

**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.

<b>Direction from Subject Property</b>	<b>LUPP Map Designation</b>	<b>Zoning Map Designation</b>
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:

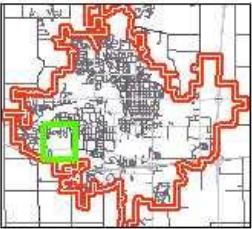
1. The subject site is zoned S-GA as the location of the former Middle School athletic fields. S-GA allows for uses associated with federal, state, county, school districts, or municipal governmental authorities, such as publically owned facilities used for administration, services or general aviation 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**



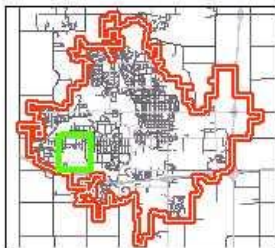
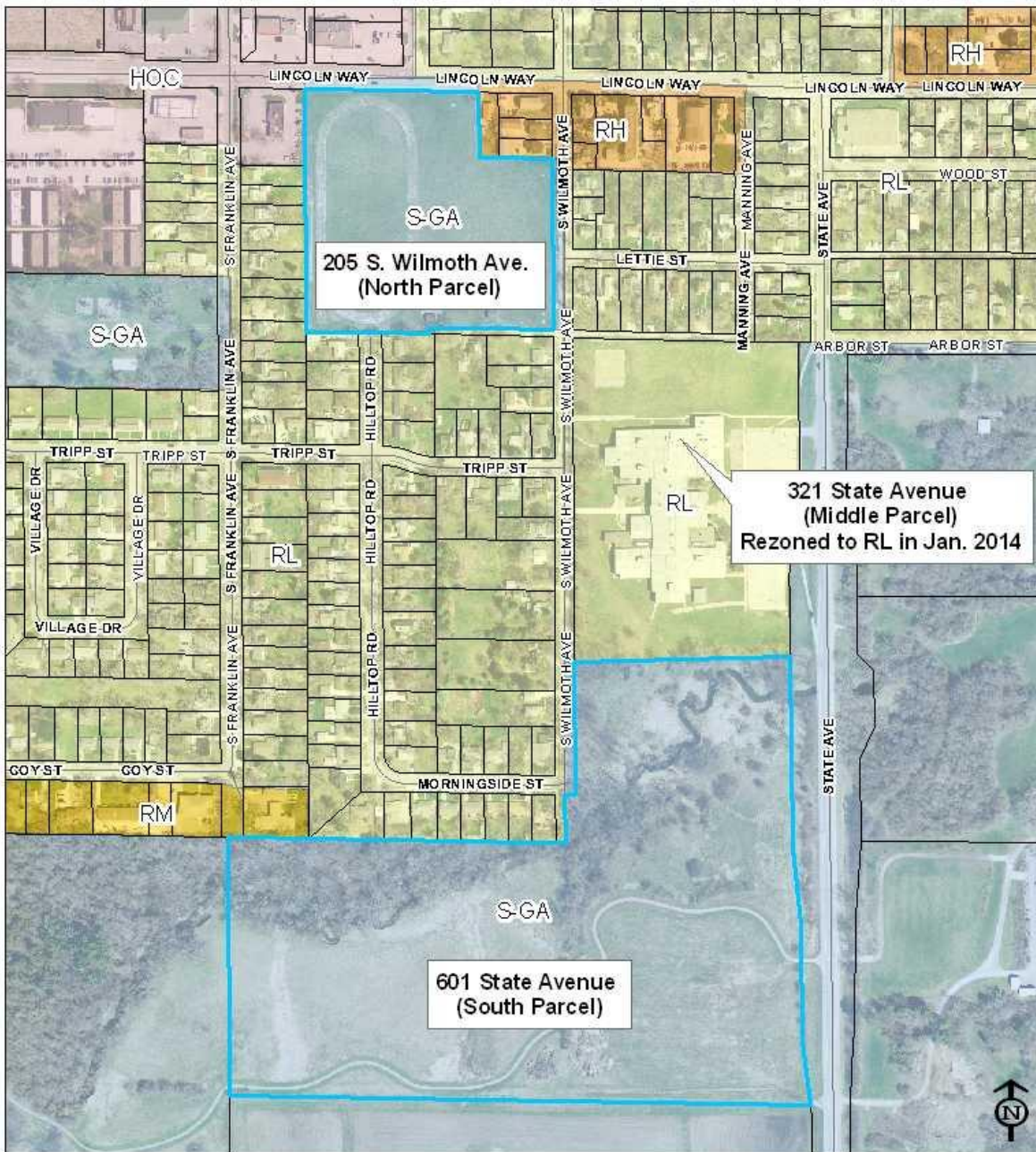
**Location Map**



## Attachment B LUPP Future Land Use Map

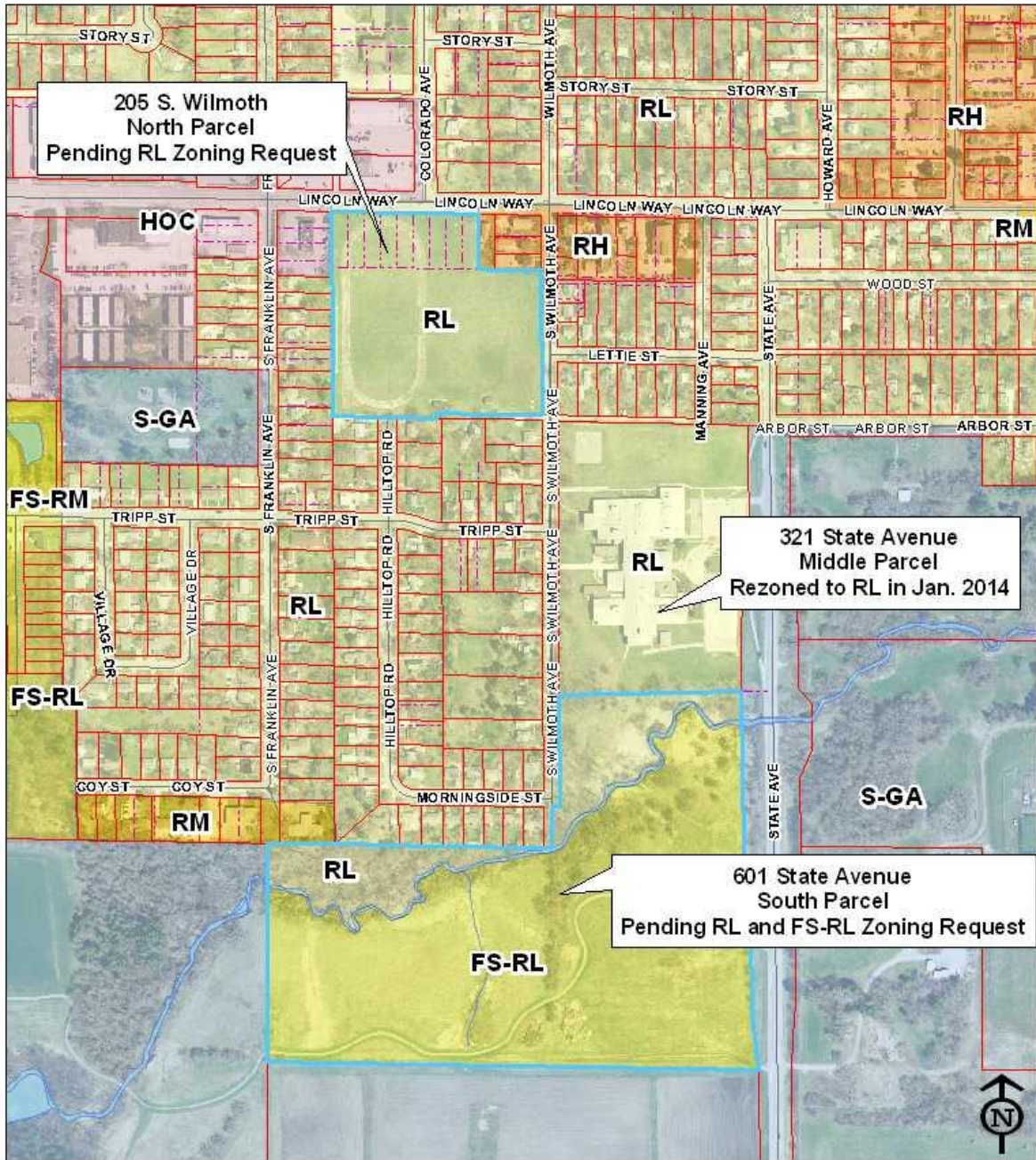


# Attachment C Existing Zoning



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**  
BrianTorresi@davisbrownlaw.com  
phone: 515-246-7860  
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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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

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

April 3, 2014  
Page 2

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.



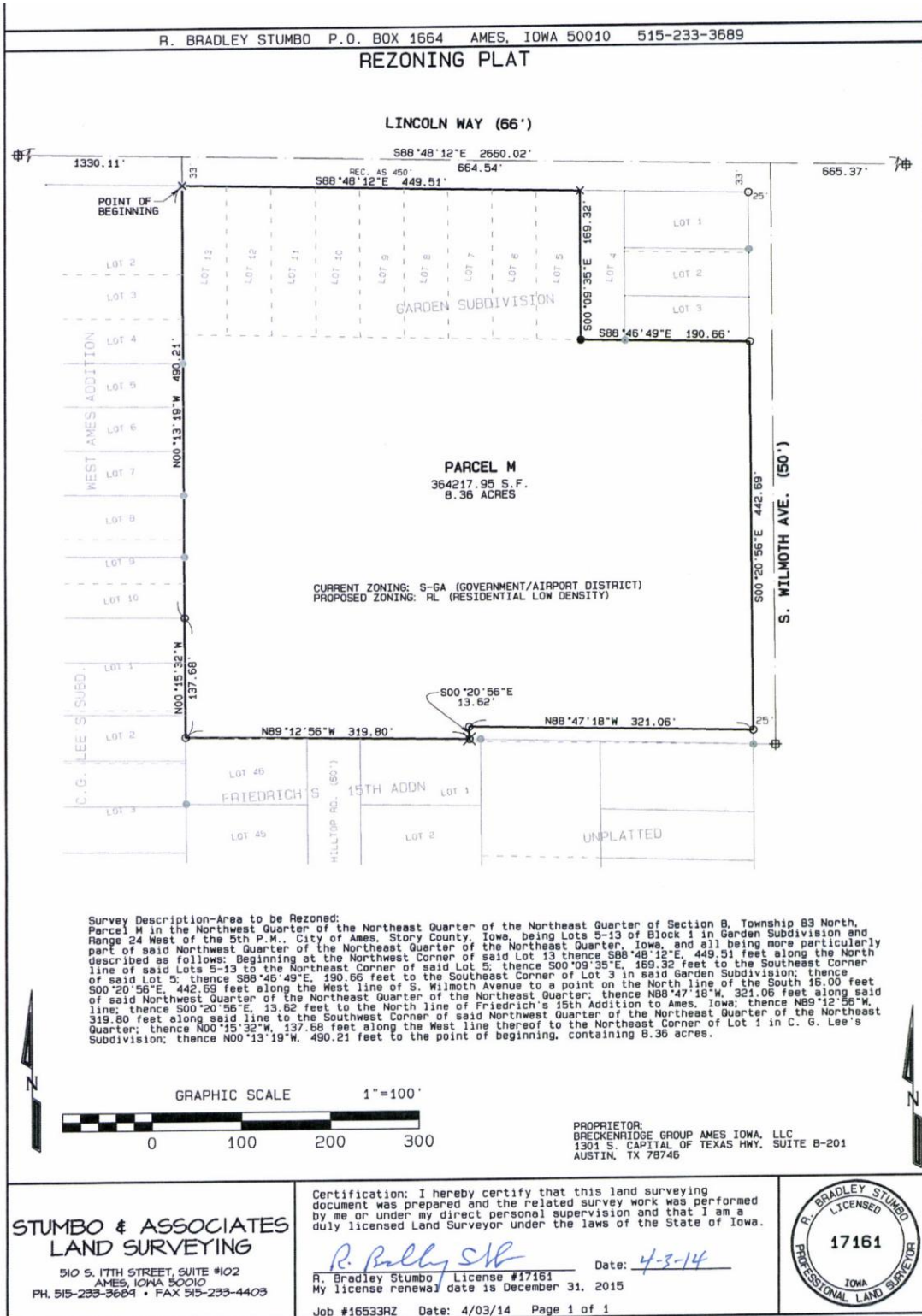
Brian D. Torresi

Enclosures

Cc: Charlie Vatterott  
Scott Renaud  
Brad Stumbo



Attachment F, Cont.



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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

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**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

**COUNCIL ACTION FORM**

**SUBJECT: REZONING WITH MASTER PLAN FOR PROPERTY AT 601 STATE AVENUE**

**BACKGROUND:**

At the February 3 and March 5, 2014 meetings, the Planning and Zoning Commission reviewed a Floating Suburban Residential Medium Density (FS-RM) rezoning request for the subject property at 601 State Avenue (South Parcel of the three Breckenridge development properties). The Planning and Zoning Commission recommended approval of FS-RL (Floating Suburban Residential Low Density) zoning to the City Council with conditions limiting the development intensity of the site to 14 acres and a maximum development intensity of 105 units. That application was withdrawn by the applicant prior to consideration by the City Council and a revised rezoning request for FS-RL has been submitted for the south parcel that is now before the City Council. City Council directed on April 22<sup>nd</sup> that the applicant prepare a master plan with the new rezoning request for this parcel.

The current rezoning request is for the 28.9 acre parcel at 601 State Avenue (South Parcel on Attachment A). **The request is to change the zoning designation from S-GA (Special-Government/Airport) to RL (Residential Low Density) for the portions of the property north of College Creek and FS-RL (Suburban Residential Low-Density) for the portion of the property south of College Creek for development of up to a maximum of 194 dwelling units.** The development concept articulated by the applicant is for a new student housing rental development with a mix of both detached single-family dwellings and single-family attached dwellings (rowhomes). Complete analysis of the project is included as an addendum to this report.

Based upon the Land Use Policy Plan (LUPP) land use designation, the site is generally split by College Creek with approximately 1.63 acres of Low Density north of College Creek and 27.37 acres of Village Suburban to the south. The proposed RL and FS-RL are zoning districts that can be found to be consistent with the LUPP for the site both north and south of the creek, respectively.

Staff notes that while most public infrastructure is adequate to serve the site, the preliminary findings of the traffic impact analysis submitted by the applicant identify off-site impacts of the new development. Development of this site with the cumulative impact of development at 321 State Avenue (Middle Parcel) shows incremental impacts to nearby intersections, specifically at the intersection of Mortensen Road and State Avenue. The applicant has not offered mitigation for traffic impacts with the rezoning request.

To develop the site in conformance with the proposed building types of the master plan, the applicant will be required to complete a preliminary plat and a final plat for the property before development of any of the proposed residential units. Because the

proposed rezoning request is for a mix of housing types, site plan review approval would be required for attached single-family homes, while it would not be required for detached single-family homes.

The Planning and Zoning Commission held a public hearing for the requested rezoning on June 4, 2014. Comments and concerns were voiced from the neighborhood regarding issues such as traffic, pedestrian and bicycle safety, impervious surface area, slopes, storm water control, removal of wildlife habitat, expansion of the existing conservation area, Land Use Policy, trash, and housing types. The residents' comments also focused around the desire to have the entire property rezoned to Residential Low Density (RL) rather than either FS-RL or FS-RM. The Commission members were sent multiple written documents identifying the issues and concerns voiced from the neighborhood. Those comments have been attached as a separate PDF for Council reference.

Upon deliberation of the applicant's master plan and information at the hearing, the Planning and Zoning Commission recommended to deny the request for rezoning with a vote of 3-2.

Since the Planning and Zoning Commission hearing, the applicant has submitted a revised Master Plan dated, August 5, 2014. The extent of the changes to the Master Plan since the Planning and Zoning Commission recommendation includes a revised bike trail alignment on the school property to the west, a revision to the minimum number of units proposed for Parcel 3 from 125 to a minimum of 110 units, while maintaining the maximum number of units at 190, removal of the denoted 100 foot stream buffer from the Master Plan, and the addition of a 25 foot buffer along the south property line.

For any alternative where the Council requires a master plan, the Zoning Code requires the applicant to submit a signed zoning agreement that specifies future development will be consistent with the approved master plan subject to consistency with Municipal Code. **Staff recommends that submission of the signed zoning agreement for the master plan be required prior to the third reading of any ordinance rezoning the site.**

Based on staff analysis of the proposed rezoning and most current master plan submittal, three areas of concern are noted for inclusion in a potential zoning agreement. The items for discussion are determination on whether or not the existing shared use path should be relocated, determination on mitigation of the off-site traffic impact through a contribution to improvements of the State Street and Mortensen Road intersection, and the determination of net acreage for the site to clarify the potential range of developable units for the property.

Determination on the location of the bike path could impact the overall developable area of the site and the required access points for the development. Without the benefit of a more detailed site layout, it is unclear where or how many times the proposed development may cross the existing path, which is a safety concern for the shared use path users. A relocation as indicated on the August 5<sup>th</sup> revision to the shared use path

would still need to be reviewed by staff to verify acceptable location, slopes, and written approval of the School District for the proposed realignment west of the subject site.

It has been determined there is an impact from the development at the intersection of State Avenue and Mortensen Road. The development of the Breckenridge parcels as described in the Traffic Impact Analysis may cause a need for the City to accelerate the planned improvements at the intersection before the City's planned LRTP timeline. Development of the subject site could be accountable for a portion of the improvement needed to mitigate the impact as a condition of the rezoning.

Outlined in the project analysis section of this report is a review of the developable area and net density calculation for the site and a difference between staff's calculation and the applicant's request. Staff has estimated net acreage of 10-14 acres for the site based on code allowed exceptions for constrained areas as compared to the applicant's proposal of 21.48 net acres. Consideration is needed on development intensity based on the overall net developable acres of the site which are determined through the allowed exemptions for FS zoning in the Zoning Code.

### **ALTERNATIVES:**

1. The City Council can approve rezoning of approximately 1.63 acres north of College Creek from "S-GA" (Government/Airport) to "RL" Residential Low Density, and rezoning of approximately 27.37 acres of land south of College Creek, from "S-GA" (Government/Airport) to "FS-RL" (Floating Suburban Residential Low Density), all located at 601 State Avenue, with a signed zoning agreement prior to third reading.

**This is the Applicant's requested zoning change, and is based on the assumption that up to 190 dwelling units may be built.**

2. The City Council can approve rezoning of approximately 1.63 acres north of College Creek from "S-GA" (Government/Airport) to "RL" Residential Low Density, and rezoning of approximately 27.37 acres south of College Creek, from "S-GA" (Government/Airport) to "FS-RL" (Floating Suburban Residential Low Density), all located at 601 State Avenue, with a signed zoning agreement prior to third reading, subject to the following conditions:
  - a. With regards to the bike path,
    - i. That the shared use path remain in its current location and configuration, OR ALTERNATELY,
    - ii. That the master plan include allowance for relocation of the bike path and easement subject to the approval by the City at the time of subdivision.
  - b. With regards to density of development, that the developable areas of the site be reduced to 10-14 acres based on code allowed exceptions for constrained areas and the current configuration of the shared use path.
  - c. With regards to off-site traffic improvements, that the Developer agree to pay a proportional share of the cost of traffic improvements at the intersection of Mortensen Road and State Avenue.

**This alternative would give direction regarding location of the bike path, would clarify Council's agreement with staff's interpretation of the maximum density formula, and would secure a proportional contribution to the cost of a nearby traffic improvement that is impacted by development of this parcel.**

3. The City Council can approve rezoning of approximately 1.63 acres north of College Creek from "S-GA" (Government/Airport) to "RL" Residential Low Density, and rezoning of approximately 27.37 acres south of College Creek, from "S-GA" (Government/Airport) to "FS-RL" (Floating Suburban Residential Low Density), all located at 601 State Avenue, **with conditions other than those listed under Alternative #2.**
4. The City Council can deny the request for rezoning of approximately 29 acres of land located at 601 State Avenue from "S-GA" (Government/Airport) to "RL" (Residential Low Density) and "FS-RL" (Floating Suburban Residential Low Density).

**This is the recommendation from the Planning and Zoning Commission. Under this alternative, the developer would not be able to file the same zoning application for one year.**

5. The City Council can indicate its willingness to approve rezoning of approximately 1.63 acres north of College Creek from "S-GA" (Government/Airport) to "RL" Residential Low Density, and rezoning of approximately 27.37 acres south of College Creek, from "S-GA" (Government/Airport) to "F-PRD" (Planned Residential District).

**This option would require the developer to withdraw the current rezoning request, and to then apply for F-PRD zoning of the portion south of the creek.**

**Alternately, the City Council itself could initiate rezoning of this site to F-PRD.**

6. Action on this request can be postponed and referred back to staff and the applicant.

**Under this alternative, Council could provide direction to staff and the applicant to confirm the desired conditions in a written zoning agreement prior to Council approval of a rezoning ordinance. In contrast to Alternative #4, this would avoid the requirement that one year pass before the developer can seek FS-RL zoning of the parcel.**

**MANAGER'S RECOMMENDED ACTION:**

The proposed zoning change to FS-RL and a portion of the site as R-L is consistent with the Land Use Policy Plan designation of Village/Suburban Residential and Low Density Residential. Within the applicable base zoning districts, the master plan submitted by the developer includes an estimated 21 acres as developable, which leads to a maximum density of 194 units and 582 beds for student housing. While the proposed zoning is consistent in its request of a base FS zoning, there are unknowns within the rezoning and master plan related to the development intensity of the site.

Outstanding issues include the advisability of relocating the bike path, agreement by the City to relocate the bike path, off-site traffic impact, lack of CyRide service for a significant population of proposed students, and the overall design of the site in relation to the current site constraints and the surrounding area.

To develop the site with the proposed mix of units will require subdivision review of the property. Based on lot constraints due to undevelopable areas or protected areas of the site, staff questions if the proposed upper range of units could even be accomplished within requirements of subdivision design and improvement standards. Although the applicant submitted an August 5<sup>th</sup> revision to the Master Plan since the Planning and Zoning Commission hearing, it still does not address any revision to the overall developable area of the site or the maximum number of units proposed to the site. For that reason, staff does not believe the proposed master plan accounts for existing development constraints of the site and compatibility of the proposed development to the surrounding area.

Staff also notes that, if the master plan was to be approved with a potential rerouting of the shared use path, the rerouting is conceptual at this stage and is still subject to City Council agreement and approval with a subsequent subdivision. The new configuration of the path will also require approval and granting of an easement by the School District for the realignment of the path indicated on the Middle School property.

Since the August 5 master plan still does not adequately address the density, traffic impact and bike path issues, staff is unable to support **Alternative #1** at this time.

Staff could support **Alternate #2** if two issues are resolved. First, Council would need to give direction on location of the bike path. Second, the the developer and staff need to resolve their varying code interpretations regarding net acreage that may be counted towards determining maximum density. That key issue must be resolved before staff could recommend approval of the FS-RL zoning. The developer's representatives have verbally indicated that the bike path issue and proportional sharing of off-site improvements may be acceptable. All of these issues should be resolved and confirmed in writing.

If the City Council desires, it may identify other conditions that should be included in a zoning agreement tied to FS-RL zoning. That option would build upon **Alternative #3**.

**Alternative #4** could be approved if the Council determines that the requested zoning and master plan is not within the public interest and does not promote the City's interest in orderly and planned development supported by appropriate infrastructure and development of a site accounting for its constraints. This was the recommendation of the Planning and Zoning Commission. Infrastructure deficiencies relate to impacts on the surrounding transportation and bus systems. Furthermore, the change could be seen as detrimental to the general welfare of the community and surroundings in its intensity of development with its incompatibility to the surroundings and site constraints as shown in the layout of the master plan. Such a denial would preclude the applicant from proposing the same zoning for this parcel for one year.



If the Council and the developer desire to consider a uniquely adapted zoning designation for the parcel, then **Alternative #5** could be selected. As was stated above, this option would require the developer to withdraw the current rezoning request, and to then apply for F-PRD zoning of the portion south of the creek. Alternately, the City Council itself could initiate rezoning of this site to F-PRD.

Given the unresolved nature of the density interpretation issue, the bike trail location and the developer's commitment to off-site traffic improvements, it is the recommendation of the City Manager that the City Council approve Alternative #6. Under this action, City Council would direct staff and the developer to try to resolve the disagreement over density determination. Specific language guaranteeing proportional responsibility for off-site improvements could be developed, and Council could give direction regarding its preferred approach to the bike path issue. If needed, the developer and staff could be directed to explore the impact of varying bike path locations on user safety and on development density.

Consistent with the requirements of Section 29.1507(8), a protest of the zone change application signed by 17 property owners representing 19 of the 31 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 five 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 (North Parcel), 321 State Avenue (Middle Parcel), and 601 State Avenue (South Parcel). See Attachment A. The three properties are currently designated as Low Density Residential or Village/Suburban Residential in the Land Use Policy Plan. The north and south parcels are currently zoned Special-Government/Airport (S-G/A) and the middle parcel was recently zoned to RL (Residential Low Density). See Attachment B, Future Land Use Map, and Attachment C, Existing Zoning Map. The development concept traditionally used by the applicant is for a new student housing rental development that differs from traditional apartment type student housing developments. The concept had been for small individual buildings rather than a development of larger apartment buildings. For this lot however, a mix of residential unit types is being identified by the applicant within the master plan. Development of the properties requires a rezoning to allow for development consistent with an underlying land use designation.

The first rezoning request by the applicant, which was recommended for approval by the Planning and Zoning Commission at the meeting on January 15, 2014, was for rezoning of 321 State Avenue, the middle parcel, to Residential Low Density. **The subject request is for rezoning of 601 State Avenue, the south parcel, from S-GA (Special-Government/Airport) to RL (Residential Low Density) north of College Creek and FS-RL (Floating Suburban Residential Low Density) south of College Creek with a master plan for development of 128 to 194 dwelling units.** See Attachment D Proposed Zoning. The subject site is an undeveloped 29 acre site at 601 State Avenue (referred to herein as the south parcel). Full development potential of the site at their maximum development based on the submitted master plan is unlikely to be realized once site design and subdivision requirements are taken into account.

In response to the applicant's request to initiate a rezoning for the south parcel, the City Council determined a master plan was needed to accompany this rezoning request. City Council also 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 South site since the workshop.

### **Project Description**

The rezoning request and master plan submitted for review for the south parcel are for a RL and FS-RL development with a mix of single-family detached homes and single-family attached units (row houses). (See Attachment F) The master plan identifies approximately 21.48 net acres for development. The range of units proposed for the site based on three development parcels identified in the August 5<sup>th</sup> revision to the master plan is between 113 and 194 units. This range of units could yield up to 582 beds for the property at a maximum of three bedrooms per unit to be rented by the property owner.

The master plan indicates public street improvements for the site with access to State Street through two points of ingress and egress to the site. The developer indicates that parking will be provided as 90 degree on-street parking. The master plan does note the intent for an additional access point at South Franklin if parcel #2 is developed or if additional access is required for parcel 3, but this type of detail will be reviewed as part a subsequent subdivision application and not as a master plan component.

The Master Plan identifies existing easements on the site including water and sewer, a conservation easement and a bike easement. Staff notes that there appear to be some additional mains that are not currently identified in easements which will need to be addressed at the time of subdivision review. One such line may hinder the development of Parcel 1 as indicated on the Master Plan.

A conservation easement, which was included on the Plat when the lot was created, is indicated on the Master Plan and exempted from the net acreage calculation by the applicant as required by code. A question about the validity of the easement has been raised and staff is reviewing the claim that the easement is “expired”. Staff would request that a formal easement document for the existing Conservation Easement be drafted and approved for the area in conjunction with any approval for rezoning of the property to affirm the clear intent of the easement on the plat.

The applicant has also requested as part of the master plan that the existing bike trail easement be relocated as shown in green on the August 5<sup>th</sup> revision to the master plan to remove circulation conflicts with internal streets of the development.

## **Project Analysis**

**Land Use Designation/Zoning.** The subject parcel was included within the citywide Land Use Policy Plan map amendment study for assigning government land a land use designation for future reuse. The City Council adopted a resolution changing this site from Government use to Village Suburban Residential on February 26, 2008. The alternative approved by City Council was to extend the village/suburban designation for residential development in response to a general interest to provide for more single-family home development opportunities in support of the neighborhood and school district interests.

The current LUPP future land use designation for the subject site is represented as split by College Creek. It is Low Density on two areas north of the creek, development parcel 1 along South Wilmoth and development parcel 2 at the end of the South Franklin ROW. Development parcels 1 and 2 total 1.63 acres. The subject site is also designated as Village Suburban Residential on all areas south of College Creek for a total of 19.85 acres. See Attachment D.

The Low-Density Residential designation of the LUPP is intended for such uses as single-family residential with the Residential Low Density (RL) zone and compatible with the adjacent established neighborhood. Rezoning development parcels 1 and 2 to RL

will limit the areas to single-family residential dwellings with a maximum density of 7.26 dwelling units per acre.

The Village Suburban designation is intended for one of two types of development: the village concept or the suburban residential concept. Suburban residential developments are intended for remaining in-fill areas and new lands area where the village residential development is not chosen. Suburban residential designated areas are anticipated to develop similar to past residential development patterns, such that it is generally a singular residential use pattern with little design integration as compared to a village. This concept generally requires that landscape buffering be used as a separation of land use types. The LUPP intends for Suburban Residential, however while vehicular focused, to provide for improved pedestrian connection to parks, schools and open space areas using such amenities as sidewalks on both sides of the street, bike connections, and open space area. It is also required that the conservation of designated natural resources areas, such as designated environmental sensitive areas, be protected through design features incorporated into the development. **The requested rezoning from the current Government/Airport (S-GA) to the Residential Low Density (RL) and Floating Suburban Residential Low Density (FS-RL) zone is consistent with the intent of the LUPP designation.**

The rezoning request to the FS-RL zone could allow for a development with a mix of single family and single-family attached (12 units or less), which is in line with the use types currently requested by the applicant. The code will require that each single-family detached and single-family attached unit be constructed on an individual lot as established through the requirements of subdivision.

The density range established for the FS-RL zone is 3.75 units per acre to 10 units to net acre. Based on the applicant's calculation of developable area as the net acreage (21.48 acres), the minimum number of units under an FS-RL zoning could be 80 to 214, after exempting out undevelopable areas for floodplain, the conservation easement area, and the existing bike trail easement.

**Staff analysis supports additional areas of land being exempted from the developable area and taken out of the net density calculation, thereby reducing the buildable acreage of the site to approximately 10-14 acres.** The FS Zoning District supplemental development standards within Table 29.1202(6) describe types of constraints that may be exempted for a net acreage calculation, such as areas of right-of-way, areas of steep slopes, detention/retention areas, and the area within the 100 foot stream buffer as required exceptions from the density calculation. However, at the master plan level, those areas have not all been identified as undevelopable and would be further refined with subdivision.

**With staff's limited data on topography of the site, staff has conservatively calculated net developable acreage accounting for steep slopes greater than 15% would allow for approximately 10-14 acres of developable area, not all of which would be considered contiguous. Most of this developable area would be concentrated on the eastern 1/3 of the site with other scattered pockets. Additional limitations on developable area would also occur if the City does not**

agree to move the bike path. With 14 acres of developable area, the minimum development requirement would be 54 units up to a maximum of 140 units. This is substantially less than the range of development identified by the applicant. The number of units could additionally be reduced based on the location of the bike path as well as the design constraints which will be identified during the subdivision process.

**Planned Residential Development zoning** is also provided for in the LUPP and 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. If the City Council determines that a PRD is suitable for the site, and if that zoning is acceptable to the developer, then a major site development plan would be required before F-PRD zoning could be approved for the property.

**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	Vacant Breckenridge Ames Iowa, LLC
North	Single Family Homes/Former Ames Middle School Rental and Owner Occupied/Breckenridge Ames Iowa, LLC
East	Undeveloped Park and Open Space Iowa State University
South	Undeveloped Park and Open Space Iowa State University
West	Single-Family Homes/ Current Middle School Site Rental and Owner Occupied/Ames Community School District

**Access.** The master plan submitted indicates two access points to the site along State Avenue. Public streets are noted in the submitted master plan documents. However, identification of public streets is not a required element of the master plan submittal by the zoning code and would typically be addressed at the time of subdivision. Provision of parking on the public streets is also noted on the master plan and that too would be evaluated with a subsequent preliminary plat application. Two points of access will be required to serve the site and meet Fire Code access requirements upon development of the site. Based on the two access points proposed, staff notes a concern for safety of the bike trail crossing. The proposed relocation would mitigate most of these concerns for the developer. However, at this time staff has not fully evaluated the desirability and

feasibility of reconstructing the path with steeper grades down to the creek channel and back to State Street.

**Infrastructure.** The subject area is an undeveloped lot. Public utility mains for water and sewer are immediately adjacent to the subject property. Utility connections and storm water management will be verified at the time of site development based on the use(s) and site layout proposed. It is noted that some existing water and sewer mains exist within the site. The location and easements for each will need to be verified at the time of subdivision for the site when design and layout is better understood. This affects the areas north of the creek and their viability for construction of homes.

Electric service will need to be run to the site, potentially from the intersection of State Avenue and Mortenson Road. Any costs associated with getting electric service to the site will need to be reviewed for the property at the time of development.

**Transportation 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 is 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. The City considers operational capacity at intersections when evaluating the effectiveness of the transportation network. The LUPP Transportation Chapter targets Level of Service (LOS) "C" for intersections.

The applicant intends to develop the existing vacant site with the noted potential mix of uses ranging from 113 to 194 residential units for student housing rentals at 601 State Avenue. The applicant's traffic study accounted for 570 bedrooms or approximately 200 units, depending on type. The traffic study also accounted for the pending rezoning of 321 State Avenue and considered the combined impacts of both projects. The applicant appropriately used assumptions of trips per person rather than units because of the intention for the development as student housing versus standard single-family homes. The applicant then applied a 20% discount in trip generation due to expected lower car utilization based on a survey of parking utilization at Campus Crest Communities apartments on South 16<sup>th</sup> Street in Ames. While staff does not concur with the method for creating the 20% trip reduction, the overall results of the study do demonstrate the expected magnitude of impacts of cumulative development of the south and middle parcels.

City staff provided the trip distribution for the new development based upon the City's traffic model. The applicant then added their new project trips with a generalized distribution to the existing traffic counts in order to estimate operational levels at the time the development is built. Based on the submitted traffic impact analysis, there are some off-site impacts of the new development when considered in conjunction with the pending south site rezoning application. **The highest level of impact is to the intersection of Mortensen Road and State Avenue during the PM Peak Hour where service degrades by one level.**

Under current conditions, the unsignalized Mortensen and State intersection operates at the cusp of acceptable delay. With the proposed project there is a significant increase in the delay for certain traffic movements at the intersection and a worsening of conditions. The conclusions drawn by the applicant's engineer indicate that the decreased level of service shown from the inclusion of the proposed development increase is not a significant change from existing conditions to warrant any mitigation on behalf of the development. **Staff does not concur with these findings about mitigation, since the change in level of service is an effect of the development.**

Derived from a needs assessment done for the current LRTP, a planned improvement for this intersection of a roundabout would mitigate the projected project impacts of both 321 and 601 State Avenue. The existing conditions of the intersection do show a need for improvement and it is identified on a LRTP priority list for improvement within the 10-year planning cycle. However the current priorities do not show the improvement planned in the current 5-year Capital Improvement Program (CIP). The development of these parcels as described in the TIA may cause a need for the City to accelerate the planned improvements before the City's planned LRTP timeline. **Development of the subject site could be accountable for a portion of the improvement needed to mitigate the impact as a condition of the rezoning as the City has not planned for this improvement in the near term.**

Existing transit service to the general area occurs by way of existing routes and stops on Lincoln Way. These routes are approximately 2,000 feet from developable area on the edge of the site along State Street. CyRide has provided comment that service in the area is already at capacity. CyRide also indicated they would not alter routes to provide service on State Avenue for direct service to the site. CyRide does not currently have the financial means necessary to increase the level of service to the area with bus capacity or routes to accommodate the cumulative increase of new development in the area. Even with a large concentration of student housing on this site that would need and desire bus service, there is unlikely to be public bus service in the near future.

**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 F)**.

**Applicant's Statements.** The applicant has provided a description of the proposed rezoning with master plan request **(See Attachment G)**.

**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 a vacant lot zoned S-GA. 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” north of College Creek and “Village/Suburban Residential” south of College Creek. The City completed an analysis of government lands in 2008 and designated this site accordingly to accommodate a desired increase in low-density single-family development and for compatibility with surrounding neighborhood.
4. The LUPP identifies a greenway overlay across the site in support of the natural area of College Creek and the existing bike trail.
5. The “Village/Suburban Residential” land use designation supports multiple zoning district choices. The proposed “Suburban Residential Floating Residential Low Density” (FS-RL) zoning designation request for the site for areas south of College Creek. Under “FS-RL” zoning the proposed uses as identified in the master plan are permitted. The applicant will be required to subdivide the property through a preliminary and final plat to allow for each single-family attached residential unit to be located on individual lots.
6. *Ames Municipal Code Sec. 29.1507(5)* requires approval of a zoning agreement for an application with a master plan and that all subsequent development comply with the master plan.
7. Public infrastructure is generally available to serve the proposed development and pending development. However, the project contributes incremental negative impacts to intersection operations in the area of the site and contributes additional riders to the bus system that currently operates at capacity.
8. Development of the project would accelerate the need to implement traffic mitigation at the intersection of Mortensen and State that is not programmed within the City’s Capital Improvement Plan.
9. CyRide bus service does not have a route in service or planned for convenient access to the site.
10. The City owns an easement for a bike trail used for recreation and transportation purposes through the site and connects across State Street at the middle of the



site. Development around the bike path would negatively affect safety for users if crossed frequently by vehicles. Development surrounding the path would negatively affect its setting within a natural area as a greenway amenity.

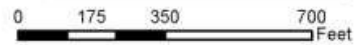
11. The site includes a number of natural constraints to development that include a flood plain, natural areas, creek channel, and a substantial amount of acreage of the site in excess of 15 percent slopes. Development of these areas would be disruptive to the setting of the site and require substantial engineering and grading to manage stormwater runoff and soil stability for appropriate building sites of homes.

**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**



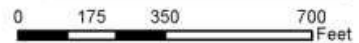
**Location Map**  
**Breckenridge Development Properties**



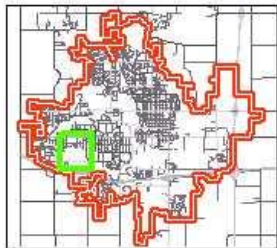
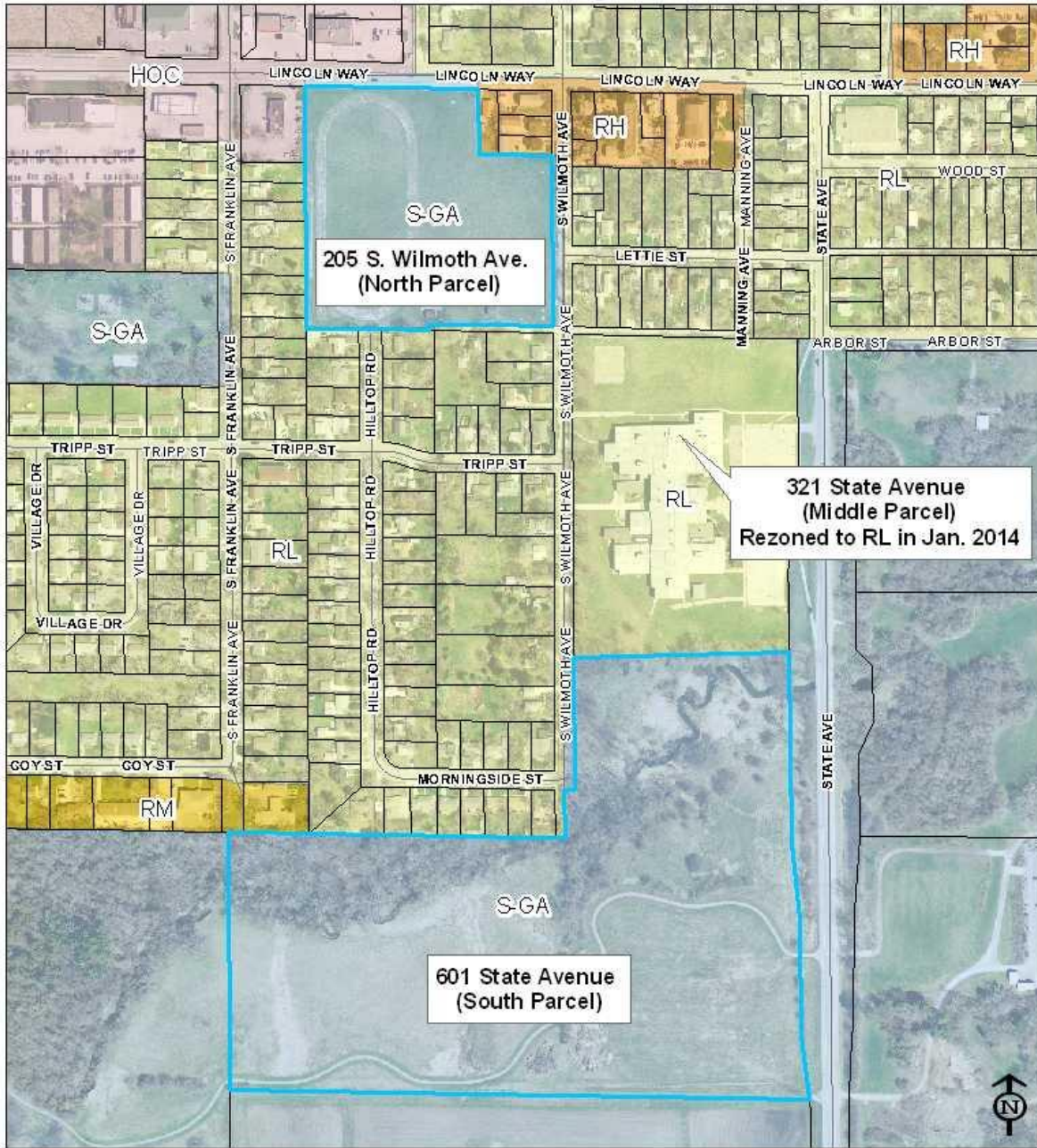
**Attachment B**  
**LUPP Future Land Use Map**



**Existing Land Use Policy Plan Map**  
**Breckenridge Development Properties**

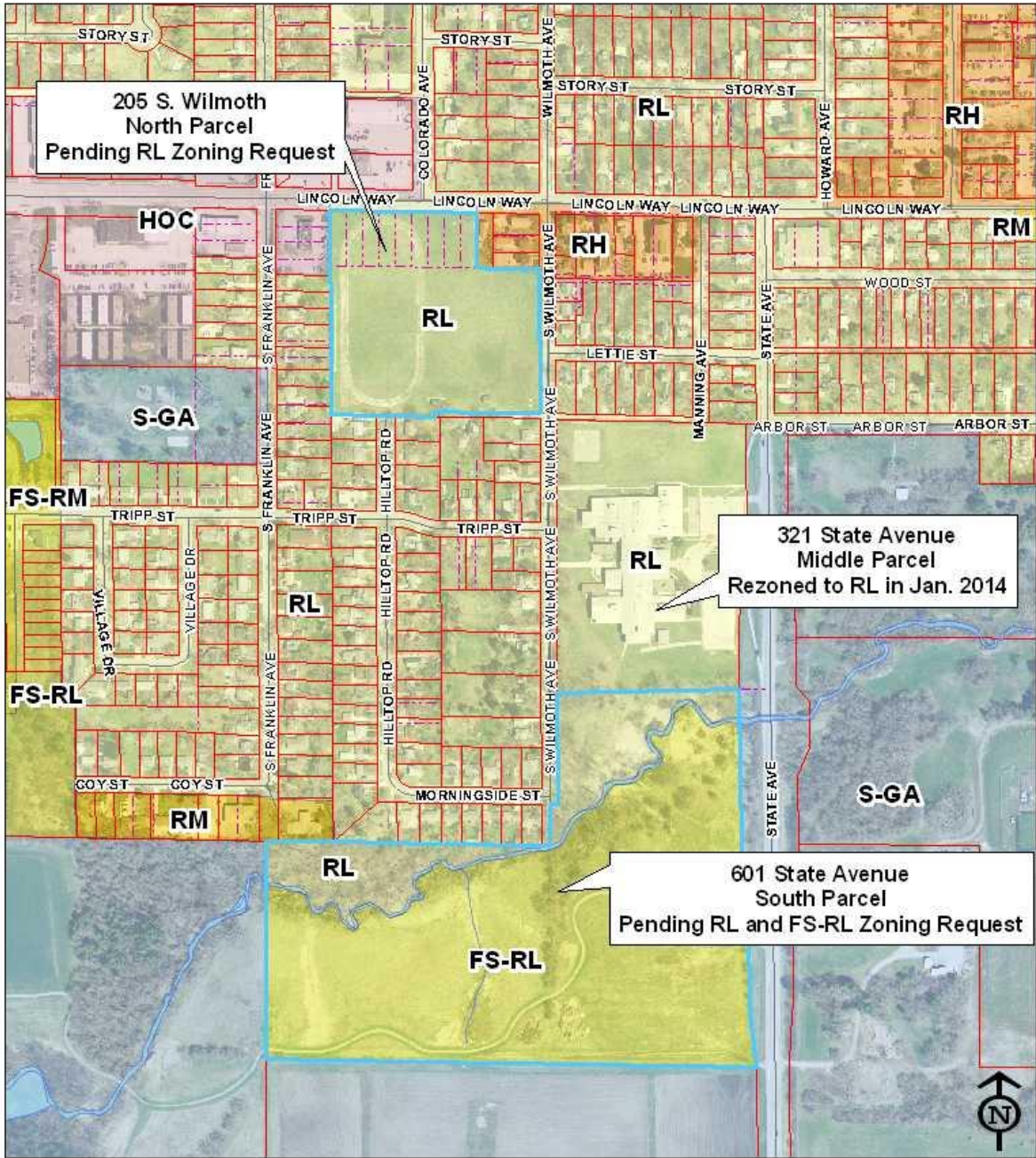


# Attachment C Existing Zoning



**Existing Zoning Map**

# Attachment D Proposed Zoning



## Proposed Zoning

**Attachment E**  
***Code Requirements for a master plan***

**Per Section 29.1507(4): master plan Submittal Requirements:**

- a. Name of the applicant and the name of the owner of record.
- b. Legal description of the property.
- c. North arrow, graphic scale, and date.
- d. 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
- e. Proposed zoning boundary lines.
- f. Outline and size in acres of areas to be protected from impacts of development
- g. Outline and size in acres of areas proposed of each separate land use and for each residential unit type
- h. Pattern of arterial streets and trails and off-site transportation connections
- i. 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
- j. 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.

## **Attachment F**

### ***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.

**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 601 State Avenue, is rezoned with a Master Plan from Special Government/Airport (S-GA) to Residential Low Density (RL) and Floating Suburban Residential Low Density (FS-RL).

**Real Estate Description:** North Tract: That part of Lot 2, Ames Middle School 2003, Plat 2 lying North of the centerline of an existing creek and being more particularly described as follows: Beginning at the Northeast Corner of said Lot 2; thence S00°48'56"E, 97.42 feet along the East line thereof to the approximate centerline of said creek; thence following said line S79°47'00"W, 67.81 feet; thence N61°44'50"W, 133.74 feet; thence S27°29'01"W, 217.58 feet; thence S62°33'38"W, 122.40 feet; thence S06°19'30"E, 90.87 feet; thence S74°57'15"W, 150.40 feet; thence S32°58'47"W, 79.43 feet; thence S89°05'41"W, 61.87 feet; thence S76°47'10"W, 218.20 feet; thence S63°12'57"W, 133.13 feet; thence S42°05'28"W, 125.26 feet; thence N89°34'38"W, 239.77 feet; thence N59°27'19"W, 195.77 feet to the West line of said Lot 2; thence N00°15'00"W, 123.82 feet to the Northwest Corner thereof; thence following the boundary of said Lot 2 S89°10'19"E, 210.71 feet; thence S89°14'16"E, 665.23 feet; thence N00°18'11"W, 125.01 feet; thence S89°22'29"E, 27.50 feet; thence N00°18'11"W, 342.83 feet; thence N88°29'30"E, 555.97 feet to the point of beginning, containing 242400.13 s.f.



South Tract:

That part of Lot 2, Ames Middle School 2003, Plat 2 lying South of the centerline of an existing creek and being more particularly described as follows: Commencing at the Northeast Corner of said Lot 2; thence S00°48'56"E, 97.42 feet along the East line thereof to the point of beginning; thence continuing S00°48'56"E, 396.10 feet; thence S06°31'20"E, 200.95 feet; thence S00°47'57"E, 300.01 feet; thence S06°33'03"E, 167.66 feet to the Southeast Corner of said Lot 2; thence N89°08'56"W, 1507.08 feet to the Southwest Corner thereof; thence N00°15'00"W, 543.21 feet along the West line thereof to the approximate centerline of said creek; thence following said line S59°27'19"E, 195.77 feet; thence S89°34'38"E, 239.77 feet; thence N42°05'28"E, 125.26 feet; thence N63°12'57"E, 133.13 feet; thence N76°47'10"E, 218.20 feet; thence N89°05'41"E, 61.87 feet; thence N32°58'47"E, 79.43 feet; thence N74°57'15"E, 150.40 feet; thence N06°19'30"W, 90.87 feet; thence N62°33'38"E, 122.40 feet; thence N27°29'01"E, 217.58 feet; thence S61°44'50"E, 133.74 feet; thence N79°47'00"E, 67.81 feet to the point of beginning, containing 1020749.98 s.f.

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

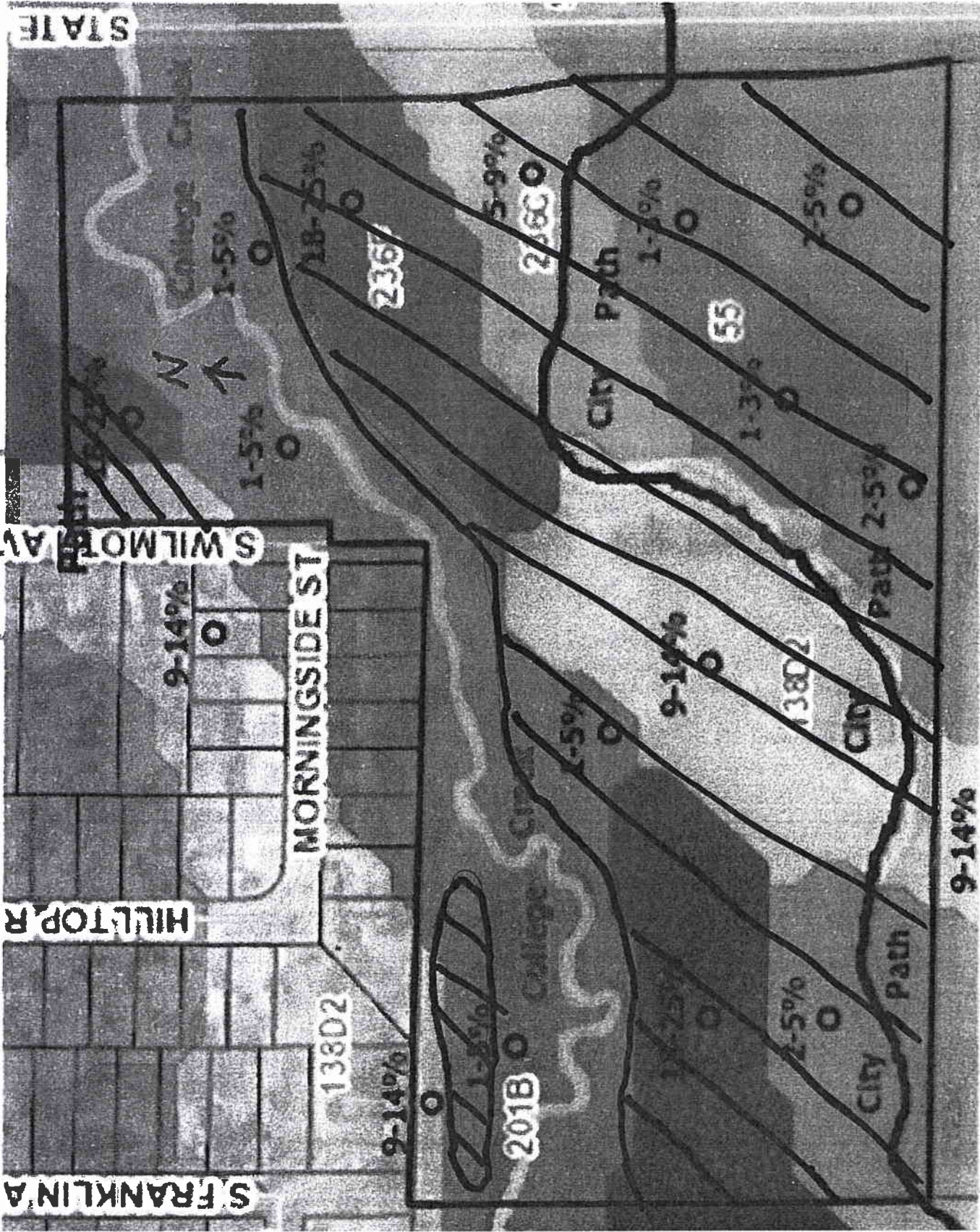
## **PLANNING & ZONING COMMISSION PACKET – FLOODING AND WILDLIFE**


**By Michael K. Petersen (5-21-14)**

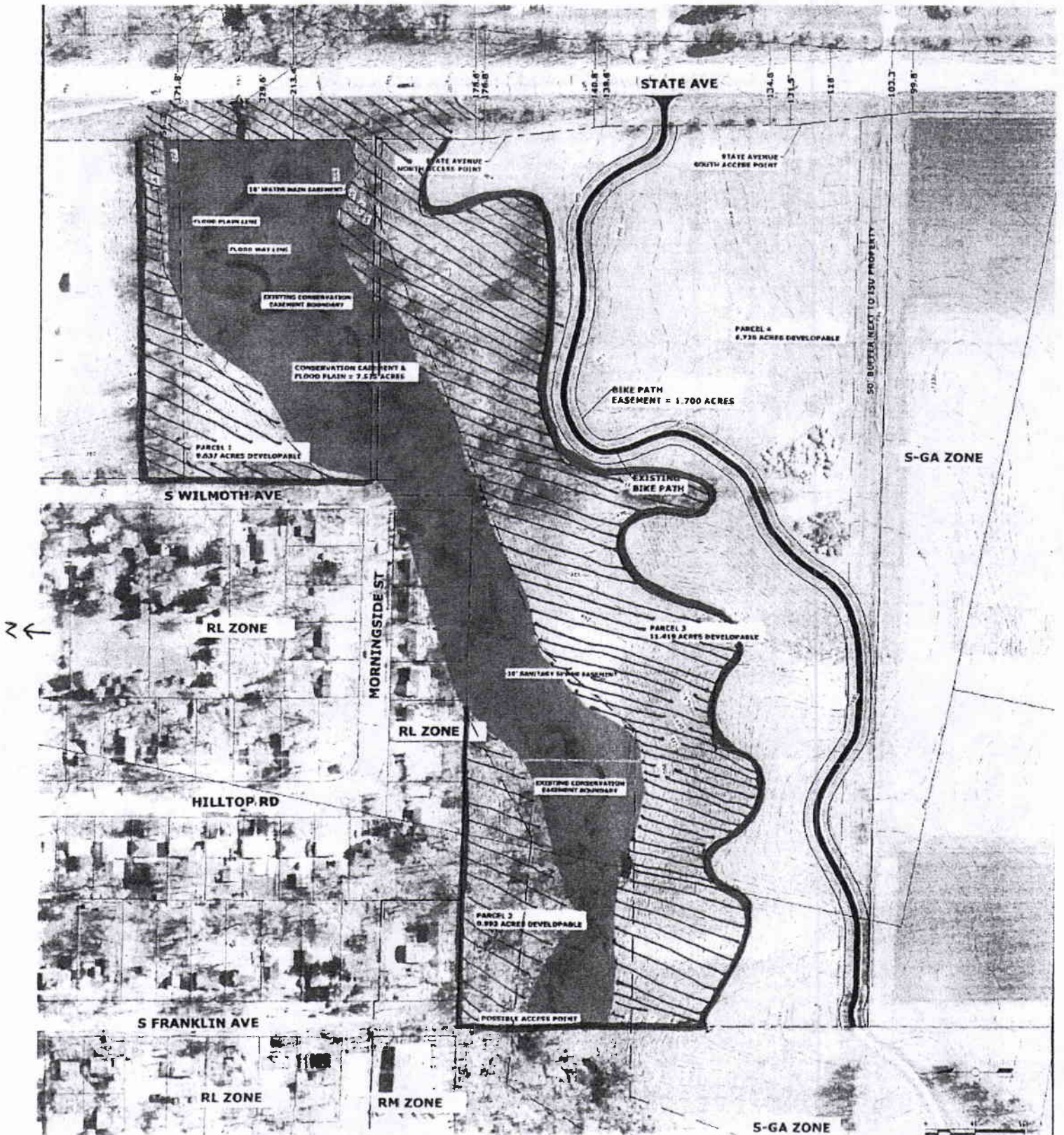
1. Members of the Ames Planning & Zoning Commission. My name is Michael Petersen. I have lived at 3302 Morningside St. in Ames for almost 44 years. I am a member of the CC/OAMS NA. I am here to present some concerns regarding potential effects that Breckenridge's proposal to have particularly the south parcel re-zoned to FS-RL, would have on the environmentally sensitive south parcel, as well as other effects on the two remaining parcels and on the surrounding residential neighborhood.
2. According to Breckenridge Plan S, made in July 2013, the amount of impermeable surface on the south parcel would be almost 316,000 SF with their proposed 118 units. Increasing the units to 275, which they could do under FS-RL with City Staff recommendations (2-3-14) in their P&Z "Commission Action Report", using city net acres without the city recommended limit of 7.26 units/ac, has the potential to increase the impermeable surface up to 2.33 times (275/118) ABOVE the previously stated estimates [2.33 x 315,797 SF = 735,897 SF or 16.89 ac], including about 23,000 SF (~ 0.5 ac) of impermeable surface from proposed Lots 3 & 4 and an access alley in the NW corner of the south parcel. All told, up to 58% (16.89 ac/29 ac) of the entire south parcel could potentially be covered with impermeable surface. Another proposal numbering up to 510 beds could potentially result in even more impermeable surface. I realize they cannot build right down to College Creek, but is overwhelming to imagine even 40 – 50% of the south parcel covered with impermeable surface, and the resulting runoff during heavy rains. Soil compaction caused by heavy construction machinery will result in additional impermeable surface near buildings and parking lots. At least four residents in the middle and north parcel areas (especially on Hilltop Rd. and Wilmoth Ave.) frequently have water in their basements because of poor drainage/existing high water tables, which may be further exacerbated if proper mitigation measures are not undertaken by the developer. All three parcels ultimately drain in to College Creek. Breckenridge has never told anyone how it plans to mitigate the extra runoff that would be caused by the added impermeable surfaces.
3. From data I have previously presented (my personal observations and Iowa DNR animal species lists), 144 total vertebrate species, including 77 endangered, threatened, rare, and species of concern would have approximately 60% of their habitat in the immediate vicinity of the south parcel development eliminated and/or damaged by the 118-unit (Plan S). With 275 units, that wildlife habitat could potentially be reduced to 43% (118/275) of that existing in and next to the 275-unit plan. With a 510-bed site, the amount of wildlife habitat could be potentially reduced even further. Again, Breckenridge has revealed NO plan on how they intend to mitigate the loss of critical wildlife habitat and wildlife that will result from their development. The P&Z Commission and City Council have on file a 43-page document consisting of my personal observations from 44 years on animals in the area and the Iowa DNR Iowa Wildlife Action Plan, that discusses endangered, threatened, rare and species of concern.
4. Paraphrasing the Ames Suburban Residential Floating Zone Supplemental Standards, net acres shall be determined by subtracting areas having 10% or greater slopes. The following slide clearly demonstrates that Breckenridge has plans to develop several areas that have 9-14% and 18-25% slopes in the south parcel as determined by the Story County Soil Survey. How can they reconcile violating Ames Suburban Supplemental Development Standards that are designed to protect potentially erodible soils?

5. The current Ames LUPP Visions and Goals seek to provide biodiversity through the inclusion of plant and animal habitats by enhancing the value of its stream corridors and the linking of existing greenways. As cities continue to grow, critical wildlife habitat is increasingly being eliminated. The city of Ames has a unique opportunity to preserve some remaining wildlife habitat that is essential for a number of species that are in jeopardy of their numbers being depleted further. Preservation will afford ALL citizens of Ames the chance to experience the high quality of life that is provided when they come into contact with the natural environment.
6. I refer you to a map of an extended conservation easement covenant proposal from our neighborhood. We have informed Ames City Parks & Recreation and Ames City Planning and Housing of our desire to have the existing conservation easement/floodplain be enlarged. The current conservation easement/floodplain is approximately 7 acres in size. We propose extending the easement size by 11 acres, for a total of 18 acres. A 30,000 SF area of wildlife habitat in the NW corner of the south parcel (including the fence row of trees between the middle and south parcels) would be eliminated and/or severely damaged by construction of Lots 3 & 4 and the access alley. Similar wildlife habitat would be eliminated or severely damaged in a 1.44-ac area just south of Franklin St. The proposed extension would help protect the wildlife and habitat from future development, and it would mesh perfectly with the intent of the LUPP Visions and Goals that promote a high quality of life for ALL Ames citizens. Ames Parks and Recreation has projected a desire to increase the amount of open spaces/natural areas from the current 225 acres to over 300 acres. The larger conservation easement would help the City of Ames toward this goal.
7. Very few citizens in Ames have voiced support for this project during a year and a half of public hearings. I urge you as an important city commission to recommend that the Ames City Council zone all THREE parcels as only RL and subdivision compliant. This will help promote single-family dwellings, each one on a single lot, which will attract a diverse and heterogeneous population rather than a homogeneous student-only population and the attendant problems that type of development will cause. This recommendation will also help protect an environmentally sensitive ecosystem to a greater degree than if the area was zoned FS-RM.
8. Thank you for the opportunity to present our concerns and to have a voice in city government.

Soil Survey Slope Map



 Potential for development



CC/OAMS Proposed South Parcel Conservation Easement  
 Includes existing woodlands, steep slopes

## Sarah Cady Planning & Zoning Packet for 6-4-14

Dear Members of Ames Planning & Zoning Commission,  
This statement presents my personal analysis of the Fox Engineering Traffic Impact Analysis and my opinions on how an increase in both vehicle and pedestrian traffic will negatively impact the College Creek/Old Ames Middle School neighborhood. Breckenridge has insisted that the South Parcel is physically separate from the neighborhood and thus should not be restricted to the same lower density zoning that exists in other areas of the neighborhood. Although the South Parcel is separated visually from the Middle Parcel by a creek and a narrow wooded area, it is easily observable from many areas of the Cross Country Course and multi-use paths along State Ave. Furthermore, the South Parcel shares traffic space, noise space, pollution space and people space with the surrounding neighborhood. There is no doubt in my mind that the South Parcel is part of the CC/OAMS and should be treated as such with regards to zoning, density, and integration into the existing neighborhood. The developer has previously submitted proposals for FS-RM density and now for FS-RL density. The fact remains that the developer plans on housing 500-600 individuals on the South Parcel, the same number of residents that was used to generate the February 19<sup>th</sup> Traffic Impact Analysis from Fox Engineering. **Despite the claims of Fox Engineering TIA on the "modest" increases in local traffic, City of Ames Staff previously found the "potential traffic impact to be substantial and may unexpectedly accelerate needs for improvements at Mortensen and State."** The information I present below argues in favor of the lowest density possible for the South Parcel.

The CC/OAMS neighborhood is populated with a diverse mix of undergraduate, graduate, non-traditional students with families, ISU faculty and staff, professionals and retirees. I love my neighborhood and for the most part my neighbors, young and old, are kind, respectful and responsible. Many of the issues I describe herein are a direct result of individuals traveling through our neighborhood on the weekdays or into our neighborhood on the weekends - either passing through on the way to Campustown or in search of a neighborhood party destination. As it stands, our neighborhood has its share of difficulties, but they remain manageable. The concern is that the proposed Aspen Heights development will become a party destination like it has in many other communities based on various news reports (one of many examples can be found here: <http://www.whsv.com/home/headlines/222094371.html>). Although the development will not be directly adjacent to my house (located at 2812 Arbor), east-west cross streets including Arbor, Lettie and Tripp will undoubtedly suffer a detrimental increase in vehicle traffic and weekend pedestrian traffic, and that is where the problems arise.

The initial traffic study submitted by Fox Engineering on December 31<sup>st</sup>, 2013 did not include Arbor, Tripp or Lettie in its analysis. The revised TIA submitted late February did include some projections of trip count on to these side streets, but these estimates were not based on an actual traffic count. On Arbor St, we have a significant amount of daily cut-through traffic from persons avoiding Lincoln Way and traveling to and from Campustown regions to the State Ave and Tripp Street areas. One resident of Arbor Street conducted an informal 12-hour traffic count during finals week (when traffic had already been somewhat reduced towards a summer traffic pattern), and found that we averaged about one car per minute traveling down our street throughout the day. Given that 15 homes and a small apartment complex populate Arbor Street, this seems excessive.

We also have a significant speeding problem, and traffic calming has been discussed but not yet addressed in our neighborhood. Individuals regularly exceed the speed limit, which is 25 mph on our residential street. Drivers also rarely obey the 25 mph speed limit on the northernmost section of State Ave or on Sheldon Ave. This is unfortunate considering we also have heavy bicycle and pedestrian

traffic in the neighborhood, particularly on the multi-use path that borders the west side of the proposed development, in addition to traveling through the South Parcel and crossing to the intermodal at Sheldon Ave. I do not intend to villainize students in this particular situation, since I regularly see speeding vehicles with yellow and red ISU faculty and staff parking tags. Regardless of who is speeding, more traffic in our neighborhood will inevitably lead to more speeding and more reckless driving. Three years ago, we had an intoxicated individual drive upwards of 50 mph down Arbor Street and crash into a tree on the corner of Sheldon and Arbor. On busy celebration or football weekends, individuals park on both sides of Arbor Street (earning a parking ticket for those on the wrong side), but that does not deter speeding. 500-600 individuals living on the South Parcel under FS-RL zoning will only exacerbate the traffic and parking problems.

A 2011 IDOT traffic count found over 5000 daily pings at a traffic counter positioned on State Ave between Arbor and Wood Streets. Breckenridge and Fox Engineering, even after an arbitrary 20% reduction in vehicle estimate, have predicted an additional 2000 trips per day from the South and Middle parcels after completion of their development. (To this date, the North Parcel has not been included in a traffic study.) Fox Engineering has assumed over 95% of these trips enter on to State Ave. According to the Fox Engineering TIA, approximately 60% of these trips will be towards the north, which represents at least a 25% increase in traffic at the traffic counter on the north side of State Ave. The traffic is already so heavy at this location in the mornings or evenings that I find myself waiting upwards of 2-3 minutes to turn left (south) onto State Ave or cross the street with my dog.

**Table copied from Fox Engineering TIA dated 2-19-14**

**Table 1 - Site Generated Traffic**

Location	ITE Code	Persons	Daily Rate	AM Peak Rate		PM Peak Rate		Daily Trips	AM Peak Trips		PM Peak Trips	
				Enter	Exit	Enter	Exit		Enter	Exit	Enter	Exit
Middle Project	220 p.345-6	120	3.31	0.14	0.16	0.24	0.26	400	16	20	29	31
South Project	220 p.345-6	455	3.31	0.14	0.16	0.24	0.26	1506	64	72	110	118
<b>TOTAL</b>								<b>1906</b>	<b>80</b>	<b>92</b>	<b>139</b>	<b>149</b>

Now I must take a moment to pick on the student population in particular, since their traffic patterns are slightly different than the traffic patterns of working professionals, graduate students or retirees living in the neighborhood. In previous conversations with the developer, they assured us that a large undergraduate student population in the development would cause the traffic impact to be more diffuse throughout the day as opposed to a more "traditional" neighborhood of 9-5 workers resulting in all residents leaving at the same time in the morning and returning at the same time in the evening. The developer has a point here, but the formula they are using to calculate traffic volumes may underestimate future traffic volumes. Fox Engineering cites ITE code 220 as its reference for calculating the number of daily trips for an apartment complex, arriving at an estimate that indicates each vehicle in the proposed development is coming and going an average of 3.3 times per day. However, ITE code 220 does not take into account the unique nature of the student lifestyle, and this has been documented in research studies detailed below. Students may require many trips to and from campus or to other places in town within a single day. Many students drive back to campus in the evening for campus events, study groups, part-time jobs, and access to athletic facilities because campus parking is free in the evenings. Independent research shows ITE traffic generation models cannot be blindly applied to student-focused housing complexes, due to higher trip generation rates. Traffic generation for student-focused housing developments can be upwards of 50-60% higher than that predicted by the ITE models, particularly in the evening hours. (Traffic analysis of student housing developments: [http://etd.auburn.edu/etd/bitstream/handle/10415/3516/Hammer\\_Elizabeth\\_Thesis.pdf?sequence=4](http://etd.auburn.edu/etd/bitstream/handle/10415/3516/Hammer_Elizabeth_Thesis.pdf?sequence=4)) The author of this study collected trip count data for several student-focused housing developments

located varying distances from large university campuses. The author noted that evening traffic counts varied drastically from the ITE code, and most residents relied on personal vehicle for evening transportation (versus morning when a mix of personal vehicle, bicycle and mass transit was used). Furthermore, Fox Engineering only studied one other apartment complex in Ames to arrive at an arbitrary 20% reduction in vehicle count – no error bars supplied. Unreliable ITE projections in conjunction with a debatable 20% reduction in vehicle count used in the Fox Engineering TIA could mean the daily trips in and out of the South and Middle Parcels could be more on the order of 2500-3500.

Furthermore, the developer has argued many times that future residents of this development will rely heavily on foot and bicycle transportation since the subject property is conveniently located “half a mile from the ISU campus.” However, this estimate barely applies to the distance of the easternmost corner of the subject property and the westernmost corner of campus (a parking lot behind State Gym and the Eaton/Martin residence halls). Most portions of the subject property are at least 1.5 miles and upwards of 2.5 miles from locations where classes are typically held. The independent research cited above was conducted at several undergraduate-focused apartment complexes in Alabama, where temperatures rarely dip below the 40’s in winter. Regardless of favorable weather conditions in the previous study, the author found that residents of these complexes still heavily relied on personal vehicle transportation in the evening hours.

Mapping an arbitrary point on the South Parcel to a spot near Parks library shows a walking distance of 1.6 miles, or a 30 minute walk. The same point on the South Parcel is approximately 0.75 miles from the nearest transit stop on Lincoln Way. Only those on the far eastern edge of the Middle Parcel walking to buildings in the vicinity of State Gym (where not many classes are held) will experience the short 0.5 mile walk or bike promised by the developer. While I agree 1.6 miles is walkable, it will likely not be the first option for students returning to campus for evening activities during the dark and cold fall and winter months that comprise much of the academic year. It seems likely that these residents will rely primarily on personal vehicles.

**Map Showing Typical Walking Distance to Campus for Residents of South Parcel**

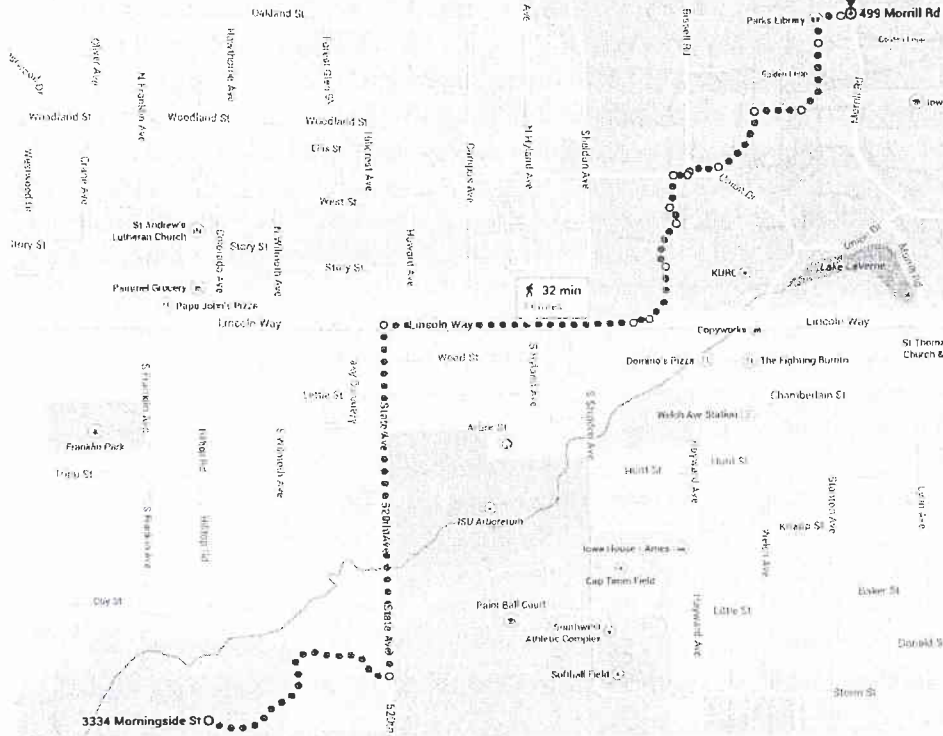




Figure copied from Fox Engineering TIA dated 2-19-14

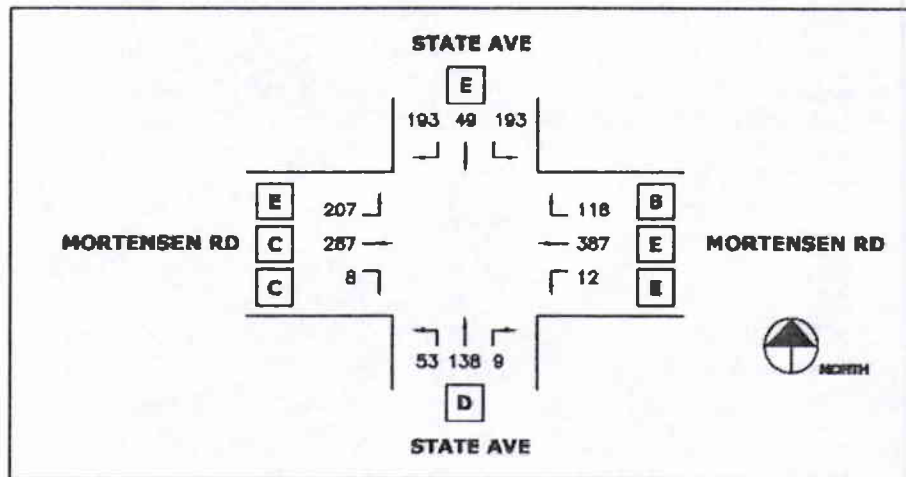


Figure 24 State Avenue – Mortensen Road Combined Traffic Volumes

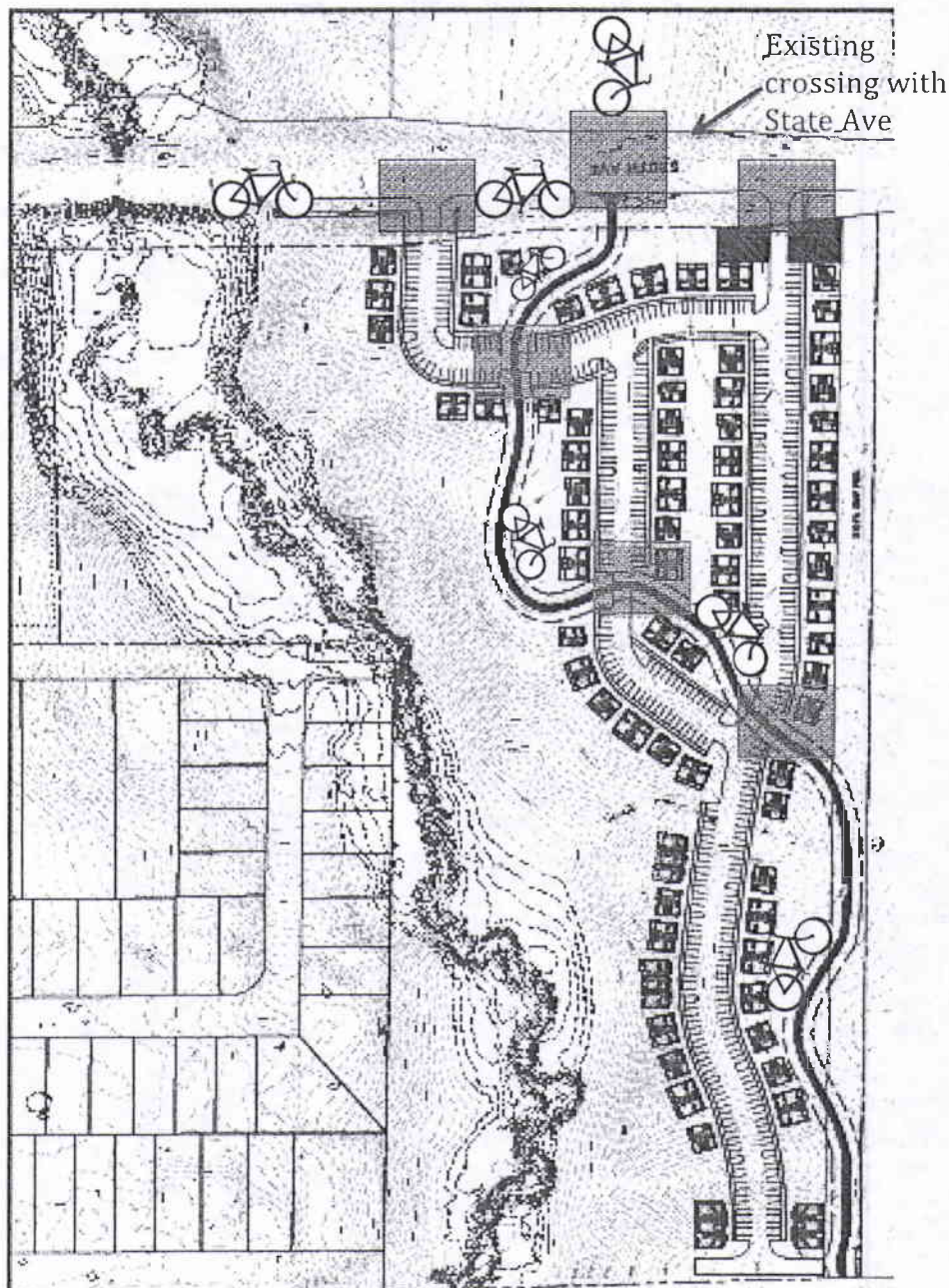
Independent studies referenced above have established that Fox Engineering may have significantly underestimated trip counts due to the lack of justification for using the 20% reduction in vehicle count to formulate traffic volumes in the TIA and the unreliability of ITE predictions for student-focused housing developments. A higher trip count than previously estimated could have a significant effect on the predicted Level of Service (LOS) for the two major intersections at State and Mortensen and State and Lincoln Way. Fox Engineering predicts a reduction in the LOS for three directions of travel in the diagram shown above, resulting in five directions of travel with a very low LOS. (The two westbound lanes were already a level "E" service, but the development is predicted to produce an additional level "E" and a level "D".) However, Fox Engineering claims in the TIA that the low LOS at this intersection "is considered to be a regional issue and not an Aspen Heights project development driven issue." Given Fox Engineering's own numbers, I calculated a 10-15% increase in east-west traffic and an 80-90% increase in the north-south traffic at this intersection. Considering the evidence that shows a potential underestimation in these vehicle counts, it is possible that the traffic impact is even more significant. To this date, the developer has only offered a modest dollar amount (\$100-125k) to Iowa State University and the City of Ames in order to improve traffic flow at this intersection, and this was contingent on the developer receiving a higher density zoning than what is currently being proposed.

I pick on the traffic patterns for the South Parcel for many reasons. The first reason is that under the proposed FS-RL zoning, the South Parcel will have upwards of 500-600 residents, which is over three times the number of residents proposed for the Middle Parcel. I have also shown evidence that indicates future residents of the South Parcel may have to rely more heavily on personal vehicles for transportation. As I have mentioned before, residents of the South Parcel would be over 0.75 miles from the nearest Cy-Ride stop. Currently on Arbor and Wood Streets, we have a regular population of "park-and-ride" individuals who park on Arbor and walk to campus or catch the bus from North Hyland (a two block walk). The South Parcel may cause an increase in traffic and parking issues on Arbor and Wood Streets with individuals using it for auxiliary parking. Another concern of the CC/OAMS is the availability of parking in the South Parcel. The final subdivision plan needs to take into consideration that the closest additional off-street parking for guests of South Parcel residents is located on Arbor St or the Ames Middle School parking lot. To date, the developer has only presented plans that provide 1 parking space per resident, as required by code. This does not provide for any guest parking in the vicinity of the South Parcel development. At present, there is no street parking on State Ave.

**Maps Showing the Nearest Transit for South Parcel Residents, Map Showing Eastern Edge of Middle Parcel are the Only Future Residents <0.5 miles From Edge of Campus**



## South Parcel: last proposal to Neighborhood 08/08/13 Impact on Multi-Use Path



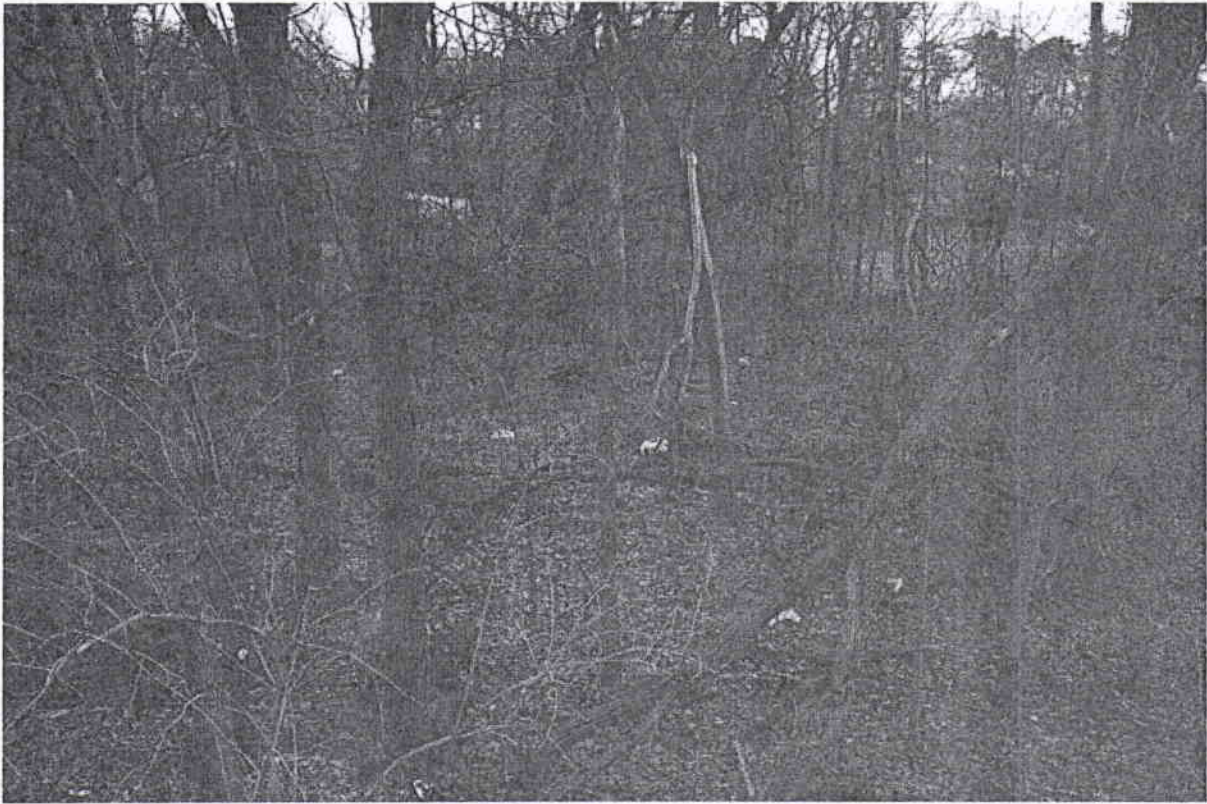
I also have concerns about pedestrian and bicycle traffic on State Ave and on the path that runs from the ISU Cross Country Course/Arboretum over into the South Parcel. A 25-30% increase in vehicle traffic on State Ave also means an increase in traffic that crosses the pedestrian walkways at State and Arbor and where the bike path crosses State. I use both of these crossings several times each week. In the mornings and evenings, traffic is already very heavy on State Ave, as I have mentioned previously. It is my general experience that most vehicles in Ames do not have the tendency to stop for pedestrians waiting to use a crosswalk. The fast, heavy traffic on State Ave exacerbates the situation for both crossings I have mentioned. The bike path crossing on State Ave is at the top of a hill, which is somewhat blind for northbound traffic traveling at 45 mph. The individuals living in the South Parcel will add to this problem, since they will be turning in and out of the complex at least 1500 times a day

according to the Fox Engineering TIA, and potentially more if the traffic volumes have been underestimated. **Furthermore, the developer has declined Iowa State University's request to install a pedestrian walkway at the State Ave. pedestrian crossing, citing not wanting to give pedestrians a false sense of security and not wanting to be liable for any potential accidents at this intersection.** Residents entering and exiting the proposed complex will inevitably interact with trail users at the entrance driveways and also while turning across State Ave. Several plans that Breckenridge has presented have the bike path weaving in and out of parking lots in the complex. I believe this to be a bad idea from an aesthetic standpoint and from a safety standpoint. At present, I am able to run, walk or bike through a natural prairie area full of songbirds and wildflowers, uninhibited by vehicle traffic. Often I am running or biking in the evening hours when driver visibility is impaired. I hardly consider a path that weaves in and out of parking lots and housing structures to be an improvement on the present situation. More recent plans have the path descending and ascending the sides of the creek valley rapidly in order to avoid the development completely. While being closer to the creek on the bike path seems like an aesthetically pleasing idea, this leaves the bike path more prone to flooding and also makes it more difficult to use for cyclists or disabled persons who cannot handle a rapid elevation change. A lower density zoning in the South Parcel would allow for a larger easement along the bike path, fewer vehicles crossing the path and a larger conservation easement preserving the area of natural prairie.

A secondary concern of mine is weekend foot traffic in the neighborhood. Residents living to the west of State Ave travel east towards Campustown. Residents living in Campustown often travel west to house parties. On weekend evenings we have encountered urinating individuals, individuals hurtling full beer cans, physical fights, and highly intoxicated individuals that have stumbled into the street. My concerns here are twofold. First and foremost, I am concerned about pedestrians, including myself. An increase in neighborhood vehicle traffic at the same time as an increase in foot traffic could be dangerous and even deadly. A large, dense, student-focused housing development will bring both of these things to the neighborhood. Regardless of the season (but especially in winter with icy sidewalks), large groups of pedestrians tend to walk down the middle of Arbor Street late at night. At the same time, Arbor St. will have an increase in vehicle traffic adding to our existing population of individuals that drive 10-15 mph over the speed limit. Secondly, I am concerned for my property and safety of my family and my neighbors. I don't like to think that there are certain times of the day where it's simply not safe to be outside in my neighborhood. I have never been physically attacked in my neighborhood, but I have been verbally harassed by pedestrians and by drivers shouting from vehicles. My boyfriend has had full cans of beer hurtled at him while walking our dog. I feel as if this type of behavior will only escalate in the CC/OAMS neighborhood with the addition of a dense, homogenous undergraduate population. On the issue of property, both my boyfriend and myself have had items stolen from our cars. We regularly find trash in our yard. The east end of our street is a veritable dumpster for pedestrian-produced trash. Breckenridge has produced no pedestrian traffic estimates based on other similarly located and similarly sized developments, and has proposed no litter mitigation strategies for the surrounding neighborhood. However, based on news articles from other Aspen Heights developments, I think it is safe to assume that Aspen Heights developments have the tendency to attract large groups of people with occasional negative consequences for the surrounding neighborhood.

In conclusion, the vehicle and pedestrian traffic from a dense, undergraduate-focused housing development will negatively impact the residents of the CC/OAMS neighborhood and individuals who frequent the various multi-use paths in the neighborhood. Existing traffic and trash problems in the neighborhood will be exacerbated. It is the opinion of the CC/OAMS that the South Parcel should be zoned R-L with a maximum limit of 3.68 units per net acre, which is consistent with the density of the existing CC/OAMS neighborhood. Thank you for taking the time to listen to my concerns and your efforts with the Ames Planning and Zoning Commission.

**Trash on east Arbor St as a result of pedestrian traffic, 03/17/14**



**2013 Stash The Trash Day - Trash from Wooded Area on East end of Arbor St.**



**2014 Stash The Trash Day - Trash from CC/OAMS Neighborhood**



May 30, 2014

To: Ames Planning and Zoning Commissioners  
From: CC/OAMS

We appreciate the opportunity to clarify our priorities regarding the development of the old Middle School properties, now known as North Parcel, South Parcel, and Middle Parcel.

That phrase, "the old Middle School properties" causes a painful twinge, because after the new Middle School opened "the old Middle School properties" always meant the site on which the old school sat (Middle Parcel), and the athletic fields on Lincoln Way (North Parcel).

Since 2007, when the Council, the University, and the School Board deliberated about the future use for the sale of governmental lands, discussed the need & desire for single family housing, culminating in an LUPP designation of R-L, we looked forward to the development of what has become known as the Middle and North Parcels, as a low density, single family home extension to our neighborhood. This would include the usual development of individual properties, extending our rich variety of home designs, landscapes, and enriching blend of residents: families, children, young and old, from all walks of life, white collar, blue collar, professors, students, etc. New residents who would be fortunate to now live within walking/biking distance to the University, the present Middle School, an extension of McFarland Clinic, Hy-Vee Grocery and Pharmacy, a stunning variety of 50+ restaurants, churches, and business offerings. And these new residents would also be surprised to find the unique jewels of the Arboretum and the health-promoting, scenic, natural setting of the City shared-use path from State Ave. to the Middle School.

In Sept. 2012, we learned that a developer was going to purchase the Middle and North Parcels only if the land south of the old Middle School and the residential area along Morningside, west to S. Franklin, and south to the ISU Research Plots be sold with the old Middle School properties for all-student rental housing; the neighborhood was in disbelief! When the old Middle School properties were sold for residential development, there would now be now 3 parcels: North, Middle, AND South (with the South Parcel having a significant portion of environmentally sensitive lands and a stretch of recreational trail), housing all-student rental. The School Board officially parceled off the South Parcel just before closing the sale in February 2013.

It was known by the School Board that the developer would be building student-only rental housing, which would bring no additional funds for the Instructional Budget. The developer knew that the properties were designated R-L, and publicly stated that the zoning would have to be changed to "medium density". The property was sold, and bought, without contingencies (no guaranteed zoning).

Charlie Vatterott, Breckenridge Vice President of Development, has said in every public venue, that Breckenridge has been here since 2011. In fact they tried to buy property on S. 16<sup>th</sup>, across from The Grove, but were out bid. Copper Beech student housing complex is now going up there in high-density zoning.

As with other locations across the U.S., Breckenridge is once again trying to put its higher density student rental project, "Aspen Heights", in a low density single family neighbor, expecting that the governing body will ignore/change it's Vision/Goals/Code to make that happen.

Now we're asked what our vision is for the development of these parcels. It's the same as was envisioned by the 2007 Council, University and School Board, and the CC/OAMS neighborhood ever since:

- Low Density Single Family “owner-occupied” housing on the Middle and North Parcels, a house with basement on its own lot, with a garage, on lot parking, heterogeneous mix of residents, and
- retain the natural open space on the South Parcel, with the City shared use path linkage to the Middle School.

Therefore, continuing to embrace the Goals of the Land Use Policy Plan, which evolved through many weeks of deliberation, input of experts in their fields, wide selection of community members and interests in assessing the Core Values of Ames, we set forth the following priorities:

\*\*\*\*\*

**Core Value: Viable neighborhoods, strong schools and economic growth go hand in hand. Maintaining a high quality of life where you live is essential.**

- “...manage growth so that it is sustainable, predictable, and assures quality of life...” [Goal 1]

**>>Design of the old Middle School properties residential development must be sustainable, re-purposable, subdivision compliant.**

**>>The make-up of the residents should be heterogeneous ( i.e. in age, familial status, etc.)**

We believe this to be a win/win/win for neighbors, Aspen Heights residents, Breckenridge. Specifically for Breckenridge, it would provide a hedge against the coming decline in student housing to have longer term non-student residents, offer opportunity for experienced non-student managers as well as student managers, provide some opportunities for intervention in less mature behaviors.

\*\*\*\*\*

**Core Value: New developments merging successfully with existing viable neighborhoods reflect the core values of neighborhood**

- “... achieving greater compatibility among new and existing development...” [Goal 2C]
- “...Create a greater sense of place and connectivity, physically and psychologically, in building a neighborhood and overall community identity and spirit...” [Goal 4]

**>>CC/OAMS neighborhood (S. Hyland to Village Dr.) has a density of 3.7 housing units to NET acres (non-residential Franklin Park, business properties excluded).** This is comparable in current new residential development as reported by Chuck Winkleblack at a recent Council meeting.

**Retaining the 3.7 units/acre calculates to something LESS than 400 beds Total for all 3 parcels.** (Only having figures for Gross acres available: Gross Acres of 8.4A on the North Parcel, & 10.67A Middle Parcel, and Net Acres of 14.38A on the South Parcel used by Breckenridge in the charrette...400 beds is a high estimate.)

**>> Consistent R-L zoning on all three parcels.**

Recently you were considering the request to amend the LUPP for S. 17<sup>th</sup> to allow HD (R-H) for student housing development. A statement was made “Didn’t foresee townhomes 7years ago.” “How will it fit?” Now there are HD student housing projects all around there.

We ask you to ask, how does the South Parcel now, 7 years later fit. Except for the Low Density Single Family R-L neighborhoods adjacent to it, there will not be residential housing going up on the ISU Arboretum, the ISU Cross Country course, the ISU Research Fields, nor the Ames Middle School. How does the South Parcel fit, now?



>>3 residents per unit occupancy. We've been through the times of mixed occupancy, to the frustration of all.

\*\*\*\*\*

**Core Value: Opportunities to enjoy nature, up close and personal, is essential to quality of life experiences, and enhance personal/community vitality.**

- "...achieves greater conservation of natural resources and compatibility between development and the environment..." [Goal 2D]
- "...provide biodiversity through the inclusion of plant and animal habitats..." [Goal 3A]
- "maintain and enhance the value of its stream corridors as drainage ways and flood management areas, plant and animal habitats, recreational and scenic areas and pathways for linking the overall community" [Goal 3B]
- "...protect and enhance its air quality and sky access for...oxygen enrichment through plant life, glare and ambient night light management for night sky viewing, noise transmission management..." [Goal 3E]

>> **Preserve and protect 18 acres of conservation easement along College Creek corridor. (see map)** Win/win! Area identified as proposed conservation easement includes creek, greenway, steep slopes that would not be developed, natural buffer that would not have to be "reinvented" resultant cost.

>> **Maintain a safe and scenic City shared-use path from State Ave. to the Ames Middle School.** This does not require the path to be moved. If moved, it must be as safe as it is currently.

\*\*\*\*\*

**Core Value: Opportunity lost is time/money and unnecessary frustrations**

- "Link the timing of development with the installation of public infrastructure including utilities, multi-modal transportation system, parks and open spaces" [Goal 5]

>> **In-depth traffic study for all 3 parcels to be completed as part of Master Plan.** "Poor" is not acceptable! Illogical is not acceptable!

>> **Necessary infrastructure, particularly sufficient traffic mitigation improvements, be completed before development is opened.** Development of a subdivision is normally accomplished over several years. This allows infrastructure to develop as subdivision grows. Given the developer's stipulation that this will be all rental, all-student, this development will be completed all at once, requiring the infrastructure be sufficient to handle the impact of the student rental population, and guests. Arbor "Traffic Study" ...

>> **Parking for 3 vehicles on lot; sufficient number (3 stalls per unit) of small visitor parking lots dispersed throughout.** The residential make-up of the neighborhood is such that 2 parking spaces is sufficient for many owner-occupied properties with couples or young families, though rental units often add additional parking given the residents generally possess three separate vehicles. (also see Asst. Mgr. Melissa Mundt's report with other cities regarding insufficient parking, 3 residents, each with own set of friends) Street parking in CC/OAMS is restricted to no parking (State) one side/alternate side only on other streets (all except Hilltop).

>> **Establish 18 A. conservation easement before construction begins.**

\*\*\*\*\*

**Core Value: Neighbors care for each other.**

We are concerned about our new neighbors regarding specific safety issues which have been problems consistently in other Aspen Heights projects.

• **Hazardous construction, tornado vulnerable cement slab houses, party culture, illegal activities, litter**

We have presented these concerns in detail, in written and oral presentations, to the developer, City Staff, Planning & Zoning Commission, and to a limited extent Council.

These priority concerns are no less diminished now, but as the charrette facilitator would say, we're "putting them in a parking lot", waiting for the proper time and venue for them to be addressed, and satisfactorily mitigated.

In summary, we are identifying these as our primary priorities:

**>>Design of the residential development must be sustainable, re-purposable, subdivision compliant.**

**>>The make-up of the residents should be heterogeneous ( i.e. in age, familial status, etc.)**

**>>Retain CC/OAMS neighborhood (S. Hyland to Village Dr.) density of 3.7 housing units to NET acres.**

**>> Total for all 3 parcels of something LESS than 400 beds**

**>> R-L for all three Parcels; 3 residents per unit occupancy.**

**>> Preserve and protect 18 acres of conservation easement along College Creek corridor.**

**>> Maintain a safe and scenic City shared-use path from State Ave. to the Ames Middle School.**

**>> In-depth traffic study for all 3 parcels to be completed as part of Master Plan.**

**>> Necessary infrastructure, particularly sufficient traffic mitigation improvements, to be completed before development is opened.**

**>> Parking for 3 vehicles on lot; sufficient number (3 stalls per unit) of small visitor parking lots dispersed throughout.**

We do not come before you as equals:

This developer comes seeing this as a business opportunity, with corporate and investor interests outside Iowa guiding them, to maximize the number of bedrooms in the Aspen Heights project.

The neighborhood comes here as long-term residents, who have believed in Ames as the place where their children will grow-up, had faith in exceptional educational opportunities to prepare them for future successes, felt personal pride/satisfaction in their vocational/professional opportunity of choice, enjoyed the cultural experiences afforded in this university town, the wonderfully stimulating recreational activities, and the awe & inspiration of nature in our surroundings.

This community neighborhood does not happen by accident. We look to our personal and community core values, to our vision for the future, our respect for the past. We put time, money, sweat, and sometimes tears, into making this our Ames Community.

The decision before you is not to see if you can find a solution that imposes as little impact on each party as possible. The neighborhood will be significantly impacted by this project, regardless. The negative impact of all-student housing developments is both known and experienced in Ames. ...and it is long term. In a recent Council meeting, Jeff Cook of CPM, developer of the S. 17<sup>th</sup> high density student housing project stated:

“Talking with realtors found no RH property in Ames. Read Council minutes, news reports. Considered what has worked and not worked in Ames; specifically Breckenridge and Aspen Ridge townhomes. High density around single family low density has immediate impact to surrounding landowners.

Those discussing affordable housing agreed that it is best to diversify, to help raise expectations /standards, minimize inappropriate behaviors, and avoid stereotyping and stigmatizing the residents.

Your decision is to create an opportunity for a successful blending of a new development with an existing neighborhood, a new development that is compatible with the existing neighborhood, and, if not sustainable, re-purposable. And above all else, provides for the quality of life each Ames citizen seeks, works toward, expects and deserves.

We would urge you, the Planning and Zoning Commissioners, to recommend to the City Council **R-L Zoning for the North Parcel, and for properties both north & south of College Creek on the South Parcel, with a minimum of 3.7 units per net acre**, which is consistent with the existing College Creek/ Old Ames Middle School Neighborhood.

Thank you.

Mike Petersen and Joanne Pfeiffer, Co-chairs

Marilyn Clem, Duffie & Bob Lorr, Sharon Guber, Sharon Stewart, Sarah Cady, Jason Paull, Emily Thurmaier

Proudly Representing College Creek/Old Ames Middle School Neighborhood

“In the fall of 2007, the City amended its Land Use Policy Plan (LUPP) map to identify land uses for government land that might potentially be sold to private parties in the future. The purpose of that amendment was (a) to identify an appropriate land use for those properties should they ever be sold to private individuals, and (b) to provide notice to potential buyers of those properties what they could expect in terms of their allowable uses.

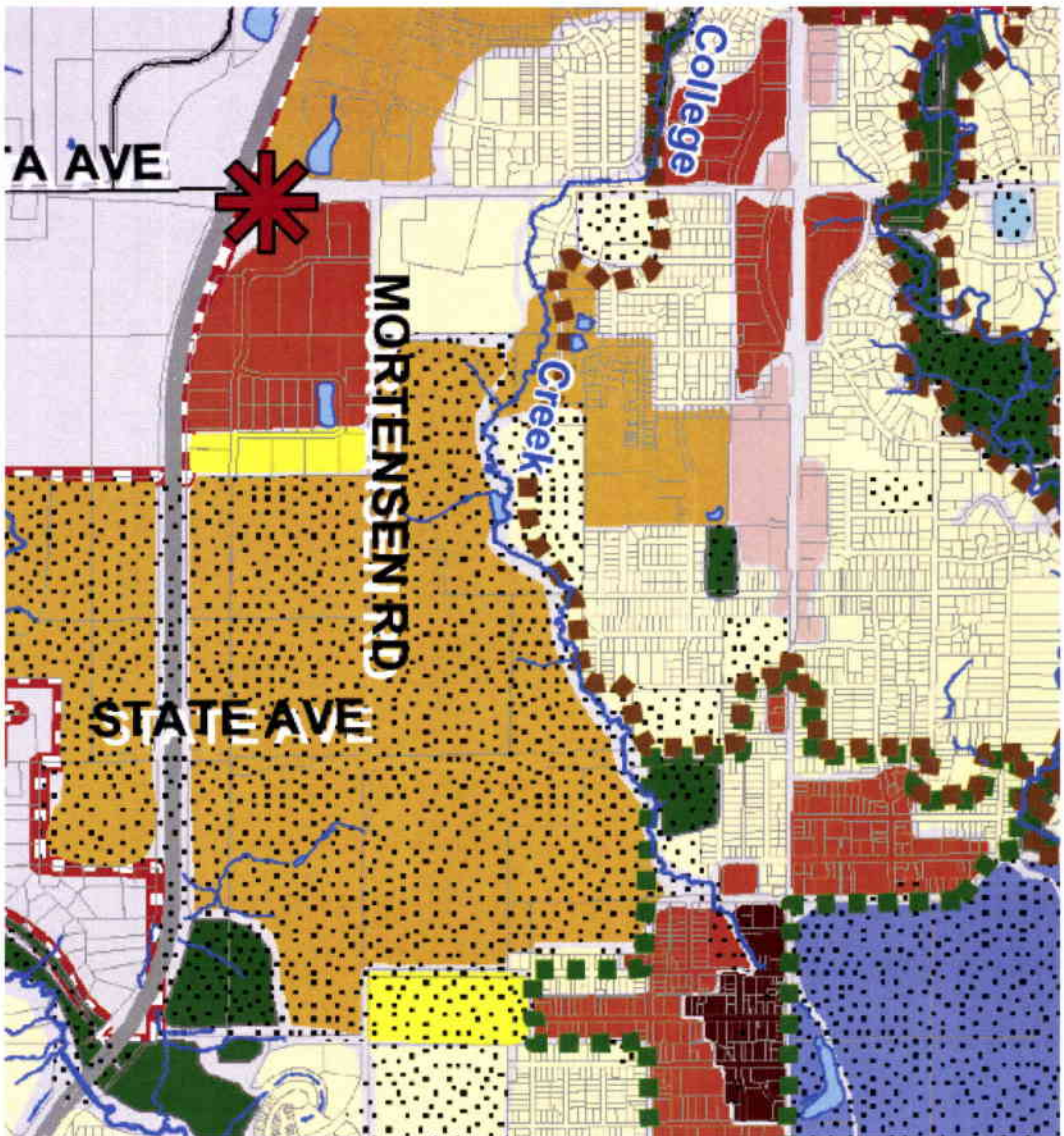
Prior to the 2007 amendment, the LUPP map identified government owned land under the broad titles “Government/Airport” and “University/Affiliated”. The City’s zoning map identifies these areas as “Government/Airport District”.

**Occasionally, properties within the Government/Airport (S-G/A) district are sold off to private individuals. However, the S-G/A zoning is not automatically changed when property is sold. Prior to the 2007 amendments, the sale of government land to a private buyer resulted in an inconsistency between the land’s ownership and the zoning designation of the district. That inconsistency in turn prompted consideration of an appropriate land use and zoning district designation for the property. The new owner had no way of knowing what land use was consistent with City policies because the LUPP and zoning map assumed that the land would always remain under government ownership. The owner was therefore forced to speculate on how the land might be developed under private ownership.**

Since the new owner might have expended considerable time and money on their development plans, decision makers could feel pressured to support the private proposal. This situation had sometimes resulted in incremental decision-making, which did not always facilitate an analysis of the broader public good that effective long-range planning demands, and was inconsistent with stated goals of the City’s Land Use Policy Plan. Specifically, Goal 2 of the plan is to “guide the character, location and compatibility of growth with the area’s natural resources and rural areas”, and to “seek a development process that achieves greater compatibility among new and existing development.”

**“The draft plan map was then reviewed by the City Council on December 18, 2007. It included proposed land uses for all government lands. The proposed land uses reflected uses that immediately surrounded the subject site to ensure compatibility between uses. The map also specified an overlay that identified all government lands with a note in the legend stating that the government land overlay prevails over the underlying zoning designation so long as the property is owned by a government agency.” (See Appendix A)**

Future Land Use Plan of 2007



(Note: dotted land is government land overlay) "South Parcel" didn't exist at this time.

**Legend**

**Government Land**

(The government land overlay prevails over the underlying land use designation so long as the property is owned by a government agency.)

**Land Use Policy Plan Designations**

**Residential**

- Low-Density Residential
- One- & Two-Family Medium-Density Residential
- Medium-Density Residential
- High-Density Residential
- Village/Suburban Residential
- South Lincoln Sub-Area Mixed Use District

**Commercial**

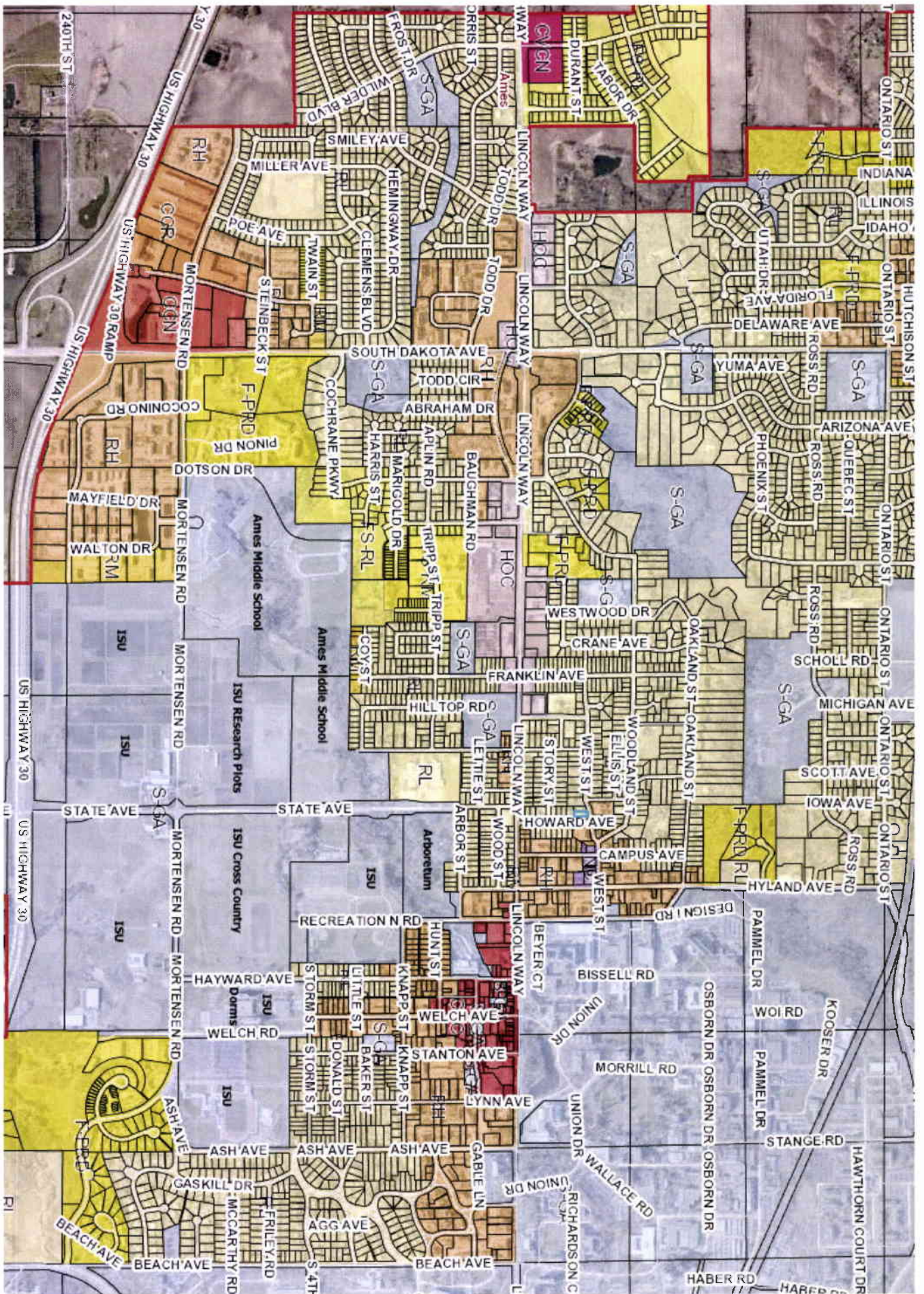
- Highway-Oriented Commercial
- Downtown Services Center
- Regional Commercial
- Community Commercial Node
- Convenience Commercial Node

**Industrial**

- General Industrial
- Planned Industrial
- Other Designations
- Government/Airport
- University/Affiliated
- Medical
- Parks and Open Space
- Future Park Zone
- Agricultural/Farmstead

**Unique Development Area Classifications**

- Urban Core Land
- University-Impacted Land
- New Lands-All Other
- Near Term Lands



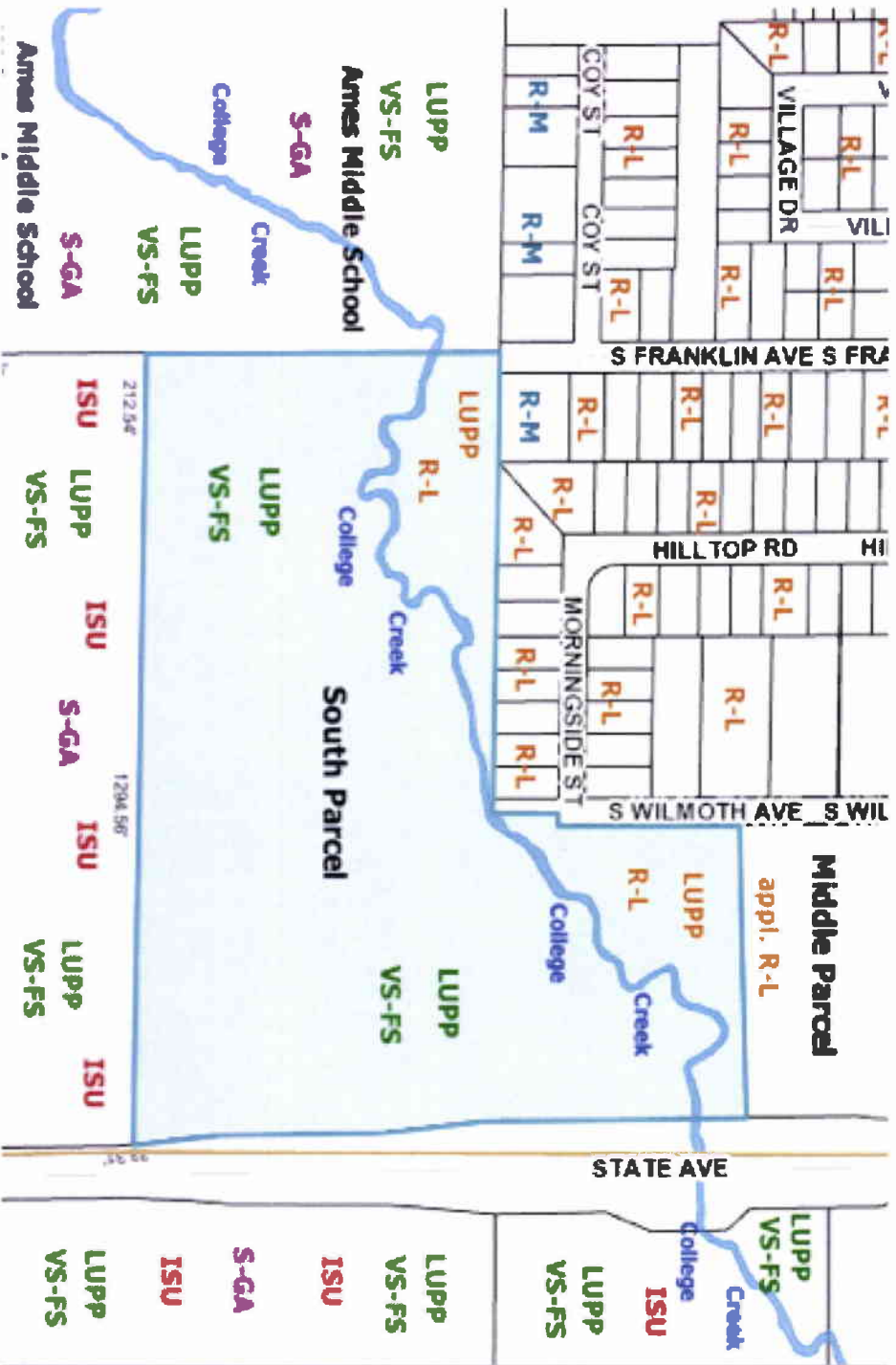
West side of Ames current Zoning Districts (note newly re-zoned Middle Parcel as R-L)

2003 Satellite map with current platting (note surrounding South Parcel existing residential is R-L)



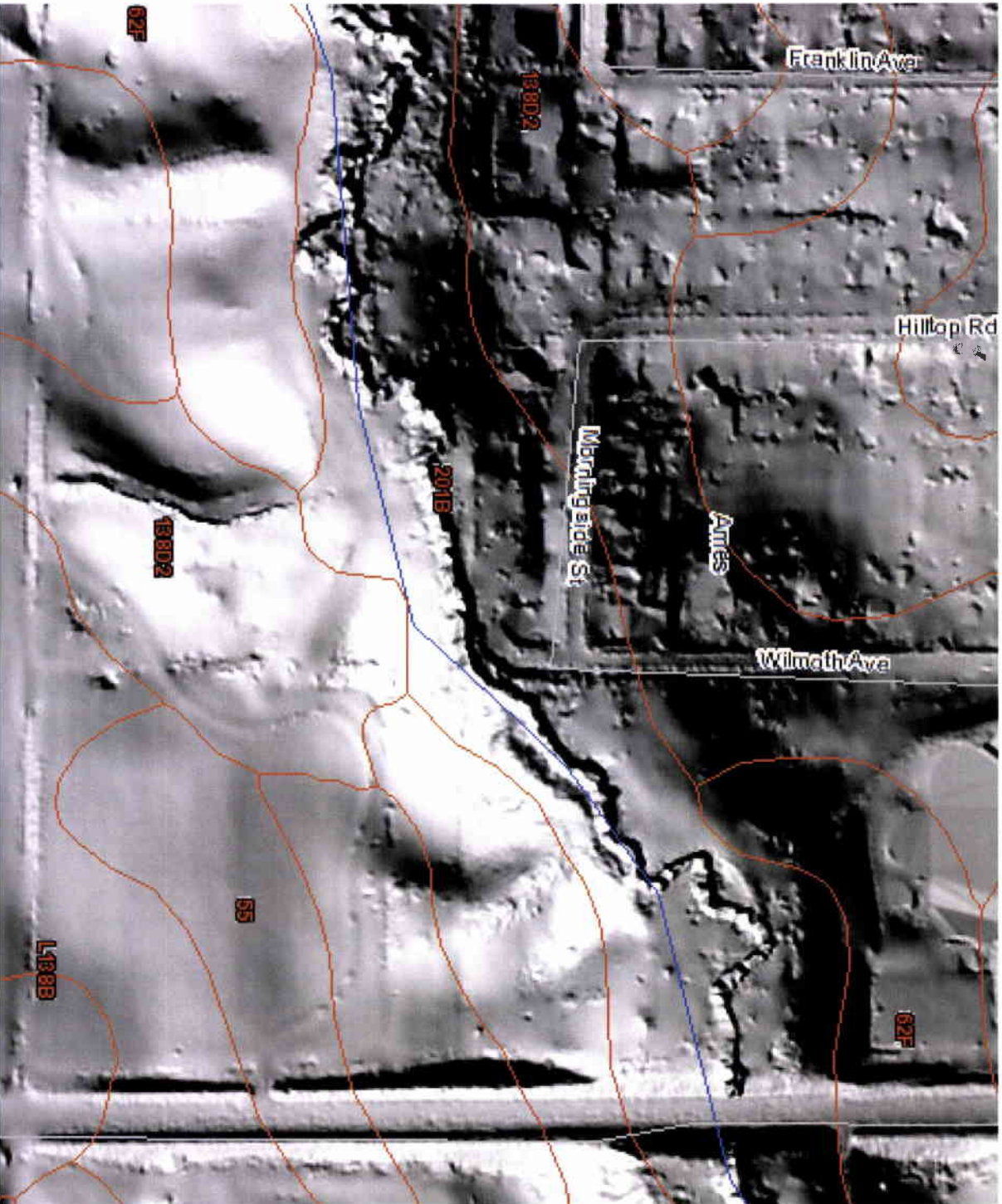
[Ames School Board requested, and Council passed platting of "South Parcel" for sale to Breckenridge, Feb. 12, 2013... See **Appendix B.**]

If the South Parcel existed in 2007, and was considered for LUPP designation in with the same intense interest as the Middle Parcel and the North Parcel, as an imminent option for residential development, the portion of the South Parcel south of College Creek would likely have been zoned R-L, as is that portion of the South Parcel north of College Creek. With R-L LUPP designation north of College Creek, and the Middle School adjacent on the west, and the Middle Parcel now zoned R-L as of the 3<sup>rd</sup> reading on Mar.25<sup>th</sup>, the whole of the South Parcel certainly begs to be zoned R-L. Having designated "Blue Star" (student-safe) homes on the flat lands along the City shared-use path would be a positive added safety feature, while preserving the unique natural setting with a conservation easement that extends up the steeper slopes from College Creek... a calming, rejuvenating experience currently enjoyed by those who travel the City path from State Ave. to the Ames Middle School.

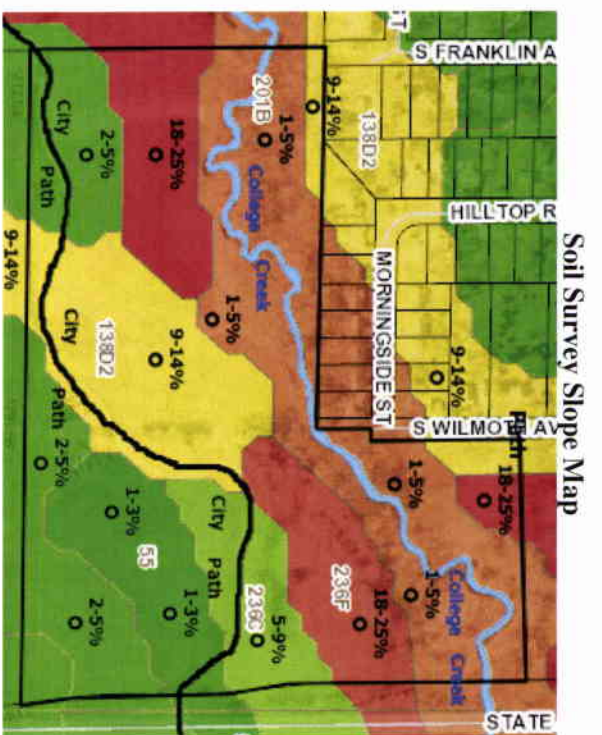




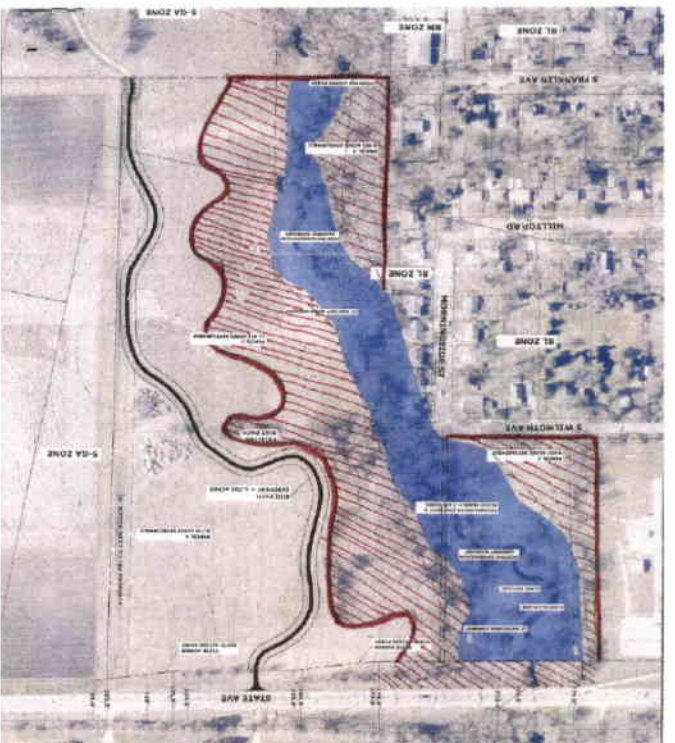
LIDAR Map South Parcel with Slope Designation  
NORTH



The topography shows the extreme slopes throughout the South Parcel, both north and south of College Creek. It is clear that the City shared-use path from State Ave. to the Ames Middle School is safely laid out along the top ridge of the South Parcel. The only flat area is southeast of the City path.



CC/OAMS Proposed South Parcel Conservation Easement, following contours, incorporating existing woodlands/habitat, steeper slopes north



p. 7 of 11  
p. 8 of 11

**Appendix A**  
City of Ames Staff Report  
Ames City Council & School Board Joint Meeting  
September 17, 2012

**Background:**  
The City Council will be meeting with the Ames Community School Board on Monday, September 17, 2012 to discuss future plans for properties that the School Board is considering selling. In response to a City Council request, staff has prepared the following background information:

In the fall of 2007, the City amended its Land Use Policy Plan (LUPP) map to identify land uses for government land that might potentially be sold to private parties in the future. The purpose of that amendment was (a) to identify an appropriate land use for those properties should they ever be sold to private individuals, and (b) to provide notice

to potential buyers of those properties what they could expect in terms of their allowable uses.

Prior to the 2007 amendment, the LUPP map identified government owned land under the broad titles "Government/Airport" and "University/Affiliated". The City's zoning map identifies these areas as "Government/Airport District".

**Occasionally, properties within the Government/Airport (S-G/A) district are sold off to private individuals. However, the S-G/A zoning is not automatically changed when property is sold. Prior to the 2007 amendments, the sale of government land to a private buyer resulted in an inconsistency between the land's ownership and the zoning designation of the district. That inconsistency in turn prompted consideration of an appropriate land use and zoning district designation for the property. The new owner had no way of knowing what land use was consistent with City policies because the LUPP and zoning map assumed that the land would always remain under government ownership. The owner was therefore forced to speculate on how the land might be developed under private ownership.**

Since the new owner might have expended considerable time and money on their development plans, decision makers could feel pressured to support the private proposal. This situation had sometimes resulted in incremental decision-making, which did not always facilitate an analysis of the broader public good that effective long-range planning demands, and was inconsistent with stated goals of the City's Land Use Policy Plan. Specifically, Goal 2 of the plan is to "guide the character, location and compatibility of growth with the area's natural resources and rural areas", and to "seek a development process that achieves greater compatibility among new and existing development."

The staff developed a draft land use map that identified proposed land uses for government lands, should they ever be developed by private individuals. This map was presented to the City Council on February 20, 2007 along with a proposed process for considering the changes, which the Council agreed to. This process included a joint meeting between the Ames City Council and the Ames Community School district, which was held on April 17, 2007, followed by an open house allowing full public review and discussion, which occurred on September 4, 2007. The staff also met with representatives of Iowa State University, which is the largest holder of government owned land within Ames city limits.

There was a large turnout at the September 4<sup>th</sup> open house, and staff collected comments to determine if changes to the draft plan were needed. While there was considerable interest in the plan, there weren't too many errors identified or concerns expressed. The staff made minor amendments to the map in response to those comments, which were primarily to correct errors based upon ownership.

**The draft plan map was then reviewed by the City Council on December 18, 2007. It included proposed land uses for all government lands. The proposed land uses reflected uses that immediately surrounded the subject site to ensure compatibility between uses. The map also specified an overlay that identified all government lands with a note in the legend stating that the government land overlay prevails over the underlying zoning designation so long as the property is owned by a government agency.**

**Applicable Goals & Policies from the adopted Land Use Policy Plan (LUPP)**

Page 29 of the LUPP provides information on future land use allocations and future land use classifications for the City of Ames. Allocations are based on projected need through the growth year 2030. The proposed land use designations associated with the Government Lands potentially resulted in the allocation of more land than needed for the 2030 projection. However, it was deemed unlikely that most of the government land designated under the proposal would actually be available for development. The additional amount of developable land as a result of the proposed changes was therefore expected to be limited through the projected planning horizon.

**Adoption of Map Amendments to LUPP:**

The City Council adopted the amended LUPP map on December 18, 2007. (See attached map). Input received from Ames Community School District officials at that time indicated a strong desire to facilitate single family housing within the District boundaries since most of the new residential subdivisions were developing in the Gilbert School District. It was emphasized that even though a different designation might yield more up-front monies to the District, a low density designation, where possible, would have more long-term financial value in terms of a broader goal to attract additional single-family residential

development with families/students within the District.

The potential effect of the adopted changes on Ames Community School District properties is explained in the attached table. This table lists nine school sites along with the adopted land use designation for each site, the zones that would be consistent with those land use designations, and the types of dwelling units that could potentially be built under those land use and zoning designations.

## Appendix B

City Council Agenda [complete document as PDF is available]

ITEM # 20

DATE: 02-12-13

**SUBJECT: AMES MIDDLE SCHOOL 2003 PLAT 2 MINOR SUBDIVISION FINAL PLAT**

**BACKGROUND:**

The Ames Community School District is requesting approval of a Final Plat for a minor subdivision for the property where the current Ames Middle School is located on Mortensen Road. This large parcel currently extends east to State Avenue and then north across College Creek to the parcel on which the old middle school stands.

Item 20 -- [Resolution approving Ames Middle School Subdivision, Plat 2.](#) This subdivision brings the City of Ames another step closer to acres of student housing in an existing neighborhood. This could represent a very large change in the quality of life of nearby residents.



August 5, 2014

Karen Marren  
Planner  
Planning and Housing Department  
City of Ames  
515 Clark Avenue  
Ames, Iowa 50010

**RE: 601 State Avenue - South Parcel Master Plan Resubmittal**  
FOX Ref. No. 5360-13a.100

Dear Karen:

Attached is the revised Master Plan for 601 State Avenue. In addition we have responses to the City's comments from the May 16, 2014 letter (attached) and the City's Staff Report to the Planning Zoning Commission (also attached).

**First, comments on the May 16th letter. I have numbered your comments so we can address each item:**

1. We have changed the name to appropriate designation. The number of units per "building" varies.
2. We will follow the standards for the street geometry and speed. If the City is going to lower the speed, then we will need to know for the proper design of the intersections.
3. Do not believe this is true. Improvements to S. Franklin are not required by the development of a single lot. If so, then the property with frontage to the north of the Breckenridge lot will need to improve their frontage prior to Breckenridge's lot being developed.
4. We have not heard an opinion from the City Attorney's office. We believe a conservation easement is not needed as the required stream buffer is sufficient and replaces any need for the conservation easement.
5. Easement areas (conservation, bike path, water sewer, etc.) are allowed to be in the lot area as long as they do not impede the use of the easement. The final density calculation can only be done after the layout and design is completed to greater detail. The easements prohibit buildings and structures. Easements can, and may, be included as part of the lots.
6. The bike path does not need to be relocated unless the City would like it in another location. To each sub point:
  - The intent shown on the plan was to use the current State Street crossing location and any bike trail traffic will use the current shared used path along the west side State to access the new trail location. This location is advantageous to any school children from the north accessing the path so they don't have to go up the hill.
  - We have discussed rerouting the trail on the School's property so it follow the contours and eliminates the sharp turn and the hill. This also eliminates a steep hill on the school property and improves the safety and usability of the trail. The relocated trail is shown on the Master Plan. The issue has been discussed with Ames Schools and they are in an agreement with the reroute as long as they don't have to pay for the improvement.
  - The only severe bend will be eliminated by the aforementioned reroute on the School property.



# Attachment G

- The intention is to have the trail parallel the stream as that is the "amenity" that the trail serves in addition to the overall trail network. Trails and conservation areas would seem to be compatible uses.
- The trail can stay at its current location or it can move. Need a timely decision from the City before proceeding with the subdivision layout.

## Comments to Staff's report to the Planning & Zoning Commission dated June 4, 2014 - Findings of "Fact":

1. Agree.
2. No comment.
3. No comment.
4. In the LUPP all stream flood plains and streams are included in this designation.
5. No comment.
  
6. The City needs to provide a draft of this agreement for negotiation and review by Breckenridge. Timely response by the City is required.
  
7. The City addresses two issues here. First, the intersection of Mortensen and State. No one would deny that this intersection already has issues. As per the traffic study there is an incremental change to the intersection.

Concerning the bus system, with an increase in enrollment there will be an increase in potential ridership regardless of the location. This site is in proximity to the University and can be easily walked or biked. The Developer may choose to provide his own bus service for the area.

8. This intersection has been in ongoing discussions between ISU and the City. Neither entity wants to take responsibility for this intersection which already has issues. Neither the City or ISU should expect Breckenridge to pay for the full improvement of this intersection in order to relieve the City or ISU of their responsibilities. The traffic study was for the *maximum* number of requested units for the middle and south parcels. The actual number of units constructed will not be determined until the preliminary plat is submitted and is likely to be less than the maximum. Once the final number of units is ascertained, then the true traffic impact can be analyzed.

We propose moving the bike path to be adjacent the natural area of the stream corridor. This is within the City's ability to resolve.

9. No final plans have been prepared. *The implementation of subdivision rules has made accommodating some of these concerns more difficult.* Additional stormwater rules have been promulgated since the start of this project 2 years ago which will have some effect on the project and the final density of the project.

If you have any further comments or questions, then please get them to me in a timely fashion so we can respond before the Council meeting.

Sincerely,



Scott Renaud, P.E.  
Project Manager

cc: Charlie Vatterott, Aspen Heights  
Brian Torresi

K:\proj\5000\5360-13a Aspen Heights\Master Plan\2014 08 04 Master Plan resubmittal ltr.docx

# Attachment G

**601 State Avenue  
Narrative to the Master Plan  
FS-RL Rezoning  
Master Plan as per Ames Code 29.1507(4)  
April 29, 2014  
Revised August 5, 2014**

Reference Master Plan for detailed responses to the legal requirements of 29.1507(4).

The complex will be a mix of single family residential types varying from 2 units attached up to 5 units attached. Alley loaded units, if any, may be up to 12 units attached. There will be 2-3 bedrooms per residential unit.

The lots will be platted and the streets will be public. However, due to the isolated nature of the development the Owner is agreeable to private streets. Parking will be on the street as 90 degree (straight in) parking.

The Developer would ask the existing bike trail be relocated in cooperation with the City. There will be some fringe areas and/or unusable/or undevelopable areas adjacent to the floodplain or conservation area will not be developed. The new storm water regulations require a 100 foot buffer from the edge of the stream. However, the floodplain and conservation areas will need to have utility connections made through the areas, some elements of the storm water management and treatment systems will be located in the area, and the bike path may be relocated to within these areas.

Two accesses will be provided to State Avenue in accordance with the City's requirements.

Public sidewalks will be constructed as per the requirements for access except where trails have already been constructed on State Avenue.

No improvements are planned for State. The traffic study indicates 3 lane sections out of the development address an localized intersection issues. The drives from the complex will have one lane in and two lanes out - one left and one right.

## Utilities

Water - Available adjacent to the site. Public mains will be run in easement as required to service the buildings and to provide fire protection.

Sanitary Sewer - Available adjacent to the site. Public mains will be run in easements required to service the buildings.

Storm Sewer/Drainage - Available adjacent to the site. Will be distributed throughout the site and will be private. Some accommodations will be made for offsite drainage from the south (ISU property). Drainage will be in conformance with the City's standards.

Gas/Electric/Phone - Available adjacent to the site.

# Attachment G

## **MASTER PLAN SUBMITTAL REQUIREMENTS as per City Code Section 29-1507(4)**

### **(i) Name of the applicant and the name of the owner of record**

Greg Henry  
Manager  
Breckenridge Group Ames Iowa, L.L.C.  
1301 S. Capital of Texas Highway  
Suite B-201  
Austin, Texas 78746

### **(ii) Legal description of the property**

Reference attached boundary survey.

### **(iii) North arrow, graphic scale, and date**

Shown.

### **(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**

Easements are shown from available City record. Reference attached City utility maps. Location of utility and easement to be confirmed in design.

Floodplains from available FEMA information to be confirmed during design. All areas in the floodway or flood fringe are designated as Environmentally Sensitive Areas. It is expected some water, storm sewer and sanitary sewer utility work as well as bike and walking paths will occur in the floodway and flood fringe. There are no designated wetlands - though it is assumed some wetlands exist within the flood plain.

Topography is from LIDAR information. Aerial photography was taken in April 2012. There are no existing buildings on this property.

### **(v) Proposed zoning boundary lines**

Zoning boundaries are divided by the creek. North of creek will be zoned RL and south of the creek will be FS-RL (Suburban Residential Low Density).

### **(vi) Outline and size in acres of areas to be protected from impacts of development**

No development in the flood plain or conservation easement areas. Size of the floodplain and conservation easement is 7.525 acres. There are numerous easements for sanitary sewer that will need to be protected from development - though most are already in the flood plain. A new bike path easement will need to be prepared for the relocated bike path.

### **(vii) Outline and size in acres of areas proposed of each separate land use and for each residential unit type**

There are 3 development parcels divided by the conservation easement. The two areas north of the creek are RL zoned and the area south of the creek is FS-RL.

Development Parcel No. 1 - Small 0.637 acre area adjacent to South Wilmoth Avenue - RL Zoning.

Development Parcel No. 2 - Small 0.993 acre area off the end of South Franklin Avenue - RL Zoning.

Development Parcel No. 3 - Large 19.85 bordered by the flood plain to the north - FS-RL Zoning.

### **(viii) Pattern of arterial streets and trails and off-site transportation connections**

There are two planned connections to State Avenue - north and south. Two connections are needed for internal connectivity and fire protection requirements.

A private drive connection to South Franklin Avenue is proposed in the event Development Parcel No. 2 is constructed.

Existing bike trail on State Avenue is unaffected. The bike trail from State Avenue to the Ames Middle School will be relocated.

### **(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.**

# Attachment G

Development Parcel No. 1 (RL) - A minimum of 2 lots or maximum of 3 lots.

Development Parcel No. 2 (RL) - One unit is planned for this parcel.

Development Parcel No. 3 (FS-RL) - A minimum of 110 lots or a maximum of 190 lots.

**(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.**

Zoning requested is RL and FS-RL

Total Site Area = 29.00 acres

Undevelopable area in the floodplain or conservation easement = 7.525 acres. Note - this area can be included in the lots, just is not buildable.

Area in the bike trail easement = 1.700 acres. Note - this area can be included in the lots, just is not buildable.

Approximate developable area = 21.48 acres

Uses in accordance with the zoning designation

Maximum density in the RL zone is 7.26 units per acre

Minimum density in the FS-RL is 3.75 units per net acre

Minimum number of units required in the FS-RL area = determined on the net developable acres. Not know at this time.

**(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.**

Does not apply to this residential development.

# Attachment G



May 16, 2014

Fox Engineering Associates, Inc  
Attn: Scott Renaud  
414 S. 17<sup>th</sup> Street, Suite 107  
Ames, IA 50010

Re: Rezone Request and Master Plan for 601 State Avenue, ZMA 14-02

Dear Scott,

Thank you for submitting the rezoning request and master plan for the property located at 601 State Avenue. City staff has met to review the submitted rezoning request for the property, which was deemed a complete application on May 2, 2014. Comments concerning the rezoning request and master plan are provided below:

- ① • The Master Plan indicates duplexes and row houses, neither of which are defined use types within the RL or FS-RL zones being requested. The only residential use types permitted are single family dwellings and single family attached dwellings. Typical row homes and duplexes style units could both fit within the definition of the attached single family dwelling classification if they were arranged so that all buildings were constructed with at least two units per building, each unit was on an individual lot and separated by a fire wall, all units had a front door access to the outside, and no units were located above another. Please change the description to be attached single family with a count of the number of units per building.
- ② • Staff notes a concern for the location of the north drive access onto State Avenue. The visibility from the driveway onto State Avenue from that access point will need to be reviewed to determine any safety concerns. This will need to be addressed at the time of subdivision review for the property.
- ③ • Based on the Master Plan noted use of the area of development parcel 2, South Franklin will be required to be improved based on minimum subdivision requirements for lot frontage. This will need to be addressed at the time of subdivision review for the property.
- ④ • An easement document for the Conservation Easement should be drafted and approved for the area in conjunction with any approval for rezoning of the property to affirm the

## Attachment G

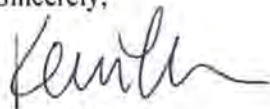
clear intent of the easement on the plat. The City Attorney's office is reviewing the claim that the easement is "expired".

- 5 • The Master Plan indicates that the applicant has not determined the net developable acres for the site and therefore has not determined the minimum number of units required for the FS-RL zone. At minimum, staff notes that the required 100 foot stream buffer area should be removed from the area calculations when determining net developable area. Staff has other concerns about high slope area and ability to meet fire access requirements for Parcel 3.
- 6 • Parks and Recreation Staff have noted a few concerns regarding the revised location of bike path. For safety reasons, staff notes the follow comments:
  - Concern for the revised connection point at State Avenue. Is the intent to maintain the existing connection point crossing State Avenue and continue the trail within the existing shared use path that is within the shoulder area of State Avenue?
  - Concern for the slope at the trail connection points (along west property line and connection on the east to State Avenue).
  - Ability for maintenance operations to be continued at the current level. This is a concern for the increase number and severity of curves in the trail and slope of the new trail.
  - Concern for areas of the new trail location within what appears to be wooded area and or conservation area.
  - Need to continue dialogue about feasibility of moving the trail.

Staff requests the above information/comments to be addressed for staff to proceed with a report to the Planning and Zoning Commission. A public hearing is required before the Planning and Zoning Commission can forward their recommendation up to the City Council.

Please contact me if you have questions. We look forward to working with you to complete this request in a timely manner. If you have any questions about your project, please contact me at (515) 239-5400.

Sincerely,



Karen Marren  
Planner

cc: Brian Torresi, Davis Brown Law Firm, 2605 Northridge Pkwy., Ste.101, Ames, IA 50010

## Attachment G

### City of Ames Staff Report to P & Z for the June 4, 2014 meeting

**Applicant's Statements.** The applicant has provided a description of the proposed rezoning request and a narrative with the proposed master plan (*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:

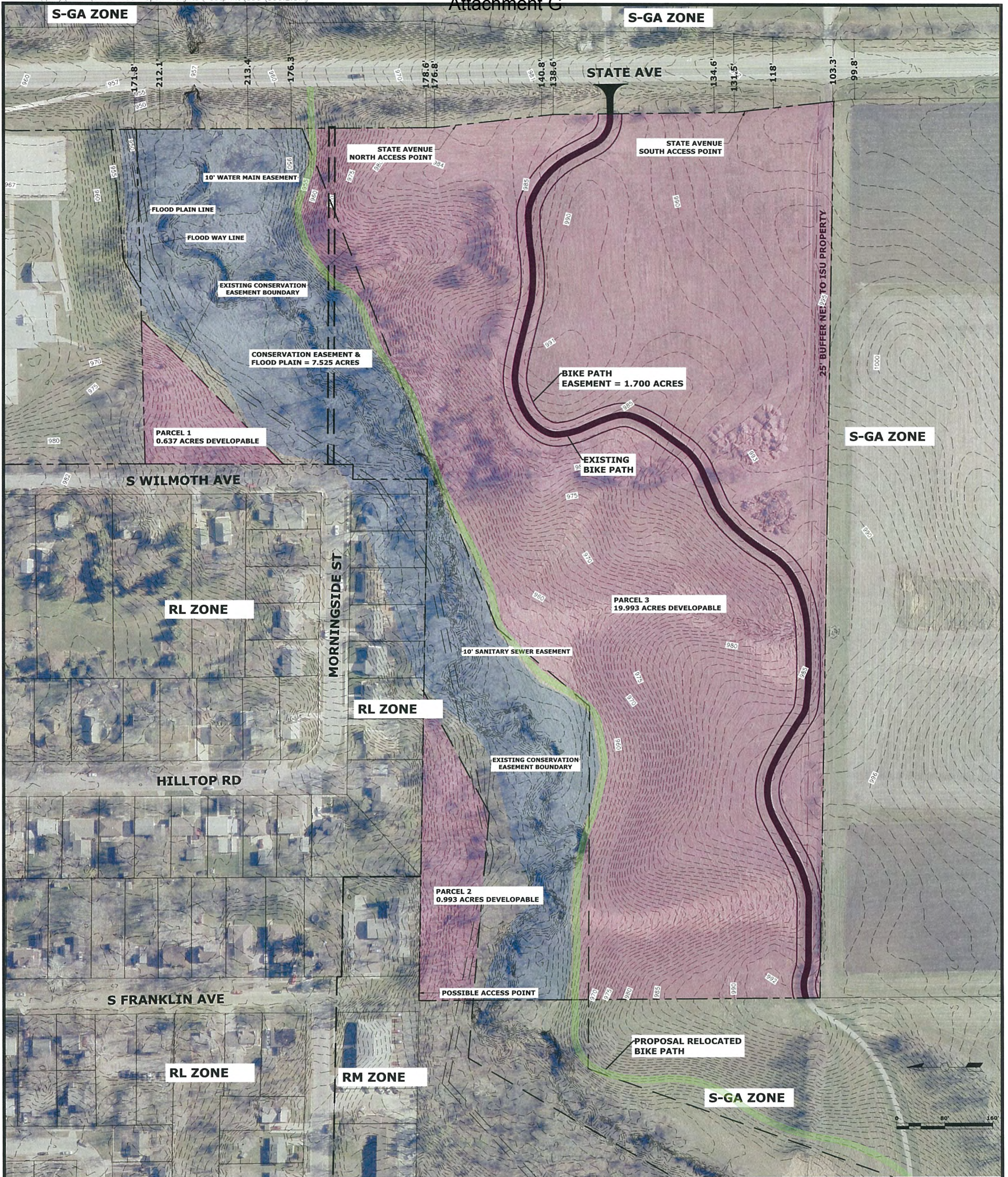
1. The subject site is a vacant lot zoned S-GA. S-GA allows for uses associated with federal, state, county, school districts, or municipal governmental authorities, such as publically owned facilities used for administration, services or general aviation functions.
2. Ames *Municipal Code Section 29.1507(2)* 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" north of College Creek and "Village/Suburban Residential" south of College Creek. The City completed an analysis of government lands in 2008 and designated this site accordingly to accommodate a desired increase in low-density single-family development and for compatibility with surrounding neighborhood.
4. The LUPP identifies a greenway overlay across the site in support of the natural area of College Creek and the existing bike trail.
5. The "Village/Suburban Residential" land use designation supports multiple zoning district choices. The proposed "Suburban Residential Floating Residential Low Density" (FS-RL) zoning designation request for the site for areas south of College Creek. Under "FS-RL" zoning the proposed uses as identified in the master plan are permitted. The applicant will be required to subdivide the property through a preliminary and final plat to allow for each single-family attached residential unit to be located on individual lots.
6. Ames *Municipal Code Sec. 29.1507(5)* requires approval of a zoning agreement for an application with a master plan and that all subsequent development complies with the master plan.
7. Public infrastructure is generally available to serve the proposed development and pending development. The project contributes incremental negative impacts to intersection operations in the area of the site and contributes additional riders to the bus system that operates at capacity.
8. Development of the project would accelerate the need to implement traffic mitigation at the intersection of Mortensen and State that is not programmed within the City's Capital Improvement Plan.

## Attachment G

8. The City owns an easement for a bike trail used for recreation and transportation purposes through the site and connects across State Street at the middle of the site. Development around the bike path would negatively affect safety for users if crossed frequently by vehicles. Development surrounding the path would negatively affect its setting within a natural area as a greenway amenity.
9. The site includes a number of natural constraints to development that include a flood plain, natural areas, creek channel, and a substantial amount of acreage of the site in excess of 15 percent slopes. Development of these areas would be disruptive to the setting of the site and require substantial engineering and grading to manage stormwater runoff and soil stability for appropriate building sites of homes.

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





**MASTER PLAN SUBMITTAL REQUIREMENTS**  
as per City Code Section 29-1507(4)

- (i) Name of the applicant and the name of the owner of record  
 Greg Henry  
 Manager  
 Breckenridge Group Ames Iowa, L.L.C.  
 1701 S. Capital of Texas Highway  
 Suite B-201  
 Austin, Texas 78748
- (ii) Legal description of the property  
 Reference attached boundary survey.
- (iii) North arrow, graphic scale, and date  
 Shown.
- (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  
 Easements are shown from available City record. Reference attached City utility maps. Location of utility and easement to be confirmed in design.  
 Floodplains from available FEMA information to be confirmed during design. All areas in the floodway or flood fringe are designated as Environmentally Sensitive Areas. It is expected some water, storm sewer and sanitary sewer utility work as well as bike and walking paths will occur in the floodway and flood fringe. There are no designated wetlands - though it is assumed some wetlands exist within the flood plain.  
 Topography is from LIDAR information. Aerial photography was taken in April 2012. There are no existing buildings on this property.
- (v) Proposed zoning boundary lines  
 Zoning boundaries are divided by the creek. North of creek will be zoned RL and south of the creek will be FS-RL (Suburban Residential Low density).
- (vi) Outline and size in acres of areas to be protected from impacts of development  
 No development in the flood plain or conservation easement areas. Size of the floodplain and conservation easement is 7.525 acres. There are numerous easements for sanitary sewer that will need to be protected from development - though most are already in the flood plain. A new bike path easement will need to be

- prepared for the relocated bike path.
- (vii) Outline and size in acres of areas proposed of each separate land use and for each residential unit type  
 There are 12 development parcels divided by the conservation easement. The two areas north of the creek are RL zoned and the area south of the creek is FS-RL.  
 Development Parcel No. 1 - Small 0.237 acre area adjacent to South Wilmoth Avenue - RL zoning.  
 Development Parcel No. 2 - Small 0.990 acre area off the end of South Franklin Avenue - RL zoning.  
 Development Parcel No. 3 - Large 19.993 bordered by the flood plain to the north - FS-RL zoning.
- (viii) Pattern of arterial streets and trails and off-site transportation connections  
 There are two planned connections to State Avenue - north and south. Two connections are needed for internal connectivity and fire protection requirements.  
 A private drive connection to South Franklin Avenue is proposed in the event Development Parcel No. 2 is constructed.  
 Existing bike trail on State Avenue is unaffected. The bike trail from State Avenue to the Ames Middle School will be relocated.
- (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.  
 Development Parcel No. 1 (RL) - A minimum of 2 lots or maximum of 10 lots.  
 Development Parcel No. 2 (RL) - One unit is planned for this parcel.  
 Development Parcel No. 3 (FS-RL) - A minimum of 110 lots or a maximum of 190 lots.
- (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.  
 Zoning requested is RL and FS-RL  
 Total Site Area 29.00 acres  
 Undevelopable area in the floodplain or conservation easement 7.525 acres. Note - this area can be included in the lots, just is not buildable.  
 Area in the bike trail easement 1.700 acres. Note - this area can be included in the lots, just is not buildable.  
 Approximate developable area 21.43 acres  
 Uses in accordance with the zoning designation  
 Maximum density in the RL zone is 7.20 units per acre  
 Minimum density in the FS-RL is 0.75 units per acre  
 Minimum number of units required in the FS-RL area determined on the net developable acres. Not known at this time.

(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.  
 Does not apply to this residential development.



**SOUTH PARCEL  
 FS-RL MASTER PLAN  
 APRIL 25, 2014  
 REVISED AUGUST 5, 2014**

FIGURE:	S	
REVISION	NO.	DATE
DRAWN	PROJECT NO.	DATE
TJH	5360-13A	08/05/14

**ITEM NO. 42**

**Staff Report**

**MASTER DEVELOPMENT AGREEMENT FOR BRECKENRIDGE PARCELS**

**August 12, 2014**

**GENERAL BACKGROUND**

Breckenridge Group Ames Iowa, LLC, has purchased three parcels of land located at 205 S. Wilmoth Avenue, 321 State Avenue, and 601 State Avenue, respectively, with the intention of developing them for residential housing. They have been in the process of taking steps toward that end, initially by applying for rezoning of the parcels to a designation other than S-GA (Government lands). The middle parcel has been rezoned to RL (Low Density Residential) and the rezoning of the other two parcels is pending.

**BACKGROUND OF NEGOTIATIONS ON DEVELOPMENT AGREEMENT**

As this development was being planned, other major residential development was being initiated which proposed large numbers of residences on a single lot in a novel configuration. This led to a review by Council of several sections of the zoning ordinance which allowed these unique applications of the code. The Council discussion considered whether this was consistent with their intent. Their conclusion was that it was not as intended and they gave staff direction to revise the code. Ultimately, the City amended a provision of the zoning ordinance that had formerly allowed multiple single family structures on lots larger than one acre to prohibit that in the future. This enactment occurred prior to rezoning of any of the parcels Breckenridge owned. Breckenridge initiated litigation against the City for that enactment. In the course of the litigation, they proposed that a negotiated development plan for all three parcels be considered, one result of which would be resolution of the litigation by dismissal. To potentially resolve the litigation, negotiation of the conceptual parameters of the development proposal took place in a series of closed sessions. That proposal was presented for public input on July 8.

After receiving public input, the Council directed that the proposal move forward by formalization of a development agreement. This agreement is the result of that direction.

**MASTER DEVELOPMENT AGREEMENT FRAMEWORK**

This agreement is designed to set out the framework for the further steps that would follow on the three parcels Breckenridge owns. This situation is unique in that, while ownership is in one entity, each of these parcels is quite distinct from the others and functions more akin to being three discrete developments. The proposed development

agreement takes into account that a single type of development across all three parcels would likely not be the ideal fit for any of them. Under this agreement, there is explicit acknowledgement that each parcel going to develop in a manner that is different from the other two. All of the features set out in the proposal concept identified on July 8 have been incorporated into this Master agreement.

## PROCEDURAL ALTERNATIVES

There are multiple routes that can be taken to achieve the result of development on all three parcels that is in accordance with this agreement. This sequential process will depend on which stage any of the interim steps is at. If Council wishes to move ahead with this development agreement, it needs to be understood that this action alone does not rezone the north or south parcels, and there very likely will need to be five concurring votes to accomplish any necessary rezoning which this agreement contemplates.

While it is very difficult to outline every possible route to get there, the most critical initial determination is whether Council wishes to pursue this option at all. At this stage, it is possible for Council to rezone these parcels from their present S-GA designation to the RL and FS-RL designations which the applicant has requested. Then, to accomplish the zoning necessary for this agreement, additional steps would be need to be taken to change the RL and FS-RL designations to another designation.

Since the pending rezonings can take place and still allow the Council to move this agreement forward, all three of these agenda items need to be acted upon to give direction on what steps to take next.

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DO NOT WRITE IN THE SPACE ABOVE THIS LINE; RESERVED FOR RECORDER

Prepared by: Judy K. Parks, Ames City Attorney, 515 Clark Ave., Ames, IA 50010; 515-239-5146

Return to: Ames City Clerk, Ames City Hall, 515 Clark Ave., P.O. Box 811, Ames, IA 50010

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**MASTER AGREEMENT PERTAINING TO THE  
DEVELOPMENT OF LAND IN THE CITY OF AMES  
OWNED BY BRECKENRIDGE GROUP AMES IOWA, L.L.C.,  
LOCATED AT 205 SOUTH WILMOTH AVENUE,  
321 STATE AVENUE AND 601 STATE AVENUE**

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between the CITY OF AMES, IOWA (hereinafter called "City") and Breckenridge Group Ames Iowa, LLC (hereinafter called "Developer"), their successors and assigns,

**WITNESSETH THAT:**

WHEREAS, the Developer owns three separate tracts of land located at 205 South Wilmoth Avenue, 321 State Avenue and 601 State Avenue pursuant to a purchase of this land from the Ames Community School District; and

WHEREAS, the tracts, while under ownership of the School District, were zoned consistent with that ownership, but having been sold, now must be rezoned consistent with their private ownership, which Developer has made application for; and

WHEREAS, it has been the intention and representation of the Developer to undertake a project of construction of residential housing upon those tracts; and

WHEREAS, the Developer's tracts are located in an area of the community which is characterized by a multiplicity of uses, including but not limited to single family owner-occupied housing, residential rental housing, commercial retail development, university owned agricultural lands, community school district facilities and natural greenway; and

WHEREAS, the Parties hereto desire to allow development of these tracts structured in a way that will protect, preserve and respect the existing community, the vicinity's natural features and institutional interests, which they believe can best be accomplished in a defined process through a Master Development Agreement, followed by conventional zoning approvals

combined with tract-specific zoning contracts, site plan review processes and subdivision code application and review, to accomplish the rezoning and development of these parcels.

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

## **I. PURPOSES**

The purposes of this agreement are to:

- A. Define the types of uses that are permitted on each of the three tracts;
- B. Describe the types and levels of development for those uses on the three tracts;
- C. Delineate the areas of the tracts which will be preserved as natural areas through conservation easements;
- D. Identify any ancillary requirements or obligations of the parties to carry out the agreement; and
- E. Identify the procedures pursuant to which these various purposes will be accomplished, with dates of completion, where dates have been agreed upon.

## **II. OVERALL PROJECT DESCRIPTION**

### A. Identity of Tracts.

The land at 205 South Wilmoth Avenue is hereinafter described at the “North Parcel.”

The land at 601 State Avenue is hereinafter described as the “South Parcel.”

The land at 321 State Avenue is hereinafter described as the “Middle Parcel.” The Middle Parcel also includes the portion of the South Parcel which lies north of College Creek and outside of the 100 foot conservation easement area north of the creek.

The legal descriptions of the parcels are set out in Exhibit A.

B. General Description of Project. This agreement is intended to authorize the Developer to construct high density residential housing on the North Parcel and low density housing on the South Parcel. It is further intended that the Middle Parcel shall be sold by Developer to a third party for development with low density detached owner-occupied housing, or if not sold, that it shall be given to the City. Developer will set aside conservation areas, which will remain undeveloped.

C. Development Specifications by Parcel.

1. General Specifications.

- (a) The Developer agrees to develop the three tracts in accordance with the specifications herein, subject to council approval of specific development plans.
- (b) “Beds” in this agreement is understood and agreed to be synonymous throughout this agreement with “units,” both of which shall be limited to one occupant.
- (c) Subdivision is not required with development of the north or south parcels; however, site development will be reviewed for equivalency of meeting on- and off-site infrastructure standards for a residential development.

2. North Parcel.

- (a) Permitted Use and Level of Development. Upon rezoning and obtaining all necessary approvals, the Developer will be permitted to develop a residential housing development with no more than 535 beds.

A clubhouse may be developed on this parcel.

- (b) Review. The improvements on site will be required to undergo major site plan review or equivalent, to include council review and approval of site layout and site design features, and architectural plans.
- (c) Site Design Features. In addition to compliance with all other regulatory site approvals, the site plan shall include building placement and orientation to Lincoln Way, enhanced architectural design and expanded buffering and screening to the south and west.

3. Middle Parcel.

- (a) Ownership. The Developer agrees to permanently and completely divest itself of ownership of this tract, either by sale to a third party or by donation to the City. If sold, the new owner shall not in any way be affiliated, associated, a subsidiary of or otherwise connected with Developer.

- (b) Timing of Sale of Ownership. The Developer will be given until October 1, 2016, to complete the sale of this property.
- (c) Sale of Whole Parcel. The Middle Parcel shall be sold in its entirety, and not in smaller parcels. The Developer agrees to include in this sale or transfer that portion of the South Parcel which is located north of College Creek.
- (d) Conditions Attached to Sale. The Developer shall condition the sale with the requirement that this parcel shall be developed and used exclusively for a low density residential housing development. This housing shall be single family detached homes on individual lots in a subdivision having a blend of lot sizes consistent in layout and density so as to be compatible with the surrounding neighborhood. The Developer shall further condition the sale of this tract with the requirement that the new buyer shall establish a homeowner's association for the subdivision and as part of that homeowners' association, establish covenants that restrict those homes to owner occupied residential use for at least 21 years. The provisions which establish the homeowners' association shall specifically provide that the City of Ames may seek enforcement of the covenants.
- (e) Transfer to City. If this sale is not accomplished by October 1, 2016 years, the Developer agrees that it will give the entire parcel to the City of Ames with no restrictions on its use by the City, without cost or other compensation required from the City.
- (f) The provisions related to the Middle Parcel will also apply to the portion of the South Parcel which lies north of College Creek and outside of the 100 foot conservation easement area north of the creek.

4. South Parcel.

- (a) Permitted Use and Development. Upon rezoning, the Developer will be permitted to develop the area of this tract shown on Exhibit B as "buildable area" with detached residential housing that has occupancies of two to five beds per structure, provided that the total bed count on the south parcel shall not exceed 305. Basements shall be included in at least 12 of these structures.

This parcel may have a clubhouse which, if included in the site design, shall be located in the buildable area.

- (b) Review. The improvements on this site will be required to undergo major site plan review, to include council review and approval of site layout and site design features.
- (c) Conservation Easement. The Developer shall grant a conservation easement to the City of Ames over the approximate western one-third of the parcel, and along each side of College Creek for a width of not less than 100 feet, as depicted in Exhibit B, as “Conservation Area.”
- (d) Bike Path. The Parties agree that the bike path through this parcel may be relocated to a mutually agreed upon location, to accommodate site design.

D. Additional Developer Responsibilities.

- (a) Off-site Improvements. With regard to off-site improvements, the Developer agrees that it shall pay its proportionate costs for improvements to streets, intersections and other infrastructure as needed to safely absorb the additional pedestrian and vehicular traffic generated by the development contemplated by this agreement.
- (b) Litigation Resolution. This shall include dismissal with prejudice of all pending civil and administrative litigation and administrative appeals, and forbearance in the initiation of additional litigation or other causes of action here upon execution of this agreement.

E. Processing and Procedural Requirements. Developer agrees to make timely application(s) for Land Use Policy Plan amendments and/or base zoning designations as are needed to attain the zoning designation(s) for the permitted levels of development. Developer acknowledges that this may require withdrawal of pending zoning applications, and/or it may require filing of further applications to changed the Land Use Policy Plan or the zoning ordinance to a different designation than is already established. To incorporate parcel specific zoning requirements, the Parties agree that they will execute additional contracts at time of the rezoning, as authorized under Iowa Code section 414.5

F. General Applicability of Other Laws and Ordinances. The Developer understands and agrees that all work done by or on behalf of the Developer with respect to streets, sidewalks, shared use paths, building design and construction, and utilities (both on-site and off-site) shall be made in compliance with the Iowa Code, the Ames Municipal Code, Iowa Statewide Urban Design and Specifications and all other federal, state and local laws of general application, whether or not such requirements are specifically stated in this agreement. All ordinances, regulations and policies of the City now existing, or as may hereafter be enacted, shall apply to activity or uses on the site.

G. Amendments. The provisions of this agreement may be amended only upon the mutual agreement of the Parties in writing.



H. Incorporation of Recitals, and Exhibits. The recitals, together with any and all exhibits attached hereto, are confirmed by the Parties as true and incorporated herein by reference as if fully set forth verbatim. The recitals and exhibits are a substantive contractual part of this agreement.

I. Covenant Running With the Land. This agreement shall run with the land and shall be binding upon Developer, and on successors, assigns, heirs and any and all future titleholders of record of the land or portions thereof.

J. Cause of Action. This agreement does not create or vest in any person or organization, other than the City, any rights or cause of action with respect to any performance, obligation, plan, schedule or undertaking stated in this agreement, with respect to the Developer.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed effective as of the date first above written.

<p>CITY OF AMES, IOWA</p> <p>By _____ Ann H. Campbell, Mayor</p> <p>Attest by _____ Diane R. Voss, City Clerk</p> <p>STATE OF IOWA, COUNTY OF STORY, ss:</p> <p>On this ____ day of _____, 2014, before me, a Notary Public in and for the State of Iowa, personally appeared Ann H. Campbell and Diane R. Voss, to me personally known and who, by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Ames, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation; and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in Resolution No. _____ adopted by the City Council on the ____ day of _____, 2014, and that Ann H. Campbell and Diane R. Voss acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.</p> <p>_____ Notary Public in and for the State of Iowa</p>	<p>BRECKENRIDGE GROUP AMES IOWA, LLC</p> <p>By _____</p> <p>By _____</p> <p>STATE OF IOWA, COUNTY OF STORY, ss:</p> <p>This instrument was acknowledged before me on _____, 2014, by _____ and _____ as _____ and _____, respectively, of Breckenridge Group Ames Iowa, LLC.</p> <p>_____ Notary Public in and for the State of Iowa</p>
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South Parcel Proposed Easement Area

EXHIBIT  
B  
tabbles

0 100 200 400 Feet