

COUNCIL ACTION FORM

SUBJECT: REZONING FOR PROPERTY AT 205 S. WILMOTH AVENUE

BACKGROUND:

Breckenridge Group Ames Iowa, LLC has approached the City to develop/redevelop three parcels of land located at 205 S. Wilmoth Avenue, 321 State Avenue, and 601 State Avenue, respectively. **The subject site of this rezoning request is 8.36 acres at 205 S. Wilmoth Avenue** (the North Parcel on Attachment A). The request is to change the zoning designation from S-GA (Special-Government/Airport) to RL (Residential Low-Density). City Council determined on April 22, 2014 that a master plan was not required with the rezoning request.

To develop the site in conformance with the proposed RL zoning, the applicant will be required to complete a preliminary and final plat for the property before development of any of the proposed residential units. Because the proposed rezoning request is for single-family dwellings within the RL zone, no formal site plan approval will be required for the individual lots once platted. **Future development on individual lots within RL zoning does not require the sale of the homes individually and the homes may be rented rather than sold.**

The attached addendum provides the complete background and analysis of the project. **In summary, based upon the Land Use Policy Plan (LUPP) land use designation of Low-Density Residential, the proposed request to rezone the property to Low-Density Residential is consistent with the LUPP and current zoning designations within the surrounding area. Staff estimates that the maximum number of lots and homes that may be developed is 40 to 50. Staff notes that with the proposed RL zoning request, most public infrastructure is adequate to serve the site, and with the potential maximum number of units, the proposed rezoning does not trigger the need for an individual traffic analysis for the site at this time.**

The Planning and Zoning Commission held a public hearing for the requested rezoning of 205 S. Wilmoth Avenue on June 4, 2014. The Commission discussed concerns regarding the timing of this request for new student housing in this location. The Commission discussed the LUPP land uses surrounding this site and raised a question regarding what the Lincoln Way frontage uses in the area should be. The Commission also identified a concern for low density housing on the north parcel, and specifically, the portion of the property fronting on Lincoln Way. **Ultimately, the Planning and Zoning Commission recommended with a vote of 3-2 to recommend that the City Council approve the rezoning request from S-GA (Government/Airport) to RL (Residential Low Density).**

ALTERNATIVES:

1. The City Council can approve the request for rezoning of approximately 8.36 acres of land located at 205 S. Wilmoth Avenue from “S-GA” (Government/Airport) to “RL” (Residential Low Density).
2. The City Council can approve the request for rezoning of approximately 8.36 acres of land located at 205 S. Wilmoth Avenue from “S-GA” (Government/Airport) to “RL” (Residential Low Density), with conditions to be addressed as a contract rezoning developer agreement.
3. The City Council can rezone the 8.36 acres of land located at 205 S. Wilmoth Avenue from “S-GA” (Government/Airport) to “PRD” (Planned Residential Development) to require a Major Site Plan review prior to subdivision.
4. The City Council can deny the request for rezoning of approximately 8.36 acres of land located at 205 S. Wilmoth Avenue from “S-GA” (Government/Airport) to “RL” (Residential Low Density).
5. The City Council can refer the item back to staff for the applicant for additional information.

MANAGER’S RECOMMENDED ACTION:

The proposed rezoning application to rezone the property from S-GA to RL is consistent with the Residential Low-Density designation of the Land Use Policy Plan. The RL zone only allows for creation of detached single-family home buildings on individual lots. To develop the site with individual lots will require subdivision of the property. Final design specifications would be reviewed at the time of subdivision. Staff does not believe that Planned Residential Development is warranted for the site because of the limits on use already in place with the RL zone and the requirements for subdivision for design controls.

Since staff has concluded that the proposed rezoning is consistent with the goals and policies of the Land Use Policy Plan, it is the recommendation of the City Manager that the City Council support Alternative #1, thereby approving the requested rezoning to “RL” Residential Low Density.

However, if the Council feels there are additional concerns related to the RL zoning, the Council could request additional information from the applicant as part of Alternative #5 or pursue these interests in the form of contract zoning with a developer agreement as shown in Alternative #2.

Consistent with the requirements of Section 29.1507(8), a protest of the zone change application signed by 16 property owners representing 17 of the 47 properties within 200 feet of the subject site has been submitted to the City. **As a result of this protest, action**

to rezone the site to any zoning district except RL (Low Density Residential) will require 5 affirmative votes by the City Council.

ADDENDUM

BACKGROUND INFORMATION:

Breckenridge Group Ames Iowa, LLC initially approached the City to develop/redevelop three parcels of land located at 205 S. Wilmoth Avenue (the former middle school athletic field), 321 State Avenue, and 601 State Avenue, respectively. See Attachment 1. The three properties are currently designated as Low Density Residential or Village/Suburban Residential and two of the three are currently zoned Special-Government/Airport (S-G/A). The third parcel (the middle parcel) was recently rezoned by the City Council to RL. See Attachment B. The development concept articulated by the applicant is for a new cottage style student housing rental development that differs from traditional apartment type student housing developments. The concept has been for small individual buildings rather than a development of larger apartment buildings. Development of the properties requires a rezoning to allow for development consistent with an underlying land use designation.

The applicant currently has filed two separate rezoning requests. **The first request is for rezoning of 205 S. Wilmoth Avenue, the subject parcel, which is a 8.36 acres site and the location of the former middle school athletic field (referred to herein as the north parcel).** See Attachment C Existing Zoning Map. The request is to change the zoning designation from S-GA (Special-Government/Airport) to RL (Low-Density Residential) for development. See Attachment D, Proposed Rezoning Map. The other pending rezoning request is for an undeveloped 28.9 acre site at 601 State Avenue (referred to herein as the south parcel). That request is to change the zoning designation from S-GA to RL (Low Density Residential) and FS-RL (Floating Suburban Residential Low Density).

Breckenridge Group Ames Iowa LLC owns an additional third parcel, the former middle school building, at 321 State Avenue. That parcel lies along State Avenue and is referred to herein as the middle parcel. That site has been rezoned by the City Council in February of 2014 to RL (Low Density Residential).

In response to the applicant's request to initiate a rezoning of the north and south parcels, the City Council determined a master plan was not needed to accompany this rezoning request, but did require a Master Plan submittal for the south parcel. City Council recommended that staff work to facilitate a discussion with the neighborhood and the applicant to address priorities for the development sites and the integration of the proposed rental development into the neighborhood. A workshop was held on May 6, 2014 to discuss the development priorities for the combination of sites controlled by Breckenridge. The applicant has not submitted a formal application for alternate use of the North site other than proposed RL since the workshop.

Project Description

The rezoning request submitted for review for the north parcel is for a RL development of single family residential units. The only allowed use within the proposed RL zoning is single-family homes on individual lots. To develop the site in conformance with the

proposed RL zoning, the applicant will be required to submit a preliminary plat for subdivision of the property subsequent to approval of a rezoning. There is not individual site plan review for an RL development. Note that future development on individual lots within RL zoning does not require the sale of the homes individually and the homes may be rented rather than sold.

Project Analysis

Land Use Designation/Zoning. The LUPP designation for the subject site is Low - Density Residential. The Low-Density Residential designation of the LUPP is intended for such uses as single-family residential and existing two-family residential units. The following tables provide the future land use designation and zoning of the subject property and other surrounding properties.

| Direction from Subject Property | LUPP Map Designation | Zoning Map Designation |
|--|---|--|
| Subject Property | Low Density Residential | “S-GA” (Government/Airport) |
| North | Low Density Residential and Highway Oriented Commercial | “RL” (Residential Low Density) and “HOC” (Highway Oriented Commercial) |
| East | Low Density Residential and High Density Residential | “RL” (Residential Low Density) and “RH” (High Density Residential) |
| South | Low Density Residential | “RL” (Residential Low Density) |
| West | Low Density Residential | “RL” (Residential Low Density) |

The current zone of S-GA is intended for uses associated with federal, state, county, school districts, or municipal governmental authorities, such as publically owned facilities used for administration, services or general aviation functions. Any use associated with these types of entities would be allowable under S-GA zoning. S-GA zoning may occur in conjunction with any LUPP designation.

The proposed rezoning from Government/Airport (S-GA) to Low-Density Residential (RL) is the primary zoning district intended to implement the LUPP designation. Its purpose corresponds to the description of the LUPP designation.

Planned Residential Development zoning is also provided for in the zoning code. Property developed according to the F-PRD (Planned Residence District) requirements is to allow for innovative housing types and 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 the requirements of other residential zoning districts. Development is to include a mix of housing types, integrated design, open space, site amenities, and landscaping that exceeds the requirements that exist in other residential zone development standards.

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

| Direction from Subject Property | Existing Land Uses/ Ownership of Properties |
|---------------------------------|---|
| Subject Property | Former Middle School athletic field Breckenridge Ames Iowa, LLC |
| North | Single-Family Homes, Rental and Owner Occupied and Various Commercial Uses |
| East | Single-Family Homes Rental and Owner Occupied |
| South | Single Family Homes Rental and Owner Occupied |
| West | Single-Family Homes, Rental and Owner Occupied and Various Commercial Uses |

Access. The lot configuration of the site could allow for access on either of the Lincoln Way or S. Wilmoth Avenue street frontages. Access will need to be addressed at the time of subdivision of the site once a lot layout and street configuration are submitted for staff review to determine compliance with the Subdivision Code.

Infrastructure. The subject area is an undeveloped lot with the former Middle School athletic field existing on the site. Public utility mains and streets are immediately adjacent to the subject property with infrastructure capacity to serve the site, with the exception of off-site pedestrian transportation impacts.

Impacts. The Long Range Transportation Plan (LRTP) currently does not plan for any new residential units within the areas of the previous school district owned sites as they were government owned and not expected for near term development when it was adopted. The traffic impact analysis submitted by the applicant for the middle and south properties was intended to identify areas of increased traffic for vehicular movements at surrounding major intersections based on the projected number of new residential units for the sites (middle and south parcels). The magnitude of impact to the area was identified with this study, the most significant impact was found to be a at the intersection of Mortenson and State.

The north parcel was not included in the previous traffic study as there was not a current rezoning application on file at the time of the study. Staff is not requiring any additional study of the traffic impact for the proposed rezoning request as the potential number of units under the RL zone does not create enough peak hour trips to require any additional traffic impact analysis for the area. **During subdivision review, a determination of project trips from this site contributing to identified deficient intersections in this area may trigger developer funded improvements at the time of platting.**

Additionally, it is noted that while there is existing transit service to the area by way of existing routes and stops on Lincoln Way, the current CyRide service in the area is at

capacity. This site would have immediate access to the system along Lincoln Way. However, CyRide does not currently have the financial means necessary to increase the level of service to the broader area with bus capacity or routes to accommodate the cumulative increase of new development in the area.

Goals of the Land Use Policy Plan (LUPP). Several of the ten goal statements of the LUPP speak indirectly to this request for rezoning. However, Goal No. 5 seems to address the rezoning proposal most directly since it states that “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.” Objective 5.C.states: “Ames seeks continuance of development in emerging and infill areas where there is existing public infrastructure and where capacity permits.”

Applicable Laws and Policies. The City of Ames laws and policies that are applicable to this proposed rezoning are included in (**Attachment E**).

Applicant’s Statements. The applicant has provided a description of the proposed rezoning request (**See Attachment F**).

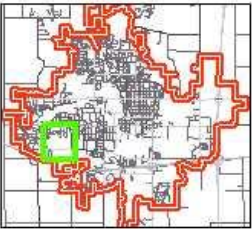
Findings of Fact. Based upon an analysis of the proposed rezoning and laws pertinent to the applicant’s request, staff makes the following findings of fact that may be incorporated into final decision on the project:

1. The subject site is zoned S-GA as the location of the former Middle School athletic fields. S-GA allows for uses associated with federal, state, county, school districts, or municipal governmental authorities, such as publically owned facilities used for administration, services or general aviation functions.
2. Ames *Municipal Code Section 29.1507(2)* allows owners of 50 percent or more of the area of the lots in any district desired for rezoning to file an application requesting that the City Council rezone the property. The property represented by the applicant is entirely under one ownership representing 100 percent of the property requested for rezoning.
3. The subject property has been designated on the Land Use Policy Plan (LUPP) Future Land Use Map as “Residential Low Density.” The City completed an analysis of government lands in 2008 and designated this site as low density to accommodate a desired increase in low-density single-family development and for compatibility with surrounding neighborhood.
4. The “Residential Low Density” land use designation supports the “RL” (Low Density Residential) zoning designation. Under “RL” zoning only single family residential dwellings are permitted. The applicant will be required to subdivide the property through a preliminary and final plat to allow for each residential unit to be located on individual lots.

5. Public infrastructure is generally available to serve the proposed development. The applicant will be required to subdivide the property through a preliminary and final plat so any additional public improvements needed for development of the property will be addressed as part of the subdivision review process.

Public Notice. Notice was mailed to property owners within 200 feet of the rezoning area and a sign was posted on the subject property.

**Attachment A
Location Map**

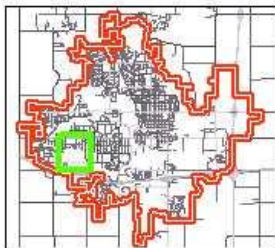
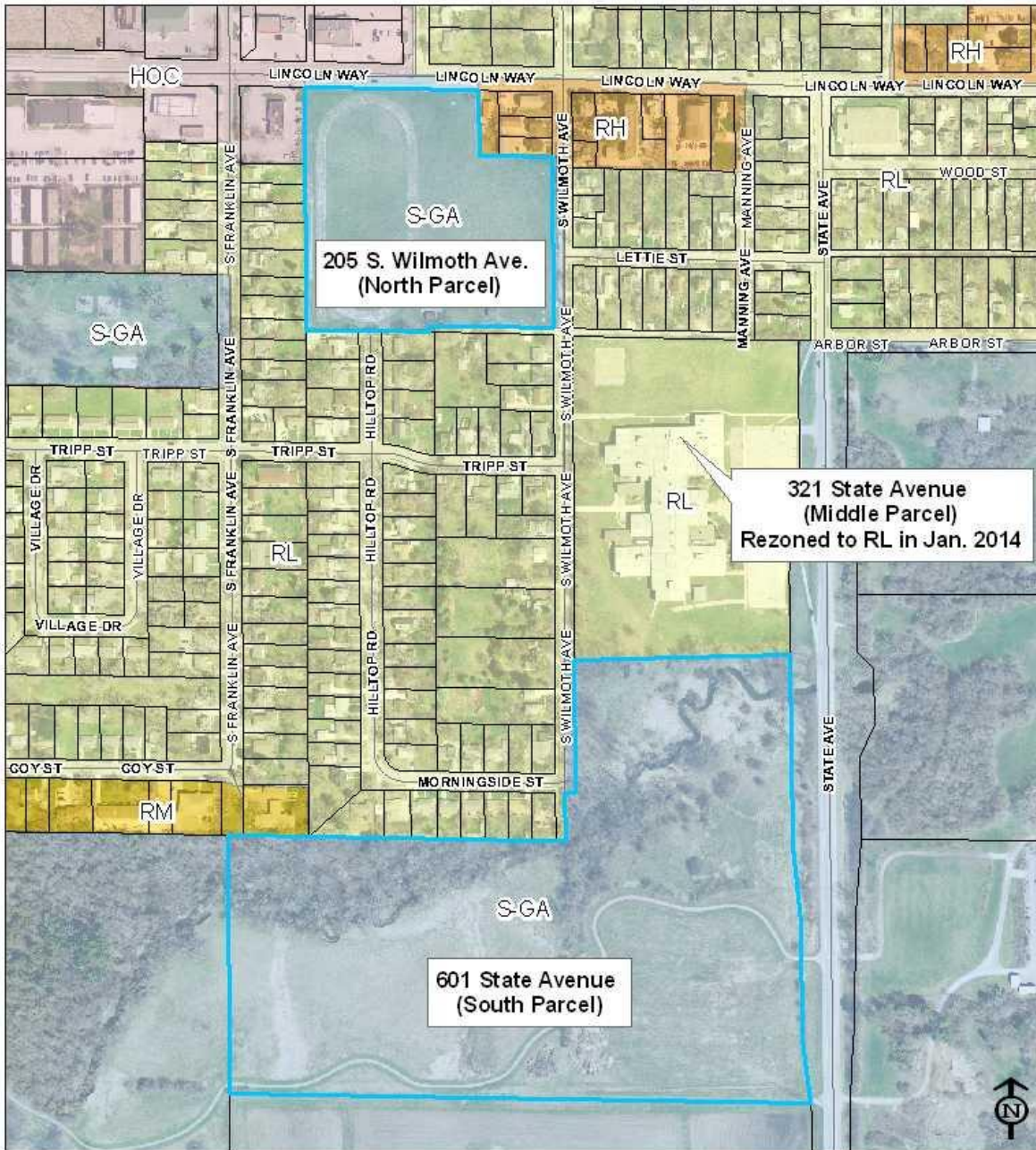


Location Map

Attachment B LUPP Future Land Use Map

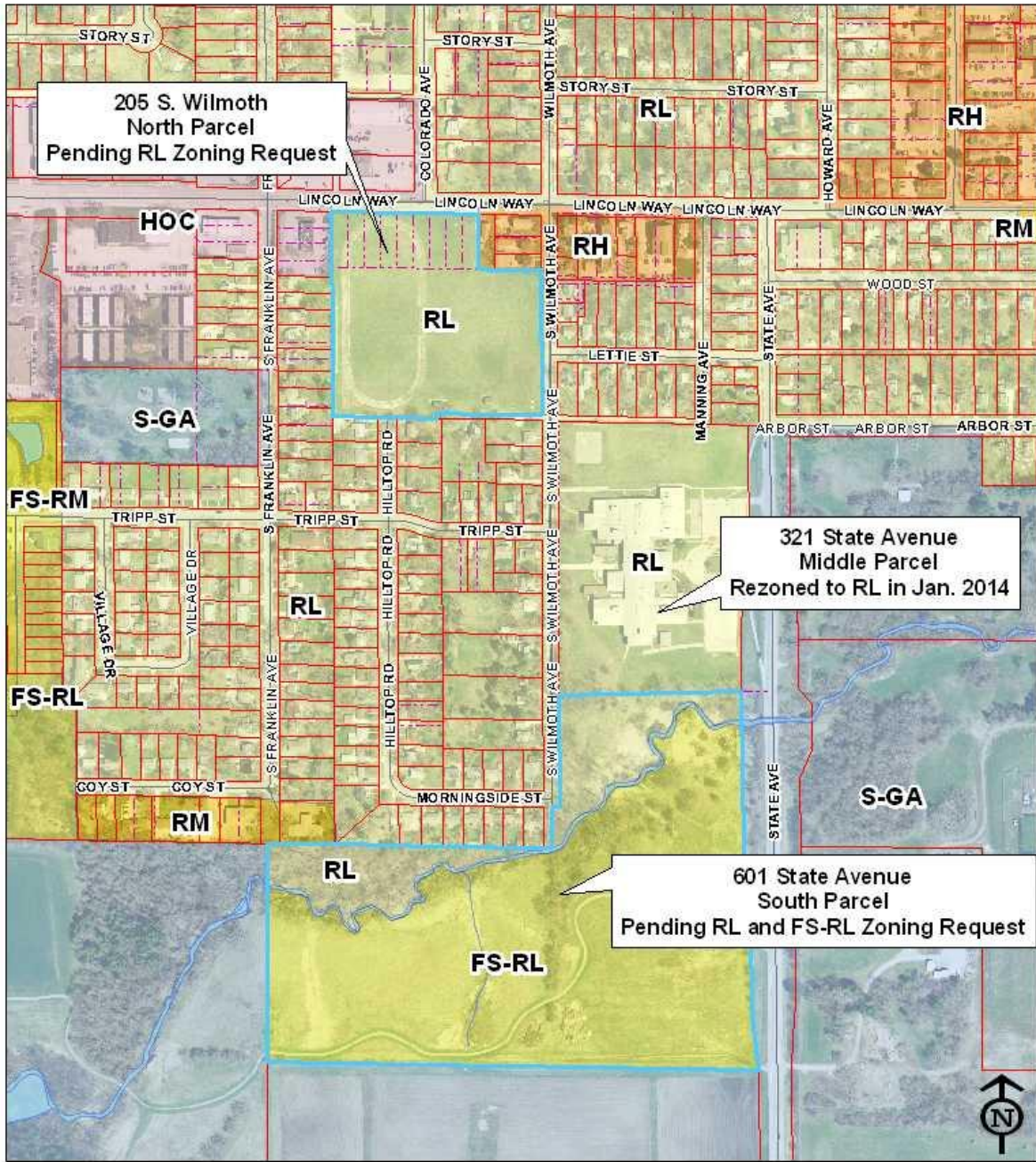


Attachment C Existing Zoning



Existing Zoning Map

Attachment D Proposed Zoning



Proposed Zoning

Attachment E

Applicable Laws and Policies

The laws applicable to the proposed rezoning at 321 State Avenue are as follows:

- Land Use Policy Plan (LUPP) Goals, Policies and the Future Land Use Map:

The Land Use Policy Plan (LUPP) Future Land Use Map identifies the land use designations for the property proposed for rezoning.

- *Ames Municipal Code* Chapter 29, Section 1507, Zoning Text and Map Amendments, includes requirements for owners of land to submit a petition for amendment, a provision to allow the City Council to impose conditions on map amendments, provisions for notice to the public, and time limits for the processing of rezoning proposals.
- *Ames Municipal Code* Chapter 29, Section 701, Residential Low Density (RL) Zone, includes a list of uses that are permitted in the Residential Low Density zoning district and the zone development standards that apply to properties in that zone.
- *Ames Municipal Code* Chapter 29, Section 1200, Floating Zones, includes a list of uses that are permitted in the Village Residential, Suburban Residential and Planned Residential zoning districts and the zone development standards that apply to properties in those zones.

Attachment F



Brian D. Torresi
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Ames Office

RECEIVED

APR 03 2014

CITY OF AMES, IOWA
DEPT. OF PLANNING & HOUSING

April 3, 2014

PERSONAL DELIVERY ONLY

City of Ames, Iowa
Department of Planning & Housing
515 Clark Ave.
Ames, IA 50010

Re: 205 S Wilmoth Avenue (the "Property") – Rezoning Application Packet

To Whom It May Concern:

Please find enclosed the Rezoning Application Packet (the "Packet") being submitted by Breckenridge Group Ames Iowa, LLC ("Breckenridge") with respect to the Property. Included with the Packet, in addition to this letter, are the following documents:

1. Rezoning Application Form;
2. Rezoning Checklist (the "Checklist");
3. Rezoning Permission to Place a "Zoning Action Pending" Sign on Private Property; and
4. Rezoning Plat.

In addition to the aforementioned items included with the Packet, Breckenridge hereby provides the following information as requested on the Checklist:

- a. The Property must be rezoned because it is currently zoned S-GA (Government/Airport District) and Breckenridge is not a governmental entity;
- b. The rezoning request referenced in the Packet for the rezoning of the Property from S-GA to RL (Residential Low Density) is consistent with the City of Ames Land Use Policy Plan (the "Plan") as the Plan provides that the Property should be zoned RL, and the government land overlay does not apply, if the Property is not owned by a governmental entity; and
- c. The Property shall be used for residential purposes and for any and all other uses and/or purposes consistent with applicable zoning ordinances.

DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

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215 10TH STREET, STE. 1300
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THE HIGHLAND BUILDING
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WEST DES MOINES, IA 50266

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

**Attachment F, Cont.
Applicant's Statement**

April 3, 2014
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Please review the Packet and this letter and forward these items to the Ames City Council as soon as possible for a determination as to whether a master plan will be required to accompany this request.

Feel free to call if you have any questions concerning this submittal.

Very truly yours,

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



Brian D. Torresi

Enclosures

Cc: Charlie Vatterott
Scott Renaud
Brad Stumbo

DO NOT WRITE IN THE SPACE ABOVE THIS LINE, RESERVED FOR RECORDER
Prepared by: Judy K. Parks, Ames City Attorney, 515 Clark Avenue, Ames, IA 50010 Phone: 515-239-5146
Return to: Ames City Clerk, P.O. Box 811, Ames, IA 50010 Phone: 515-239-5105

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF AMES, IOWA, AS PROVIDED FOR IN SECTION 29.301 OF THE *MUNICIPAL CODE* OF THE CITY OF AMES, IOWA, BY CHANGING THE BOUNDARIES OF THE DISTRICTS ESTABLISHED AND SHOWN ON SAID MAP AS PROVIDED IN SECTION 29.1507 OF THE *MUNICIPAL CODE* OF THE CITY OF AMES, IOWA; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND ESTABLISHING AN EFFECTIVE DATE

BE IT HEREBY ORDAINED by the City Council of the City of Ames, Iowa;

Section 1: The Official Zoning Map of the City of Ames, Iowa, as provided for in Section 29.301 of the *Municipal Code* of the City of Ames, Iowa, is amended by changing the boundaries of the districts established and shown on said Map in the manner authorized by Section 29.1507 of the *Municipal Code* of the City of Ames, Iowa, as follows: That the real estate, generally located at 205 South Wilmoth Avenue, is rezoned from Special Government/Airport (S-GA) to Residential Low Density (RL).

Real Estate Description: Lots 5-13 of Block 1 in Garden Subdivision and part of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter, all in Section 8, Township 83 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa, and all being more particularly described as follows: Beginning at the Northwest Corner of said Lot 13: thence S88°48'12"E, 449.51 feet along the North line of said Lots 5-13 to the Northeast Corner of said Lot 5: thence S00°09'35"E, 169.32 feet to the Southeast Corner of said Lot 5: thence S88°46'49"E, 190.66 feet to the Southeast Corner of Lot 3 in said Garden Subdivision: thence S00°20'56"E, 442.69 feet along the West line of S. Wilmoth Avenue to a point on the North line of the South 16.00 feet of said Northwest Quarter of the Northeast Quarter of the Northeast Quarter: thence N88°47'18"W, 321.06 feet along said line: thence S00°20'56"E, 13.62 feet to the North line of Friedrich's 15th Addition to Ames, Iowa: thence N89°12'56"W, 319.80 feet along said line to the Southwest Corner of said Northwest Quarter of the Northeast Quarter of the Northeast Quarter: thence N00°15'32", 137.68 feet along the West line thereof to the Northeast Corner of Lot 1 in C. G. Lee's Subdivision: thence N00°13'19", 490.21 feet to the point of beginning, containing 8.36 acres.

Section 2: All other ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: This ordinance is in full force and effect from and after its adoption and publication as provided by law.

ADOPTED THIS _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor