sum bid of \$70,400 for the base bid, plus the bid alternate, from The Waldinger Corporation of Des Moines, Iowa to provide all labor, equipment, materials, and other components necessary to complete the WPC Facility Switchgear Controls Replacement Project.
2. Receive the report of bids submitted and delay award of contract.
3. Do not accept bids at this time for the above-mentioned project.

MANAGER'S RECOMMENDED ACTION:

The electrical switchgear is an integral and vital component of the Water Pollution Control Facility and is necessary for the operation of the plant. It is in the City's best interest to maintain this unit in a high degree of reliability.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.

COUNCIL ACTION FORM

SUBJECT: WATER POLLUTION CONTROL MAKE-UP AIR UNIT REPLACEMENT

BACKGROUND:

The Water Pollution Control (WPC) Facility's make-up air unit serving the Raw Water Pump Station grit room is used to provide ventilation and seasonal heating to the space. The grit room can develop a hazardous atmosphere and the operation of the make-up air unit ensures that WPC staff can safely access the space at all times. The make-up air unit was last replaced in 1996 and has reached the end of its useful life.

Plans and specifications were prepared by Veenstra & Kimm, Inc. and on May 13, 2014, the City Council authorized preliminary approval of these plans and specifications and issued a Notice to Bidders.

On June 12, 2014, bids were opened for this project. A summary of all bids follows:

Bidder	Bid Amount
Mechanical Comfort, Inc.	\$83,550
Drees Co.	\$89,759
Proctor Mechanical Corp.	\$94,134
Air Con Mechanical	\$114,281
Baker Group	\$114,803

The apparent low bidder is Mechanical Comfort, Inc. with a bid price of \$83,550. This project is included in the 2013/14 Amended CIP as part of the Mechanical and HVAC Replacements Project for \$93,000. Staff recommends using \$12,988 in savings from the Diesel Tank Replacement Project and applying it to this project. This additional amount will cover the engineering and construction costs for the Make-Up Air Unit Replacement project, as well as an 8% contingency amount. The total project budget is as follows:

Engineering	\$14,800
Construction	\$83,550
Contingency (~8%)	\$7,638
Total Estimated Project Cost	\$105,988

The project will be funded as follows:

2013/14 CIP – Mechanical and HVAC Replacements	\$93,000
Project Savings – WPC Diesel Tank Replacement Project	\$12,988
Total Available Funding	\$105,988

Upon Council approval, this project will begin in mid-July and is scheduled for completion by September 30, 2014.

ALTERNATIVES:

1. Award a contract for the Water Pollution Control Make-Up Air Unit Replacement Project to Mechanical Comfort, Inc. in the amount of \$83,550.
2. Reject bids and do not award a contract at this time.

MANAGER'S RECOMMENDED ACTION:

The Raw Water Pump Station grit room make-up air unit is essential to the operations and maintenance needs of the WPC Facility. It is in the City's best interest to remove and replace the existing make-up air unit. Award at this time will allow the project to remain on schedule, which allows for replacement before the heating season begins.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby awarding the for the Water Pollution Control Make-Up Air Unit Replacement Project to Mechanical Comfort, Inc. in the amount of \$83,550.

COUNCIL ACTION FORM

SUBJECT: RE-ROOFING CITY MAINTENANCE FACILITY – PHASE 1

BACKGROUND:

On June 13, 2014, the City Council approved specifications for the first of three phases for re-roofing the City's 34,600 square foot Maintenance Facility located at 2207 Edison Street. Phase 1, the East section, was last re-roofed in 1986, is now 27 years old, and is in the worst condition. Bids for re-roofing the East Section have been received and are under the anticipated budget of \$122,500.

Phase 1 specifies tear-off of the existing roof material down to the original decking. Re-roofing includes four inches of new rigid insulation material covered with a fully-adhered roof system with black 60 mil thick rubber sheet as specified in the plans. Included in the written specifications for Phase 1 is the requirement for disposal of tear-off material, transfer of ballast (rock) to an off-site location, and the complete installation of the replacement roof.

All bids received provided a 25-year warranty for the 60 mil membrane, a 5% bid bond, and a completion date before October 15, 2014.

Bids for Phase 1 were received as follows:

Bidder	% Mark-up to Change Orders	Walkway Pad 30" x 30" Option	Estimated 150 Pads Option	Phase 1 Base Bid
Ida Grove Roofing & Improvement, Inc.	30%	\$28.60 ea	\$4,290	\$85,574
Central States Roofing Co.	15%	\$31.00 ea	\$4,650	\$95,200
Broadway Mechanical & Roofing Co., Inc.	30%	\$35.00 ea	\$5,250	\$98,700
Academy Roofing & Sheet Metal of the Midwest, Inc.	15%	\$42.90 ea	\$6,435	\$108,500

The low bid is from Ida Grove Roofing and Improvement, Inc. of Ida Grove, IA.

Beginning in FY14/15 as approved in the CIP Plan, the first of the three phases of this project was funded. The budget for FY 14/15 will be shared between the following sources:

Water Utility	\$ 30,625
Sewer Utility	\$ 30,625
Road Use Tax	\$ 30,625
Fleet Services	<u>\$ 30,625</u>
	\$122,500

ALTERNATIVES:

1. Award the contract to Ida Grove Roofing and Improvement, Inc., of Ida Grove, Iowa, for Re-roofing of the City Maintenance Facility, Phase 1, with a 60 mil membrane, for \$85,574, with the optional purchase of 150 walking pads at \$28.60 each, for a total cost of \$89,864.
2. Delay the project at this time.

MANAGER'S RECOMMENDED ACTION:

The roof on the City Maintenance Facility has exceeded its useful life and needs to be replaced. The existing roof is frequently being patched for leaks, and its deteriorating condition increases the potential for costly structural damage or damage to the contents of the building.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby awarding the contract to Ida Grove Roofing and Improvement, Inc., of Ida Grove, Iowa, for the Re-roofing of the City Maintenance Facility, Phase 1.

Staff Report

MAIN STREET CULTURAL DISTRICT FOURTH OF JULY BUDGET

June 24, 2014

BACKGROUND:

The City Council at its May 27, 2014, requested a response from the Main Street Cultural District (MSCD) as to how the \$7,000 allocation from the City designated for the Sesquicentennial activities is being spent or has been spent. MSCD has provided the attached letter, which details how MSCD plans to use the extra allocation. The City Council should be aware that the City's funding contracts require, except in rare circumstances, that the organization must pay for the activity and submit documents to the City for reimbursement. Therefore, the City generally only learns about the **specific** spending after it has occurred and the activity the City has contracted for is complete.

The City Council allocated a total of \$39,000 to the Main Street Cultural District for FY 2014/15. Of this funding, \$7,000 was designated by the City Council to fund additional expenses that MSCD explained would incur due to the Sesquicentennial celebration. The remaining \$32,000 in funds were designated for beautification efforts, for other activities, and for a portion of the Fourth of July. In FY 2013/14, MSCD received \$32,000 from the City for all its activities. From that funding and other sources, MSCD spent \$7,429.29 on Fourth of July activities.

The FY 2014/15 contract was written as follows: **In recognition of the Sesquicentennial Celebration, \$7,000 of the funds shall be used to conduct Fourth of July Parade and Festival activities in 2014 beyond what was conducted in 2013.** Therefore, MSCD would have to spend the same \$7,429.29 on the Fourth of July parade and festival event plus the additional \$7,000 above and beyond what it spent in FY 2013/14 (\$14,429.29 in total expenditures) in order to receive its full allocation. MSCD's contract is attached.

It is important for the City Council to note that the contract language provides MSCD limited guidance in describing what expenditures are related to the Fourth of July parade and festival activities. The contract does not provide for City approval or review prior to making the expenditures. If the expenses are in line with the application and the description in the contract, the City is obligated to reimburse for the activities. The contract specifies that costs for reimbursement must be accompanied by "documentation evidencing in proper detail the nature and propriety of the charges." In the event that the City Council desires or if discrepancies are discovered by City staff, the contract outlines procedures for auditing of MSCD's records, but this would occur after the expenses are incurred.

AMES 150 STEERING COMMITTEE:

It is important to consider MSCD's activities in the context of the overall planning for the Sesquicentennial celebration. The Ames 150 Steering Committee, which is working in partnership with the Ames Foundation, has coordinated all the festival activities taking place during the Sesquicentennial celebration on Main Street on July 4th-5th, 2014. MSCD has coordinated the planning of the parade. The Ames 150 Steering Committee has received funds from the City, ACVB, corporate sponsorships, and individual donations to finance its festival activities for *Ames 150 on the 4th*.

The Ames 150 Steering Committee has paid for some cost for the festival activities that were included in the base MSCD budget related to music and inflatables of around \$1,263. Ames 150 has also paid for its refuse removal, portapotties, and volunteer identification. **The Ames 150 Steering Committee was asked to consider the funding of street banners on Main Street, but did not approve that project.** The Committee instead worked to raise funds for the following components:

- a History Trailer for the Ames Historical Society,
- planting of 150 trees throughout the community,
- a free festival on Main Street from July 3-5, 2014,
- an evening party in Campustown on September 26, 2014, and
- a celebration on the actual day of platting, December 17, 2014.

STAFF COMMENTS:

The question before the City Council is whether the expenses identified in MSCD's letter meet the intent of the contract language that states "In recognition of the Sesquicentennial Celebration, \$7,000 of the funds shall be used to conduct Fourth of July Parade and Festival activities in 2014 beyond what was conducted in 2013."

If the City Council is not satisfied with MSCD's proposed expenses, then the City Council may direct staff to work with MSCD to modify those expenses prior to the Fourth of July. However, the City Council may not be able, under the contract, to require changes. The contract does not provide specific guidance regarding the expenses that are acceptable or unacceptable within the realm of the Fourth of July, only that it be for the parade and festival activities.

If the City Council is comfortable with the expenses as described in Main Street's attached letter, then no further action is needed. City staff will work with MSCD to complete its reimbursement under the normal contract procedures, which includes providing a detailed list of expenditures and submitting a final report at the end of the fiscal year.

June, 18, 2014

Mayor and City Council
City of Ames
515 Clark Ave
Ames, IA 50010

Mayor Campbell and City Council,

In response to the request for information, the Main Street Cultural District (MSCD) is providing an estimate of the use of funds allocated by City Council.

In communication with Brian Phillips in March, we submitted this estimation of what the extra funds would be used to support:

\$500 Extra Grandstand Sound & Bleacher
\$500 Marching Bands
\$5500 Decor and Pole Banners
\$850 A New Overhead Banner
\$2800 6'x3' Parade Decade Banners
\$2450 Dedicated Payroll for Event Mgmt/consulting
and receive a response of "That is great."

At this time, the following would more accurately reflect what I would submit to draw down the \$7000 of funds:

\$800 6'x3' Parade Decade Banners
\$5425 Pole Banners, install and other Decoration
\$500 Extra Mulch
\$275 MSCD Event Coordinator on site

I understand that there have been rumors surrounding the choices the MSCD makes regarding our budget. However, I would state that the organization prioritizes our fiscal responsibility and our Board of Directors does not take financial decisions lightly. We provide many benefits and events to the community with very little resources including a small staff and small budget. We leverage those resources with countless volunteer hours to provide incredible value.

Sincerely,
Cari Hague
Executive Director
Main Street Cultural District

cc: Brian Phillips

CONTRACT FOR SERVICES

THIS AGREEMENT, made and entered into the **1st day of July, 2014**, by and between the **CITY OF AMES, IOWA**, a municipal corporation organized and existing pursuant to the laws of the State of Iowa (hereinafter sometimes called "City") and **Ames Chamber of Commerce** (a nonprofit entity organized and existing pursuant to the laws of the State of Iowa and hereinafter called "Provider") for **Main Street Cultural District**;

WITNESSETH THAT:

WHEREAS, the City of Ames has, by its City Council acting in open and regular session, determined that certain services and facilities to be provided to the City of Ames and its citizens by Provider, such services and facilities being hereinafter described and set out, should be purchased in accordance with the terms of a written agreement as hereinafter set out, in accordance with all applicable Federal, State, and Local laws or regulations;

NOW, THEREFORE, the parties hereto have agreed and do agree as follows:

I PURPOSE

The purpose of this Agreement is to procure for the City of Ames and its citizens certain services and facilities as hereinafter described and set out; to establish the methods, procedures, terms and conditions governing payment by the City of Ames for such services; and, to establish other duties, responsibilities, terms and conditions mutually undertaken and agreed to by the parties hereto in consideration of the services to be performed and monies paid.

II SCOPE OF SERVICES

A. For an amount not to exceed **\$39,000**, the City agrees to purchase the Provider's services and facilities as generally described in the Provider's 2014/15 application. This description shall be made a part of this Agreement.

B. The Provider's application proposal is modified as described in the box below:

\$5,000 of the funds provided shall be used towards permanent beautification activities in the downtown area. \$27,000 shall be allocated to conduct Summer Sidewalk Sales, Foodies & Brew, Oktoberfest, Halloween Costume Ball, and Snow Magic.

Provider has indicated that it intends to conduct Pub Crawl, Art Walk, and Music Walk, although no financial reimbursement is assigned to these activities.

In recognition of the Sesquicentennial Celebration, \$7,000 of the funds shall be used to conduct Fourth of July Parade and Festival activities in 2014 beyond what was conducted in 2013. A copy of the 2013 Fourth of July budget is attached to this application and shall

serve as a baseline of expenditures.

The Provider shall serve as a point of contact for coordinating events held in the Main Street Cultural District, regardless of whether the event is sponsored by the Provider or another entity.

Drawdown Schedule:

<u>Task</u>	<u>Date</u>	<u>Amount</u>
Conducting Fourth of July activities beyond what was conducted in 2013	July 2014	\$7,000
Completing Beautification Projects	October 2014	\$5,000
Conducting Summer Sidewalk Sales, Foodies & Brew, Oktoberfest, Halloween Costume Ball, and Snow Magic	December 2014	\$27,000

III METHOD OF PAYMENT

A. All payments to be made by the City of Ames pursuant to this Agreement shall be reimbursement for actual costs incurred by Provider in providing services required by Section II above. Any alternate payment arrangements must be approved by the City Council.

B. The City will disburse payment monthly on requisition of Provider.

C. Requisitions for disbursement shall be made in such form and in accordance with such procedures as the Director of Finance for the City shall prescribe. Said form shall include but not be limited to an itemization of the nature and amount of costs for which reimbursement is requested, and must be filled out completely.

D. The maximum total amount payable by the City of Ames under this agreement is detailed in the SCOPE OF SERVICES (Part II of this contract), and no greater amount shall be paid.

E. All unobligated amounts disbursed to the Provider shall be repaid to the City as of the effective date of termination of this agreement. The Provider shall repay to the City any disbursed funds for which documentation of actual expenses is not provided.

F. The Provider shall requisition for funds no more frequently than once per month. If Provider wishes to request disbursement of funds on other than a monthly basis, the Provider must submit a request in writing to be approved by the City Manager's Office. Failure to request reimbursement in a timely manner shall be grounds for termination of this agreement. In no case will a disbursement request be accepted for reimbursement after July 15th of the following fiscal year.

IV FINANCIAL ACCOUNTING AND ADMINISTRATION

A. All monies disbursed under this Agreement shall be accounted for by the accrual method of accounting.

B. Monies disbursed to Provider by the City will be deposited by Provider in an account under the Provider's name. All checks drawn on the said account shall bear a memorandum line on

which the drawer shall note the nature of the costs for which the check is drawn in payment, and the program(s) of service.

C. All costs for which reimbursement is claimed shall be supported by documentation evidencing in proper detail the nature and propriety of the charges. All checks or other accounting documents pertaining in whole or in part to this Agreement shall be clearly identified as such and readily accessible for examination and audit by the City or its authorized representative.

D. All records shall be maintained in accordance with procedures and requirements established by the City Finance Director, and the City Finance Director may, prior to any disbursement under this Agreement, conduct a pre-audit of record keeping and financial accounting procedures of the Provider for the purpose of determining changes and modifications necessary with respect to accounting for funds made available hereunder. All records and documents required by this Agreement shall be maintained for a period of three (3) years following final disbursement by the City.

E. At such time and in such form as the City may require, there shall be furnished to the City such statements, records, reports, data, and information as the City may require with respect to the use made of monies disbursed hereunder.

F. At any time during normal business hours, and as often as the City may deem necessary, there shall be made available to the City for examination all records with respect to all matters covered by this Agreement and Provider will permit the City to audit, examine, and make excerpts or transcripts from such records.

G. The Provider must submit a final report to the City within thirty (30) days of the submission of the final requisition for reimbursement or the concluding date of this contract, whichever is earlier. The final report shall describe, at minimum, the services and facilities provided under the contract, an accounting of the number of individuals to whom services or facilities were provided, and any supporting documentation to substantiate these descriptions. Failure to submit a final report as required may result in any funds awarded to the Provider through subsequent contracts being held in sequestration until the final report is complete.

V DURATION

This Agreement shall be in full force and effect from and after July 1, 2014, until June 30, 2015. The City Council may terminate this Agreement by giving written notice to the Provider at least sixty (60) days before the effective date of such termination. From and after the effective date of termination, no further disbursement under this Agreement shall be made by the City. Any money disbursed to the Provider and unencumbered or unspent as of the effective date of termination, shall be repaid to the City.

VI DISCRIMINATION PROHIBITED

In accordance with Chapter 14 of the Municipal Code, no person shall, on the grounds of age, race, color, creed, religion, national origin, disability, sexual orientation, or sex be excluded from

participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this Agreement.

IN WITNESS WHEREOF the parties hereto have, by their authorized representatives, set their hand and seal as of the date first above written.

CITY OF AMES, IOWA

ATTEST:

BY _____
Ann Campbell, Mayor

Diane Voss, City Clerk

Organization Name

BY _____
Authorized Representative

ATTACHMENT A

Main Street Cultural District expenses for Fourth of July 2013 (excluding staff time expenses)

misc	364.66
Bill Riley	500
Grand Marshal	400
Sound	800
Fred Love	300
Alpha	703.13
Inflatables	963
Golf Car	254.4
Portable toilet	100
Radio	382
Flower	9.1
Shirts	788
ISU Spirit Squad	150
Décor/Banners	500
Garbage Rental	100
Garbage supplies	90
Extra Toilets	140
Rental Truck	250
Design	150
Water/Ice	100
Emcee	380
Total	7,424.29

Ames Fall Grant Program

The Ames Fall Grant Program provides funding for activities that fulfill a public purpose for the Ames community. Grant funds are also available through Commission on the Arts, ASSET, and the Ames Community Grant Program. Funds should be requested through the program that best matches the goals of the requesting organization.

For General Community Fall Grants and Student-Sponsored Activity Fall Grants, follow the criteria below.

General Community Fall Grant Eligibility Criteria

- Funds may only be awarded to an organization with a Tax ID number, for an activity that is non-profit in nature.
- Funds provided are to be used towards an event or service that is open to the whole community.

Student-Sponsored Activity Fall Grant Eligibility Criteria

- Funds may only be awarded to organizations recognized by Iowa State University's Student Activities Center.
- Funds may only sponsor events or services that are open to the entire Ames community.
- If the funding request is for an event, the requesting organization must demonstrate that the proposed event or its past iterations have been approved by Iowa State University's Events Authorization Committee.

Grant Application Process and Additional Requirements:

- For all applications, applicants must demonstrate their ability to successfully complete their projects by answering narrative questions. **All sections of the application must be completed to be eligible for consideration.**

- **All applications must be received no later than November 15 each year.** General Community requests will be reviewed by a committee of City staff and residents. Student-Sponsored Activity requests will be reviewed by the Student Affairs Commission. The requesting organization may be asked to attend a hearing to discuss their funding requests in detail. Recommendations on all applications will be made to the City Council during its annual February budget hearings. Awards will be made official upon approval of the City budget.

- Requests for funding may be made at other times of the year in the event that an unforeseen need or opportunity arises that could not be fulfilled using the normal application timeline. To be considered, the applicant must demonstrate why the request could not be made before the normal funding deadline.

- The City Council reserves the right to deny any request, even if the eligibility criteria are met.

- Preference will be given to requests that meet the following conditions, in decreasing order of importance:

1. A program or activity that would otherwise be operated by the City at a greater cost.
2. Requests that have broad-based appeal to the community.
3. Requests that provide a unique benefit or service to the community.

- Applicants must demonstrate efforts to seek funding from other sources. Applicants must show that they have applied for funding through programs such as the Ames Community Grant Program administered by the Ames Convention and Visitors Bureau. Funds may not be requested through multiple City programs.

- Grant awards are paid by the City on a reimbursement basis for tasks completed. To receive reimbursement for expenses, awardees must submit to the City a payment request form, a summary of expenses, and a final report documenting the outcomes of the event or program. Reimbursement will be made in accordance with the task-drawdown schedule listed in the grant application. Full program requirements will be detailed in the award contract.

- Grant awards can make up no more than 50% of the project revenues. Capital improvements, building renovations, replacement of funding that no longer exists, debt service, anything excluded from purchase through the City's Purchasing Policies (such as alcohol), expenses for supporting a particular political party, candidate, or platform, or anything that violates local, state, or federal laws are not eligible for use as a match expense and are not eligible for funds through this grant. Funds from other City-funded grant programs are ineligible as match revenues. Funds from this grant may not be used for general fundraising, organizational dues, or memberships.

Funds awarded by the City Council in February will be available for activities starting July 1 and concluding within one year (by June 30).

Ames Fall Grant Program Application

Applicant Information

Is this for request for a program/event sponsored by a student organization? YES ☐ NO ☒

Contact Person: Cari Hague - Director Date: 11/15/2013

Organization Name: Main Street Cultural District

Organization Address: 312 main Street Suite 201

Ames IA 50010
City State ZIP Code

Phone: 515-233-3472 E-mail Address: Director@amesdowntown.org Tax ID#: 42-0623975

Program/Event Information

Name of program/event: Main Street Cultural District

What are the goals of this program/event?:

The MSCD mission is to advance and promote downtown as the destination district in the heart of the Ames community. The concept has been strongly embraced by numerous community businesses, organizations, and individual residents. MSCD is an investor based organization, open to anyone in the community that would like to support its development and enjoy its benefits.

Date(s) program/event will be held: _____ to _____ Check if continuous or ongoing: ☒

Location of the program/event: Downtown Ames

of individuals involved in program/event planning: 2 Paid fulltime staff and 100s of volunteers # of individuals who will benefit from program/event: All of Ames.

Has the City of Ames funded this program/event before? YES ☒ NO ☐ If yes, what year was it last funded?: 2013 If yes, what amount of funding was received?: \$32,000

If the City of Ames has funded the activity in the past, how will funds awarded this year be used to enhance the program/event?:

See Appendix

Program/Event Description

Please answer each question below using the space provided.

Describe the program/event you are planning to conduct:

See Appendix

If awarded, how will your grant funds be used to accomplish a specific activity or service?:

See Appendix

How will your program/event fulfill a public purpose?:

See Appendix

What efforts have you made to obtain funding from other sources? Discuss any requests you may have made to other City-sponsored programs (e.g., ASSET, COTA, Ames Community Grants Program)

Describe your capacity for financial and logistical management. Explain how you will be able to complete the program/event:

The MSCD has a proven track record of financial and logistical management.

How will you ensure that all reimbursement claims will be completed by the end of the City's fiscal year (June 30)?:

This has never been a problem with our organization.

If you do not receive this grant funding, what would the impact to your program/event be?:

If this is a student program/event, has it or its past iterations been approved by ISU's Events Authorization Committee?:

Budget

Complete the budget for your activity below, including your grant request from the City of Ames in line 10 and previous fiscal years in columns A, B, and C.

		(A)	(B)	(C)	(D)
	REVENUE - ALL SOURCES	FY 11-12 ACTUAL	FY 12-13 ACTUAL	FY 13-14 ADOPTED	FY 14-15 PROPOSED
1	FUNDRAISING	25445	15600	15000	30000
2	MEMBERSHIP DUES	30117	30000	30000	30000
3	FEES CHARGED	2900	2900	2900	2900
4	INVESTMENT INCOME	23	20	20	
5	GRANTS (PRIVATE SECTOR)	7217	4800	0	
6	STATE/FEDERAL FUNDS	55336			
7	ISU OR GSB FUNDS				
8	OTHER GOV'T OR NON-PROFIT FUNDS	10000	13500	12000	
9	MISC. (Describe):	952			29049
10	GRANT FUNDING FROM CITY OF AMES	30000	31000	32000	45000
11	TOTAL REVENUES	161990	97820	91900	136949

	EXPENSES	FY 11-12 ACTUAL	FY 12-13 ACTUAL	FY 13-14 ADOPTED	FY 14-15 PROPOSED
12	SALARY AND RELATED	53926	60000	56000	75000
13	OCCUPANCY/RENT	4800	4800	1200	6000
14	SUPPLIES/EQUIPMENT	5055	5770	8460	8000
15	CONTRACTUAL SERVICES	14606	17940	18940	24000
16	PROMOTION/ADVERTISING	6919	9290	16020	23949
17	MISC. (Describe):	55336			
18	TOTAL EXPENSES	140642	97800	100620	136949

Proposed Task/Drawdown Schedule

On the lines below, describe the tasks you plan to complete using grant funds, the anticipated task completion date, and the amount you will request in grant funds reimbursement for that task. The total should add up to your grant request

Task	Completion Date	Amount
------	-----------------	--------

--	--	--

Disclaimer and Signature

I certify that my answers are true and complete to the best of my knowledge. I am authorized to submit this application on behalf of the organization named herein.

Signature: _____ Title: _____ Date: _____

Submit completed applications to the City Manager’s Office, 515 Clark Avenue, Ames, IA 50010. Applications must be received no later than November 15 each year to be considered for funding.

City of Ames Grant Application Budget Glossary

1. Fundraising:	Funds collected from individual or corporate donations, match donations, or funds voluntarily committed by group members
2. Membership Dues:	Funds collected from those individuals or organizations who belong to the entity conducting the activity, usually collected on a monthly or annual basis
3. Fees Charged:	Fees collected from members of the public, usually in exchange for participation
4. Investment Income:	Funds raised from investment of organization revenue in financial instruments such as stocks, bonds, CDs, and mutual funds
5. Grants (Private Sector):	Funds allocated to an organization from grants offered by private companies and interests
6. State/Federal Funds:	Allocations or grant funds provided to an organization by state or federal government
7. ISU or GSB Funds:	Funds collected from Iowa State University or the Government of the Student Body through student fees, tuition, tax revenues, or grants
8. Other Gov't or Nonprofit:	Funds from governments other than those already listed in this budget form, including county and school district funds. Also includes any funds allocated by non-profit organizations
9. Misc.:	Any other funds not listed above. Describe the source briefly in the space provided
10. Grant Funding from the City of Ames:	The funds you are requesting from this grant program
11. Total Revenues:	The total of lines 1-10. This number should match the expenses total listed on line 18
12. Salary and Related:	Expenses for people employed by the organization for this activity, including wages, taxes, social security, unemployment insurance, and other benefits. Contracted workers' fees should be entered in line 15
13. Occupancy/Rent	Expenses for obtaining access to property for operations, storage, or other purposes. This does not include utilities and upkeep, which should be listed in line 15
14. Supplies/Equipment:	Anything that needs to be purchased from a vendor in order to complete a project for a program. These items can be disposable or reusable
15. Contractual Services:	Services provided by a company or individual that is not a regular employee of the organization. These services are funded on a fee-for-service basis as established in a contract
16. Promotional/Advertising:	Expenses such as printing fliers, banners, or posters, or advertising time purchased on television, radio, or other media to promote the event, service, or activity being provided
17. Misc.:	Any expenses not listed in a particular category. Describe the expense briefly in the space provided
18: Total Expenses:	The total of lines 12-17. This number should match the revenues total listed on line 11

The Main Street Cultural District mission is to advance and promote downtown as the destination district in the heart of the Ames community. The concept has been strongly embraced by numerous community businesses, organizations, and individual residents. MSCD is an investor based organization, open to anyone in the community that would like to support its development and enjoy its benefits.

We are a Main Street Iowa Community which means we are regulated by Main Street Iowa (MSI). We report to them monthly and they in turn provide services and advice to the city and our operation.

The MSCD is requesting \$45,000 as a new funding level. This is an increase over last years \$32,000. The reason for this is simple. 2014 will be the most aggressive MSCD program to date. Adding 4 major events to our current schedule, represents over a 25% increase in services provided. We need this funding to make these events happen, and to continue to provide the services the city expects from our organization. This new funding level also puts the city support at 33% of our budget. This is a healthy level that still encourages our organization to work hard to grow the membership base and independent fundraising efforts.

We understand that we are being compared to other organizations when it comes to percentage funding increase. We have two responses to that line of thinking...

1. The MSCD is really pushing the boundaries when it comes to providing services to the Ames community. We have had over 65,497 people come to our events and that represents a massive amount of volunteer and organizational leadership. The funding the city gives MSCD is leveraging 1 to 2 fundraising ratio, and thousands of volunteer hours.
2. MSI, a division of the Iowa Economic Development Authority which the MSCD reports to every month, has pointed out that our organization receives less in city contribution than other MSI communities of comparable size.
 - Cedar Falls \$132,000
 - Dubuque City funding \$94,762
 - Mount Vernon \$65,000
 - Valley Junction \$60,000
 - Czech Village(Cedar Rapids) \$55,000
 - Waverly \$55,500

We deeply appreciate the current level of city support. This support has helped Ames become one of the top cities in the MSI program in terms of retail sales. Increase retail sales means additional sales tax for the city. The MSCD goal is to continue to grow retail sales and as a result increase sales taxes. The requested city support will greatly aid this goal. There are few organizations doing as much as we do with the resources we have. It reflects the talent of the business owners, MSCD staff, and volunteers who are committed to this community. All of our

business owners are deeply committed to seeing Main Street become a shining star for our community and Ames become the smart choice for all of Iowa.

We want people outside of Ames talking in terms of “Have you been to Ames...?” as they do with other destination communities.

Thank you and we look forward to your response.

MSCD Program Services Breakdown									
Events									
	Families with children	Non Student adults	ISU students	Local Business Owners	Cost of event				
Annual Member meeting				150	\$2,472				
January Dollar Days	2000	1500	200	80	\$1,187				
St Patrick's Pub Crawl		900	300	5	\$1,387				
Art Walk	1400	1100	200	90	\$9,382				
Easter Egg Hunt	230			40	\$1,188				
Small Business Seminar				200	\$7,317				
Farmers Market 26 weeks	10400	18200	2000	13	\$6,947				
4th of July Parade	8000	5000		4	\$15,437				
BBQ and Craft Beer	200	600	200	20	\$13,934				
Music Walk	800	800	100	90	\$6,350				
Oktoberfest	100	2000	900	20	\$27,238				
Halloween Trick or Treat	400			30	\$2,374				
Halloween Costume Ball		600	400	5	\$13,934				
August Dollar Days	2000	1500	400	80	\$1,037				
Snow Magic Expand	1000	700	300	40	\$10,934				
	38%	47%	7%	1%					
Total Attendance	65297				\$121,117	Total Estimated Cost			
Main Street City support service provided									
Bench Beautification Program	\$2,428								
Plants and Flowers	\$6,046								
Business Recruitment/Fill vacant building	\$2,024								
MSI Program Compliance	\$1,087								
Facilitate Façade Grants	\$1,037								
Event coordination with non member groups	\$987								
Tom Evans revitalization	\$1,107								
Public Art Management	\$1,117								
	\$15,831	Total Estimated Cost							
					Total Projected Cost for 2014 Program				
					\$136,949				

COUNCIL ACTION FORM

**SUBJECT: YOUNG PROFESSIONALS OF AMES REQUEST FOR
INDEPENDENCE DAY WEEKEND FIREWORKS PERMIT**

BACKGROUND:

The Young Professionals of Ames (YPA) plans to host the community's Independence Day fireworks display on July 3, 2014. The fireworks will be fired from ISU Lot G7 near the ISU intramural softball fields beginning at dusk (approximately 9:00 p.m.). YPA has identified July 5 as a rain date. J&M Displays, the display operator for the past several years, has again been contracted to conduct the shoot. This is the second year YPA has organized this activity.

The City Council will recall that, by contract, the Ames Convention and Visitors Bureau (ACVB) must use a portion of its Hotel/Motel Tax revenues to finance certain activities, specifically including the Fourth of July fireworks display. In previous years, this event was not reviewed by City staff's Special Events Committee, but was instead brought directly to the City Council for approval of the fireworks permit.

During the fireworks display, thousands of residents and visitors gather in the Jack Trice Stadium parking lots across from the fireworks launch site. ISU has neither encouraged nor prohibited the public from using these lots as a viewing area. Following the 2013 fireworks display, the City received complaints from residents regarding the lack of traffic control at the conclusion of the fireworks display. Because of these complaints, and due to the anticipated larger crowd for the sesquicentennial activities, City staff and ISU staff met with YPA on April 2.

City staff relayed the complaints that have been received and requested that YPA manage the fireworks as a comprehensive event, including making provisions for traffic control. ISU staff indicated that it has had challenges with trash, alcohol consumption, and use of illegal fireworks in the lots during the display. **City staff requested that YPA pay for two community safety officers to help with traffic control on City streets after the event at a cost of \$200. ISU Police requested that YPA pay for four ISU patrol officers and two community safety officers at a cost of \$1,000 to patrol the lots before, during, and after the display and to control traffic on ISU roads at the conclusion of the fireworks. Additionally, YPA was asked to consider renting portable toilets to place in the lots, since the only available restrooms in the area are located in Reiman Gardens. City staff estimates eight to ten portable toilets dispersed throughout the lots would cost \$500.**

At that time, the YPA representative felt that these requests could be accommodated. However, staff was subsequently informed that YPA would not pay for the requested police staffing. At staff's request, the YPA provided the attached letter explaining why they were not in a position to provide this funding. In short, the YPA was not aware of

these traffic control and portable toilet expenses at the time it applied for and received funding from the ACVB. When they approached the ACVB for additional funds to cover these costs; they learned that the ACVB's allocation of grant funds available for such activities had already been exhausted. City staff has been told that the ACVB would have considered the request to fund traffic control and toilets if it had come with YPA's original request to fund the fireworks.

Regardless of the City Council's decision regarding the upcoming Fourth of July display, City staff believes that there would be benefit in having staff meet with YPA, ISU, and the ACVB to develop a plan for funding these services at future Fourth of July celebrations.

ALTERNATIVES:

1. The City Council can approve a fireworks permit for the Young Professionals of Ames for July 3, 2014, with a rain date of July 5, 2014, and approve using funds from the 2014/15 Council Contingency Fund to pay for portable toilets (\$500) and the City portion of police costs (\$200).

This option would address the immediate issues for the upcoming fireworks display and allow the event to occur as scheduled with traffic support and portable toilets. ISU has indicated that due to the long-standing cooperation between Ames and ISU, it does not want to establish a precedent where the City pays for ISU officers during an event. Therefore, ISU has agreed to provide patrol efforts as needed to maintain safety in the lots for the 2014 display. Since providing officers for this event has a real cost to ISU, however, this need should be discussed prior to the 2015 fireworks display.

2. The City Council can approve a fireworks permit for the Young Professionals of Ames for July 3, 2014, with a rain date of July 5, 2014, and pay for no additional services.

Under this option, City staff would work to inform spectators that there are no additional restroom facilities, and that they should expect delays leaving the ISU athletic lots at the conclusion of the display.

3. The City Council can approve a fireworks permit for the Young Professionals of Ames for July 3, 2014, with a rain date of July 5, 2014, contingent upon YPA paying for traffic control and portable restrooms.

Under this option, YPA would need to either fundraise or seek additional funds from ACVB to secure police services and portable toilets.

4. The City Council can deny the fireworks permit

This option would prohibit the fireworks display from taking place.

MANAGER'S RECOMMENDED ACTION:

It is clear from complaints received after last year's fireworks display that there is a community expectation of orderly traffic control following the display. Providing portable toilets would also be very appropriate for an event of this size. However, these needs and the extra demands of the sesquicentennial celebration were not anticipated when YPA received its fireworks grant funding from the ACVB. In order for this year's fireworks display to have the benefit of portable toilets and traffic control, another funding source is needed.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving a fireworks permit for the Young Professionals of Ames for July 3, 2014, with a rain date of July 5, 2014; and approving use of funds from the 2014/15 Council Contingency Fund to pay for portable toilets (\$500) and City police costs (\$200).

This option will address the immediate issues for the upcoming fireworks display and allow the event to occur as scheduled with traffic support and portable toilets. City staff will work with ISU, ACVB and YPA to solidify arrangements for funding these services in future years.

Dear Brian & Emily,

The Young Professionals of Ames have agreed to facilitate and provide the volunteer hours to execute the City of Ames 4th of July Fireworks for three years ('13-'15) with funding kindly provided by the Ames Convention and Visitors Bureau grant program.

On April 4th I attended a meeting with City of Ames Staff, Ames Police and the ISU Police. The main items discussed were; 1) Not enough adequate bathrooms for such a large community event, 2) The majority of calls are for illegal shooting of fireworks, inappropriate alcohol consumption, long traffic lines and safety issues with in the lots. This could be alleviated by hiring police and CSO staff.

It was suggested that YPA do the following:

- Hire 2 CSO officers from the City of Ames for 7pm-11pm @\$20: \$200
- Hire 4 police officers from ISU Police for 7pm-11pm @ \$50 an hour:\$800
- Hire 2 CSO officers from ISU Police for 7pm-11pm @\$20: \$200
- Rent Porta-Pots for the lots : \$500

Total: \$1700

The Young Professionals of Ames supports these suggestions and would be willing to organize the above mentioned efforts so the fireworks display is a safe and enjoyable event for everyone in attendance. However we would like to ask that the City of Ames cover the above mentioned costs. As you may guess, the plan of work for the fireworks is extensive and cumbersome, at this time YPA can only support the volunteer efforts that goes into this event and we hope the City of Ames will partner with us to provide adequate safety measures.

Please let me know if you have any further questions.

Respectfully,
Sarah Buss

Sarah Buss
Director of Membership and Events

Fireworks, Pyrotechnics or Flame Effects Application
Iowa State University of Science and Technology

Applicant Information

Name of Event: 4th of July
Name of Organization Sponsoring Event: Young Professionals of Ames
Address of Organization: 1600 304 Main • Ames IA • 50010
Name of Applicant: Sarah Buss
Phone: 515-232-2310 Fax: 232-6716 E-Mail: Sarah@arnochamber.com

Event Information

Event Location: Iowa State Lot # G7 Estimated attendance: 10,000
Event Date: July 3rd Time: 9:30h a.m./p.m. Alternate Date (rain date) for event: July 5th
Organization's on-site manager or contact for day of Display: Lee Munson
Phone: 641-990-6760 Fax: _____ E-Mail: _____

Firework Display Information: Attach a copy of the Display Operator credentials and applicable U.S. DOT requirement information for transportation with this application

Display Operator (company name): J&M Displays
Address: 1806 4th Ave
City: Parmauth State: IA Zip Code: 52666-7722
Work-week Phone: _____ Fax: _____ E-Mail: _____
Operator Name for day of Display: Lee Munson Cell Phone: 641-990-6760
Other Contact for day of Display: _____ Cell Phone: _____

NOTE: Electronic firing ONLY

Type of Fireworks: 1.3G Attach Display Program
Length of Display: 20min
Fireworks Supplier: J&M Displays
Exact Location of Display: _____ Attach Diagram of Display/Shoot Location

Insurance Requirements: Insurance coverage and certificate requirements are on the back of this form.

Student Organizations Only: Submit an Event Authorization and Notification Form with other event documents (including this application) at least 6 weeks prior to the event.

The display operator, EH&S and ISU Police will monitor weather conditions prior to and during the display event. EH&S, ISU Police or the Ames Fire Department have the authority to cancel or postpone any display if they determine there is not strict adherence to the approved application; or there is lightning, wind gusts or inclement weather that will cause risks to the crowd or surrounding property.

5.16.14
Date

Sarah Buss
Sponsoring Organization Representative Signature

I have read and agree to the responsibilities stated in the ISU Fireworks, Pyrotechnics and Flame Effects Procedures and also agree that I will meet all insurance requirements listed on this application and that this insurance will be primary.

Lee Munson
Display Operator Representative Signature

APPROVAL SIGNATURES:

6/5/14

Date

06/17/14

Date

Date

6/17/14

Date

Thylaf
Environmental Health and Safety

John S. Smith
ISU Police

Susan K. Johnson
City of Ames Fire Inspector

Office of Risk Management

**Fireworks, Pyrotechnics or Flame Effects Application
Iowa State University of Science and Technology**

Applicant Information

Name of Event: 4th of July
Name of Organization Sponsoring Event: Young Professionals of Ames
Address of Organization: 1600 304 Main - Ames IA - 50010
Name of Applicant: Sarah Buss
Phone: 515-232-2510 Fax: 232-6716 E-Mail: Sarah@ameschamber.com

Event Information

Event Location: Iowa State Lot # G7 Estimated attendance: 10,000
Event Date: July 3rd Time: 9:20h a.m. (p.m.) Alternate Date (rain date) for event: July 5th
Organization's on-site manager or contact for day of Display: Lee Munson
Phone: 641-990-6760 E-Mail: _____

Firework Display Information: Attach a copy of the Display Operator credentials and applicable U.S. DOT requirement information for transportation with this application

Display Operator (company name): J & M Displays
Address: 18064 170th Ave
City: Parmouth State: IA Zip Code: 52660-9772
Work-week Phone: _____ Fax: _____ E-Mail: _____
Operator Name for day of Display: Lee Munson Cell Phone: 641-990-6760
Other Contact for day of Display: _____ Cell Phone: _____

NOTE: Electronic firing ONLY

Type of Fireworks: 1.3G
Length of Display: 20min
Fireworks Supplier: J & M Displays
Exact Location of Display: _____

Attach Display Program

Attach Diagram of Display/Shoot Location

Insurance Requirements: Insurance coverage and certificate requirements are on the back of this form.

Student Organizations Only: Submit an Event Authorization and Notification Form with other event documents (including this application) at least 6 weeks prior to the event.

The display operator, EH&S and ISU Police will monitor weather conditions prior to and during the display event. EH&S, ISU Police or the Ames Fire Department have the authority to cancel or postpone any display if they determine there is not strict adherence to the approved application; or there is lightning, wind gusts or inclement weather that will cause risks to the crowd or surrounding property.

5.16.14
Date

Sarah Buss
Sponsoring Organization Representative Signature

I have read and agree to the responsibilities stated in the ISU Fireworks, Pyrotechnics and Flame Effects Procedures and also agree that I will meet all insurance requirements listed on this application and that this insurance will be primary.

Lee Munson
Display Operator Representative Signature

APPROVAL SIGNATURES:

Date

Environmental Health and Safety

5-28-14
Date

ISU Police

Tom Hennulsen
City of Ames Fire Inspector

Date

Office of Risk Management

Submittal Instructions on Page 2

COUNCIL ACTION FORM

SUBJECT: **FIRST NATIONAL BANK REQUEST TO CONTINUE TEMPORARY RENTAL OF METERED STALLS IN CAMPUSTOWN**

BACKGROUND:

On January 28, 2014, City Council referred a request from First National Bank (FNB) asking to reserve three parking meter stalls located near the front of its temporary location at 119 Stanton Avenue in the Legacy Towers building. In the request, FNB President Scott Bauer stated that the need for the reserved parking has resulted from the bank moving to a temporary location while their current location at 2330 Lincoln Way is being reconstructed. The current site has been bought by the development company Gilbane Inc., which plans site redevelopment through June, 2015. **FNB moved into their temporary location March 1, 2014, and has been renting the three metered stalls from the City on a trial basis.**

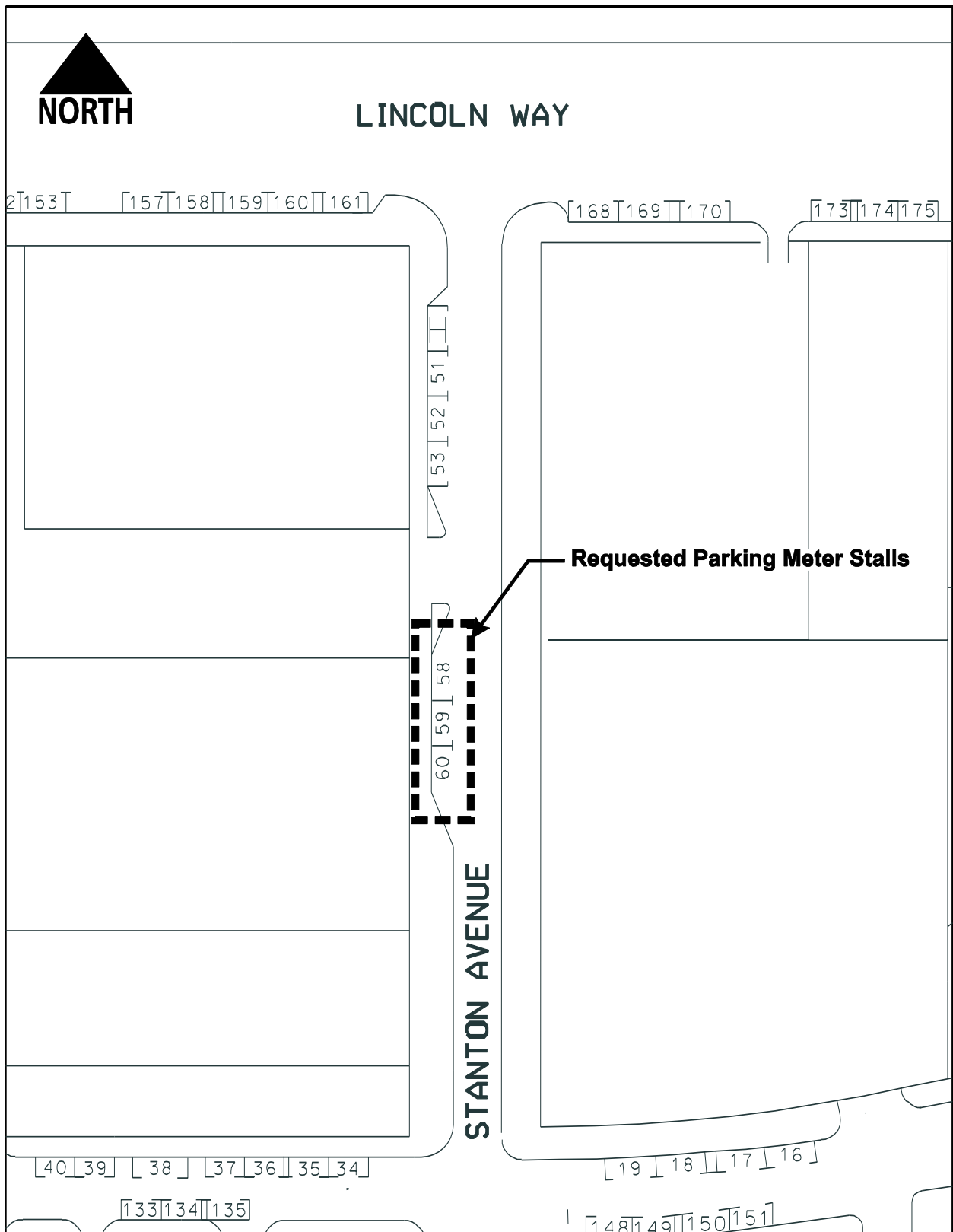
On May 27, 2014, City Council extended the trial through June 25, 2014 to allow the issue to be discussed at the June 10th meeting of the Campustown Action Association (CAA). Staff spoke recently with Kim Hanna, the Director of CAA, and was informed that there were no issues or complaints identified by Campustown Property Management (the owner of the building at 119 Stanton Ave.) or by Jeff's Pizza (the most directly affected business). **Therefore, the CAA supports the long-term rental of the metered spaces to FNB until they move back to their permanent location (estimated to be June of 2015).** A letter from Ms. Hanna confirming this, as well as CAA support, is attached.

ALTERNATIVES:

1. Approve the long-term rental of the three parking meter stalls in front of 119 Stanton Avenue to First National Bank until they move back to their permanent location (estimated to be June of 2015). The spaces will be designated as reserved on Monday through Friday, 8:30 AM to 5:30 PM. FNB will be responsible to pay to the City the established rate of \$4.50/day per space for the duration of the agreement.
2. Approve an extension of the trial period to a date of City Council's choosing.
3. Choose not to extend the rental of these parking spaces by FNB.

MANAGER'S RECOMMENDED ACTION:

The long-term rental of these three spaces apparently has the support of other area businesses, and FNB is willing to continue paying for the spaces under the terms previously approved by Council. Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1 as stated above.



Reserved Parking for First National Bank

Kimberly Hanna

to:

Damion Pregitzer

06/19/2014 08:25 AM

Cc:

Brian Phillips

Show Details

Damion,

I have talked to representatives from Jeff's Pizza and Campustown Property Management and neither of them have had any problem with the three spots currently being reserved for First National Bank at 119 Stanton Avenue. As such, the CAA Board of Directors supports a continuation of the rental of the three spaces along Stanton Avenue for the use of First National Bank between 8:30am and 5:30pm Monday through Friday.

Thank you,

Kim

--

Kim Hanna

Director, Campustown Action Association

www.amescampustown.com

515-450-8771

200 Stanton Ave, Suite 102

Ames, IA 50014

Campustown Action Association is an affiliate organization of the Ames Chamber of Commerce and is partially funded through the ISU Office of Student Affairs and an Ames City Grant

Join us for [Summerfest in Campustown](#)! June 14, 2014 from 3-9pm

For information about construction projects in Campustown, please visit <http://amescampustown.com/posts/redevelopment>

Staff Report

AMES RENTAL ASSOCIATION – RENTAL HOUSING CODE CONCERNS

June 24, 2014

BACKGROUND:

The City Council received a letter from the Ames Rental Association (ARA) dated July 30, 2013. In that letter, the ARA asked Council to direct City staff to review Ames *Municipal Code* Chapter 13 (Rental Housing Code) regarding a number of specific issues. On August 13, 2013, the City Council approved the following motion:

Directed staff to meet with representatives of the Ames Rental Association to determine where the issues are and report back to the Council via a memo.

On September 5, 2013, staff had the opportunity to discuss the Rental Housing Code with representatives of the ARA. A list was created that included six items to be discussed. Staff presented those six ARA items to the City Council on October 22, 2013. At that meeting, the City Council approved the following motion:

Referred the Ames Rental Association's list of concerns back to staff to review each of the six items and to get clarification, or recommendations for changes that clarify, on each of the six Rental Housing Code Concerns.

On May 13, 2014, staff presented a report that addressed each of the six ARA items and provided background on each issue. One of the issues discussed was the requirement of egress windows in a basement. The ARA requested that Code compliant egress windows be required in a basement bedroom, but asked that egress windows in habitable space outside a bedroom not be required. Through their discussion, the City Council provided the following direction to staff:

Directed City staff to see if there are minutes about the word "habitable," how it is defined, and where egress windows should be relative to that definition.

The term "Habitable Space" is defined in our currently adopted *Municipal Code* Section 13.201 as follows:

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Under the section entitled *Prior Approvals Shall Not Continue – Conditions*, Section 13.403(1.a) ties egress windows together with the term habitable space, as follows:

13.403(1)(a):

(a) Inadequate second exit capability. All below grade habitable spaces must have two means of egress leading to the outside. When one of the required means of egress is a window, it must comply with the 2006 International Residential Code. Pre-existing below grade and basement windows and window wells must be brought into compliance with the 2006 International Residential Code by no later than December 31, 2010.

Working with Al Warren, a member of the original Rental Housing Advisory Committee (RHAC), staff reviewed the last version of the proposed Ames Rental Housing Code, which was dated April 16, 2009 and was revised on April 21, 2009. Two e-mails were also located that indicate that the April 21 version of the Rental Housing Code was the last opportunity for the RHAC to review the Code and to make any revisions or suggestions prior to City Council review.

The April 21, 2009 version did include the definition of Habitable Space. **However, the above cited section of the Code, *Prior Approvals Shall Not Continue – Conditions*, which links below grade egress windows to habitable space, was not included in that version.** By contrast, **the Code version reviewed by the City Council at its special meeting on June 2, 2009 did include this additional section of Code linking below grade habitable spaces to requiring egress windows.**

Staff has had an opportunity to review the RHAC meeting minutes and the June 2, 2009 City Council meeting minutes. The RHAC did discuss egress windows at their meeting on October 1, 2008. However, habitable space and sleeping rooms were not discussed. According to the meeting minutes from the June 2, 2009 City Council meeting, inadequate second exits from basement apartments was included within a list of conditions that would not be allowed to continue. However, there was no discussion regarding sleeping rooms or habitable space.

OPTIONS:

1. Direct staff to prepare an amendment to Ames *Municipal Code* Section 13.403(1)(a) to only require below grade egress windows in sleeping rooms.
2. Retain the existing language in Ames *Municipal Code* Section 13.403(1)(a) and continue to require egress windows in below grade habitable spaces.
3. Direct staff to prepare a Code amendment to entirely remove the requirement for egress windows in below grade spaces.

STAFF COMMENTS:

It is currently unclear why the June 2 version of Code changes containing the section cited above did not go to the RHAC first. It may have been that staff realized, absent such a section, that there would have been only dimensional requirements for existing below grade egress windows, rather than requirements for the installation of egress windows in basement bedrooms.

What is clear, however, is that the last version of the Rental Housing Code changes that the RHAC was able to comment on clearly did not tie the habitable space together with below grade egress windows. The ARA has expressed their continued interest in requiring below grade Code compliant egress windows to only be required in sleeping rooms.

COUNCIL ACTION FORM

SUBJECT: ENTRANCE SIGNS FOR MULTIPLE FAMILY DEVELOPMENTS

BACKGROUND:

On January 23, 2014 the Inspection Division received a Sign Permit application for the Copper Beech project on South 16th Street. The applicant, Copper Beech at Ames II, LLC, was proposing an 18.8 square foot monument sign, approximately three and a half feet tall, located near the entrance to their property. The purpose of the sign was to identify Copper Beech as a residential housing development. City staff was unable to approve the permit application because Chapter 21, Signs, of the Ames *Municipal Code* does not allow this type of signage on residentially zoned property. The Copper Beech property is zoned High Density Residential (RH).

The signage allowed in residential zones does not provide the ability to construct an entrance sign unless the developer subdivides the property and only then if the subdivision is named consistently with the proposed sign.

At the May 27, 2014 City Council meeting, the City Council directed the City Attorney to draft an appropriate amendment to the Municipal Code that would allow entrance signs for multiple-family developments in compliance with the existing standards for subdivision entrance signs reflected in Section 21.121(10); and would allow staff to create a scale caveat if it is felt appropriate.

Staff believes that the granting of these types of entrance signs should be based upon the number of units or sleeping rooms. The Ames *Municipal Code*, Chapter 29, Zoning, does identify apartments based upon the number of units in the lower density zones. The Residential Low Density (RL) zone, does not allow apartments. The Residential Medium Density (RM) and the Urban Core Residential Medium Density (UCRM) zones allow 12 or fewer apartments subject to approval of a Minor Site Development Plan. The Residential High Density (RH) zone allows apartments outright without a limit to the number of units, also subject to the approval of a Minor Site Development Plan. The zones that allow less density, RL, RM and UCRM either do not allow apartments or only allow 12 dwelling units or less. It is only the highest density zone, RH, that does not place a number restriction on apartments.

Staff considers entrance signage that denotes the name of the development and the address to be important for those apartment complexes that are dense and that draw significant traffic and visitors to the site. Therefore, staff is recommending that entrance signs be allowed for multiple-family developments of 13 dwelling units or more.

As apartments were being reviewed for entrance sign consideration, staff found that group living facilities, such as assisted living and nursing homes that are allowed in residential zones, should also be considered for entrance signage. Unlike apartments

that use dwelling units, group living typically utilizes number of bedrooms or sleeping rooms. Staff believes that the number of sleeping rooms in a group living facility should mirror the number of dwelling units in apartments. Therefore, the proposed text amendment includes group living as 13 or more sleeping rooms.

The On Premises Signage section of the *Municipal Code* is shown below, and the recommended addition of entrance signage for apartments and group living in residential zones is shown in **bold face**.

Sec. 21.121. ON PREMISES SIGNAGE.

For all signs subject to the sign regulations, in agricultural, commercial and industrial zoning districts in the City of Ames except in the S-HM District, there may be three (3) square feet of signage for each foot of street frontage. Signs in the Planned Zoning districts are as permitted on the approved site plan. Where any side of a building abuts on an alley, only painted on wall signs shall be permitted on the side abutting the alley. Such sign shall be calculated as part of total permissible signage. For all signs subject to the sign regulations in residential zoning districts in the City of Ames, only the following signs are permitted:

- (1) Real estate signs not exceeding six (6) square feet in area, which advertise the sale, rental, or lease of the premises upon which said signs are located only.
- (2) Signs, including bulletin boards, which are not over sixteen (16) square feet in area for public, educational, charitable, fraternal or religious institutions when the same are located on the premises of such institution.
- (3) Signs denoting only the name and profession/business of an occupant in a commercial building, public institutional building, or dwelling house and not exceeding two (2) square feet in area.
- (4) Single sign denoting the architect, engineer or contractor when placed upon work under construction and not exceeding thirty-two (32) square feet in area.
- (5) Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
- (6) Publicly owned street name signs, traffic control signs, legal notices, railroad crossing signs, danger and temporary warning or emergency signs; and emblems, names, logos, and symbols on motor vehicles and equipment being used for purposes other than the display of signs or advertising devices.
- (7) Public service signs which give only directions "in and out" or signs which provide only information about directing people to ancillary facilities such as parking, entrance, etc.
- (8) Temporary or portable sign.
- (9) Subdivision Development Signs. One subdivision development sign may be permitted per preliminary plat or Conceptual Development Plan for subdivisions of 2 acres or more in area. This sign shall not exceed 96 sq. ft. in area and 12 ft. in height. It shall be located in the subdivision it identifies and no closer than 25 ft. from any property line, no closer than 100' from any pre-existing residence and only on lots abutting collector or arterial streets. The sign shall be the sole use of the property on which it is located. The sign shall identify the name of the subdivision exactly as it is set out on the preliminary plat or conceptual development plan approved by the City and may include the names of the subdivision developers, a

map of the area covered by the subdivision and a description of amenities in it. The sign shall not be installed until utility construction has begun in the subdivision and the sign shall be removed once building permits have been issued for 50% of the lots in the subdivision.

(10) Residential Subdivision Entrance Signs. The regulations described in this section apply to subdivision entrance signs in residential subdivisions. The location, number, size, height, materials, maintenance, and message regulations for subdivision identification signs are as follows:

(a) Signs located on private property shall be no closer to the traveled part of a street than the right-of-way line. Signs shall not be allowed in the street visibility triangle, as such is described by Section 29.408(5).

(b) It shall be unlawful to erect a subdivision entrance sign on public property, and the Council shall grant no encroachment permits for such signs.

(c) Subdivision entrance signs shall not be permitted off-premise.

(d) Two signs shall be permitted at each subdivision entrance. Double-faced signs shall be counted as two signs.

(e) The size of the message area (subdivision name and address) of the sign shall not exceed 20 square feet. The size of the sign structure in comparison to the size of the message area shall not exceed a ratio of 7 to 1, unless approved as part of a Planned Unit Development.

(f) Signs shall not exceed six (6) feet in height.

(g) Materials used in the construction of subdivision entrance signs shall be low maintenance materials and may include: metal, wood, brick, stone, and concrete.

(h) Maintenance of signs, illumination devices, and landscaping shall be the responsibility of the property owner. Signs which, by reason of deterioration, may become unsafe or unsightly shall be repaired or removed by the property owner upon written notice of the City. Signs which by reason of deterioration become unsafe or unsightly may be removed by the City upon written notice of the City.

(i) The message on a subdivision entrance sign shall include only the name and address of the subdivision.

(j) Signs may be illuminated internally or by reflected light subject to the following:

(i) The light source shall not be directly visible and shall be arranged to reflect away from adjoining premises;

(ii) The light source shall not be placed so to cause confusion or hazard to traffic, or to conflict with traffic control signs of lights;

(iii) No illumination involving movement, by reason of the lighting arrangement, the lighting source, or other devices shall be permitted. This includes blinking, flashing rotating, and message changing; and

(iv) The Property Owner's Association shall be responsible for the costs associated with providing electricity to the light source.

(k) Landscaping shall be incorporated at the base of each subdivision entrance sign which enhances the site and the surrounding area. Plant materials shall not obstruct the visibility of moving vehicles or interfere with the maintenance of adjacent public property. Approval of a landscape plan for each residential subdivision entrance sign by the Director of Planning and Housing is required.

(11) Multiple-Family Development Entrance Signs. The regulations described in this section apply to entrance signs in multiple-family residential developments. Multiple-family developments include apartments with 13 or

more dwelling units and group living facilities with 13 or more sleeping rooms. The location, number, size, height, materials, maintenance, and message regulations for multiple-family development entrance signs are as follows:

(a) Signs located on private property shall be no closer to the traveled part of a street than the right-of-way line. Signs shall not be allowed in the street visibility triangle, as such is described by Section 29.408(5).

(b) It shall be unlawful to erect a multiple-family residential entrance sign on public property, and the Council shall grant no encroachment permits for such signs.

(c) Multiple-family development entrance signs shall not be permitted off-premise.

(d) One sign shall be permitted per driveway entrance from a public street.

(e) The size of the message area (development name and address) of the sign shall not exceed 20 square feet.

(f) Signs shall not exceed six (6) feet in height.

(g) Materials used in the construction of multiple-family development entrance signs shall be low maintenance materials and may include: metal, wood, brick, stone, and concrete.

(h) Maintenance of signs, illumination devices, and landscaping shall be the responsibility of the property owner. Signs which, by reason of deterioration, may become unsafe or unsightly shall be repaired or removed by the property owner upon written notice of the City. Signs which by reason of deterioration become unsafe or unsightly may be removed by the City upon written notice of the City.

(i) The message on a multiple-family development entrance sign shall include only the name and address of the development.

(j) Signs may be illuminated internally or by reflected light subject to the following:

(i) The light source shall not be directly visible and shall be arranged to reflect away from adjoining premises;

(ii) The light source shall not be placed so as to cause confusion or hazard to traffic, or to conflict with traffic control signs or lights;

(iii) No illumination involving movement, by reason of the lighting arrangement, the lighting source, or other devices shall be permitted. This includes blinking, flashing rotating, and message changing; and

(iv) The Property Owner(s) shall be responsible for the costs associated with providing electricity to the light source.

(k) Landscaping shall be incorporated at the base of each subdivision entrance sign which enhances the site and the surrounding area. Plant materials shall not obstruct the visibility of moving vehicles or interfere with the maintenance of adjacent public property. Approval of a landscape plan for each residential subdivision entrance sign by the Director of Planning and Housing is required.

This code amendment language was prepared by staff based upon Council's direction at the May 27th meeting. Staff has also been in contact with Scott Renaud, FOX Engineering, who represents the Copper Beech project. Mr. Renaud had an opportunity

to review this language and did not express any concerns. These signs follow current regulations related to subdivision entrance signs.

ALTERNATIVES:

1. Approve the attached ordinance modifying Ames *Municipal Code* Section 21.121 by adding language allowing Multiple-family Development Entrance Signs.
2. Retain Ames *Municipal Code* Section 21.121 as it is currently written, thereby not allowing entrance signs for apartments and group living facilities in residential zones.
3. Direct staff to prepare an ordinance that allows entrance signs for apartments but not for group living facilities.

MANAGER'S RECOMMENDED ACTION:

Entrance signs for multiple family developments that clearly state the name of the development, similar to a subdivision sign, are typical in most communities. City staff foresees current and future needs for this type of signage. However, Ames *Municipal Code* Chapter 21 does not currently address signage for multiple family projects.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the attached ordinance modifying the Ames *Municipal Code* Section 21.121 by adding language that allows Multiple-family Development Entrance Signs.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW SECTION 21.121(11) THEREOF, FOR THE PURPOSE OF ALLOWING MULTIPLE FAMILY DEVELOPMENT ENTRANCE SIGNS; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Section as follows:

“Sec. 21.121. ON PREMISE SIGNAGE.

...

(11) Multiple-Family Development Entrance Signs. The regulations described in this section apply to entrance signs in multiple-family residential developments. Multiple-family developments include apartments with 13 or more dwelling units and group living facilities with 13 or more sleeping rooms. The location, number, size, height, materials, maintenance, and message regulations for multiple-family development entrance signs are as follows:

(a) Signs located on private property shall be no closer to the traveled part of a street than the right-of-way line. Signs shall not be allowed in the street visibility triangle, as such is described by Section 29.408(5).

(b) It shall be unlawful to erect a multiple-family residential entrance sign on public property, and the Council shall grant no encroachment permits for such signs.

(c) Multiple-family development entrance signs shall not be permitted off-premise.

(d) One sign shall be permitted per driveway entrance from a public street.

(e) The size of the message area (development name and address) of the sign shall not exceed 20 square feet.

(f) Signs shall not exceed six (6) feet in height.

(g) Materials used in the construction of multiple-family development entrance signs shall be low maintenance materials and may include: metal, wood, brick, stone, and concrete.

(h) Maintenance of signs, illumination devices, and landscaping shall be the responsibility of the property owner. Signs which, by reason of deterioration, may become unsafe or unsightly shall be repaired or removed by the property owner upon written notice of the City. Signs which by reason of deterioration become unsafe or unsightly may be removed by the City upon written notice of the City.

(i) The message on a multiple-family development entrance sign shall include only the name and address of the development.

(j) Signs may be illuminated internally or by reflected light subject to the following:

(i) The light source shall not be directly visible and shall be arranged to reflect away from adjoining premises;

(ii) The light source shall not be placed so as to cause confusion or hazard to traffic, or to conflict with traffic control signs or lights;

(iii) No illumination involving movement, by reason of the lighting arrangement, the lighting source, or other devices shall be permitted. This includes blinking, flashing rotating, and message changing; and

(iv) The Property Owner(s) shall be responsible for the costs associated with providing electricity to the light source.

(k) Landscaping shall be incorporated at the base of each subdivision entrance sign which enhances the site and the surrounding area. Plant materials shall not obstruct the visibility of moving vehicles or interfere with the maintenance of adjacent public property. Approval of a landscape plan for each residential subdivision entrance sign by the Director of Planning and Housing is required.”

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor