

COUNCIL ACTION FORM

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

BACKGROUND:

On August 26, 2014, City Council held a public hearing for the requested FS-RL rezoning with Master Plan for the property located at 601 State Avenue and to consider draft terms of a contract rezoning to accompany the rezoning request. A combined motion was then made to approve the FS-RL rezoning with a master plan and to develop a contract rezoning prior to third reading of the rezoning ordinance.

Council voted 4-2 on the motion, but it was not approved because approval required a three-quarters majority vote (5 affirmative votes), due to a submitted protest of the rezoning petition. It was determined that while the vote could not approve the rezoning in that particular form due to the filing of the protest petition, the action had not been a final denial of all options which would preclude the applicant from submitting a changed proposal.

Therefore, on September 10, 2014, staff accepted a revised master plan for the FS-RL rezoning request and the applicant has included a signed Zoning Agreement for the Master Plan and a signed Contract Rezoning request. (See Attachments G,H, and I) The latest proposed Master Plan is for rezoning of a 29 acre site from "S-GA" (Government/Airport) to "RL" Residential Low Density for approximately 1.63 acres north of College Creek, and for 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). **The proposed zoning districts remain the same as before, but the development details have changed since August.** A complete review of the proposed project is included in the attached addendum.

Number of units per net acre and building type

Identified within the Master Plan is a maximum net acreage for the entire property of 14 net acres. At 14 net acres there would be a total of 53 to 140 proposed units on the property. The 14 net acres are for the entire site, not just the FS-RL area, and it would not increase to include the current 1.7 acres of the bike path in the net acres if it was to be approved to be relocated at a later date. The applicant described a range of 0-20 detached single-family homes and 110 to 140 single family attached units, at the maximum allowed density per net acre. The maximum number of rental bedrooms would be three per unit for a total of 420 bedrooms under the Ames Rental Housing Code. **Compared to the August 26, 2014 master plan, this master plan is a reduction from a maximum of 17 net acres, 172 dwelling units, and 450 bedrooms.**

Bike Path Location

The Master Plan also indicates a potential rerouting of the bike path through the site. **Staff notes that with approval of the master plan as submitted, the potential rerouting of the shared use path is conceptual at this stage and is still subject to City Council agreement and approval with a subsequent subdivision.**

Master Plan Zoning Agreement

Also included with the revised rezoning application is a signed Master Plan Zoning Agreement and a Contract Rezoning agreement. These are attached to this report. The Master Plan Zoning Agreement effectuates the Master Plan's described development limitations on the property owner. A Master Planning Zoning Agreement is a requirement of Ames Municipal Code for a project that includes a master plan.

Contract Rezoning Agreement

Additionally, there is a Contract Rezoning agreement that identifies further obligations for the developer in consideration of receiving FS-RL zoning. Contract Rezoning is permissible under Chapter 414.4 of the Code of Iowa upon mutual agreement of the applicant and the City Council. The attached contract addresses three main items:

1. The Parties agree that the bike path shall be relocated upon mutual agreement. It is provided that City specifications on design apply, and relocation will be at the cost of the developer. Also included is the understanding that if the path were to be relocated as identified on the Master Plan, agreement with Iowa State University to move the State Avenue crossing further north to match the rerouted path, and approval and granting of an easement by the Ames Community School District for the realignment of the path indicated on the Middle School property, will both be required.
2. The maximum net developable acres for the property will be 14 acres, regardless of zoning, and may be less upon review of more specific project details and application of City standards for development of a site.
3. The developer will pay a proportionate share of intersection improvements at Mortenson and State Avenue, regardless of type of improvement. The agreed upon share is based on the number of trips through the intersection calculated from both the previously zoned middle parcel at 321 State and the subject south parcel at 601 State Avenue.

The Developer's Share of these costs is estimated at 36%, based upon the applicant's December 2013 traffic study for the estimated number of persons within the development. The developer will post security with the City for its share and provide payment to the City at the time of award of contract for construction of the project. The applicant's share of the cost may proportionately decrease if less development is approved than analyzed in the traffic study.

Subsequent Review Steps

If the property is rezoned as requested, the site will then require subdivision review and approval by the City Council prior to initiating development of homes. To develop the site in conformance with the proposed contract rezone and master plan, the single family and single-family attached residential building types proposed will require the developer to complete a preliminary plat for a major subdivision and a final plat for the property before development of any of the proposed residential units. Council will have the opportunity to review the subdivision plan in accordance with the standards and approval criteria of the subdivision ordinance, which includes the following provisions:

- (a) safe and convenient pedestrian and vehicular access to the subdivision;
- (b) appropriate preservation and integration of natural features within the subdivision;
- (c) the capacity and capability of infrastructure facilities, utility service and community facility service; and
- (d) minimizing overall lengths of public ways and infrastructure facilities while limiting the use of dead-end streets and cul-de-sacs.

The plat will also be required to conform to relevant and applicable design and improvement standards in the subdivision regulations and to other City ordinances and standards. In particular, the City Council shall determine whether the subdivision conforms to minimum levels of service standards set forth in the Land Use Policy Plan for public infrastructure and shall give due consideration to the possible burden of the proposed subdivision on public improvements in determining whether to require the installation of additional public improvements as a condition for approval. Elements of the design standards of the Subdivision Code which will also be reviewed include such items as lot and block layout; street type, location, and layout; lot conformance with natural features; sidewalk and bike path locations and safety; landscape requirements such as street trees; public infrastructure improvements for water and sewer, as well as storm water control; and improvement agreements needed for the installation or completion of the public improvements on the property.

Because the Master Plan identifies an attached single-family home type for the FS-RL portion of the property, once a Final Plat has been approved by the Council and recorded for the property to create the new lots, minor site plan review will be required for each property to review for compliance with the zone development standards (Article 12, FS Zoning) and the general development standards (Article 4) of the zoning code before subsequent building permits can be issued for any of the proposed units. Minor Site Plan review is an administrative review by staff.

ALTERNATIVES:

1. The City Council can approve the first reading of an ordinance for 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 the signed Master Plan Zoning Agreement and the Contract Rezoning Agreement.

2. 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).
3. Action on this request can be postponed and referred back to staff and the applicant for specified information.

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 Future Land Use Map designation of Village/Suburban Residential and Low Density Residential. Within the requested base zoning districts, the master plan described by the developer includes a project with a maximum of 14 net acres for the overall site. This limits the density of the development to a total of 140 units for the property. There may be a mix of single family detached and single family attached residential units within the FS-RL, while there would be a limit of only detached single-family in the RL area. Development density would be consistent with the underlying base zoning at a maximum density of 7.26 units per acre in the RL zone and 10 units per net acre in the FS-RL zone.

Staff finds the submitted revised master plan to be consistent with available information about future development of the site with the limitation that future development will not exceed 14 net acres. The plan indicates a broad range of area that is developable in consideration of where utility and stormwater infrastructure may be located to serve future development. **However, final determination on design and layout and actual net acreage of development will occur at the time of subdivision review. It is important to emphasize that subdivision review may result in less net acreage and fewer units than the upper range reflected on the master plan.**

The Contract Rezoning supports the rezoning request due to the commitments by the developer to pay their proportionate share of future intersection improvements that are selected by the City in cooperation with Iowa State University for the right-of-way under institutional control at Mortenson Road and State Avenue.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the first reading of an ordinance for 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 the signed Master Plan Zoning Agreement and Contract Rezoning Agreement.

Council should remember that 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.

If the requested rezoning does not pass with five affirmative votes, it is recommended that the Council make a subsequent motion to clarify their intent of whether to deny the rezoning request or to allow further opportunity for the developer to make revisions to their rezoning application. If the application is then denied by a majority of four City Council votes, the applicant may not submit a substantially similar zoning amendment request for 12 months as prescribed by Section 29.1507 of Ames Municipal Code.

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 south parcel is currently zoned Special-Government/Airport (S-G/A) and the north and middle parcels were 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 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 53 to 140 dwelling units. See Attachment D Proposed Zoning.

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 G) The master plan identifies 14 net acres for development. The range of units proposed for the site based on three development parcels identified in the master plan is between 53 and 140 units. This range of units could yield up to 420 beds for the property at a maximum of three bedrooms per unit to be rented by the property owner. The revised Master Plan submitted indicates a development proposal which incorporates the follow details for the development:

For the Overall Property (29 acres):

- Rezoning of 1.63 acres north of the creek to RL (Low Density),
- Rezoning of 27.37 acres south of the creek to FS-RL (Floating Suburban Low Density),
- 14 net acres for the entire property,
- No development within the Floodplain or Easement areas (Conservation, water or sewer easements),
- Potential relocation of the bike path, subject to subsequent agreement
- Range of total units for the overall property from 53 to 140 units,
- Both Single Family Detached and Single Family Attached residential unit types for the site,
- Single Family units will range from 0-20 units for the property and Single Family attached units will range from 110 to 140 units for the property,
- Single Family Attached units will range from 2-12 units per building.

For RL portion (north of College Creek):

- Two areas identified for RL zoning (1.63 acres),
- A range of 3 to 4 lots (maximum density of 7.26 units/acre)
- Only single family detached dwellings are permitted by code
- Potential access from South Franklin right of way

For FS-RL portion (south of College Creek):

- One development area for FS-RL zoning (19.99 acres)
- A range of 53 to 140 units (density of 3.75 to 10 units/acre)
- Single family detached and single family attached residential units types,
- Two access points off State Street,
- Potential relocation of the bike path.

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 master plan does note the intent for an additional access point at South Franklin if parcel #2 is developed, 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 master plan to remove circulation conflicts with internal streets of the potential development. Staff notes that with approval of the master plan as submitted, the potential rerouting of the shared use path is conceptual at this stage and is still subject to City Council agreement and approval with a subsequent subdivision. Public Works and Parks and Recreation staff are generally accepting of the design with certain specifications. Agreement with Iowa State University to move the State Avenue crossing further north to match the rerouted path, rather than circulate people north and south along State Avenue to the existing crossing will be required for the potential new location of the path. It 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.

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 and all other properties under government control to the southwest of the site from Government use to Village/Suburban Residential on February 26, 2008. At the time of the change, the subject site was not an individual parcel.

The current LUPP future land use designation for the subject site generally 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 19.99 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. However, 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 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. The City Council would ultimately decide what areas to exempt from the net acreage calculation with subdivision review.

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 master plan for 14 net acres, the range of units under an FS-RL zoning could be 53 to 140, after exempting out undevelopable areas for floodplain, the conservation easement area. This is in line with the range of development identified by the applicant.

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, subject to city approval at the time of subdivision, could mitigate most of these concerns for the developer.

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 53 to 140 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 16th 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.**

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. Alternatively signalization of the intersection with lane widening would meet City standards for intersection operations.

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. As such, the developer has agreed to a 36% proportional share of the cost of an improvement, either roundabout or signalization for the intersection. This commitment is detailed in the Contract Rezoning agreement.**

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." Additionally, Goal No. 6 speaks to the supply of housing and Objective 6.C. describes that higher densities in existing areas shall be established with compatibility of use and appearance among existing development.

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 Statement. 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. The applicant has committed to paying a proportionate share of the needed improvement.
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.

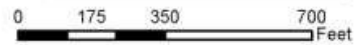
11. The site includes a number of natural constraints to development that include a flood plain, natural areas, creek channel, and a substantial amount of acreage of the site in excess of 15 percent slopes. Development of these areas would be disruptive to the setting of the site and require substantial 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



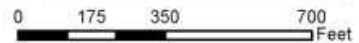
Location Map
Breckenridge Development Properties



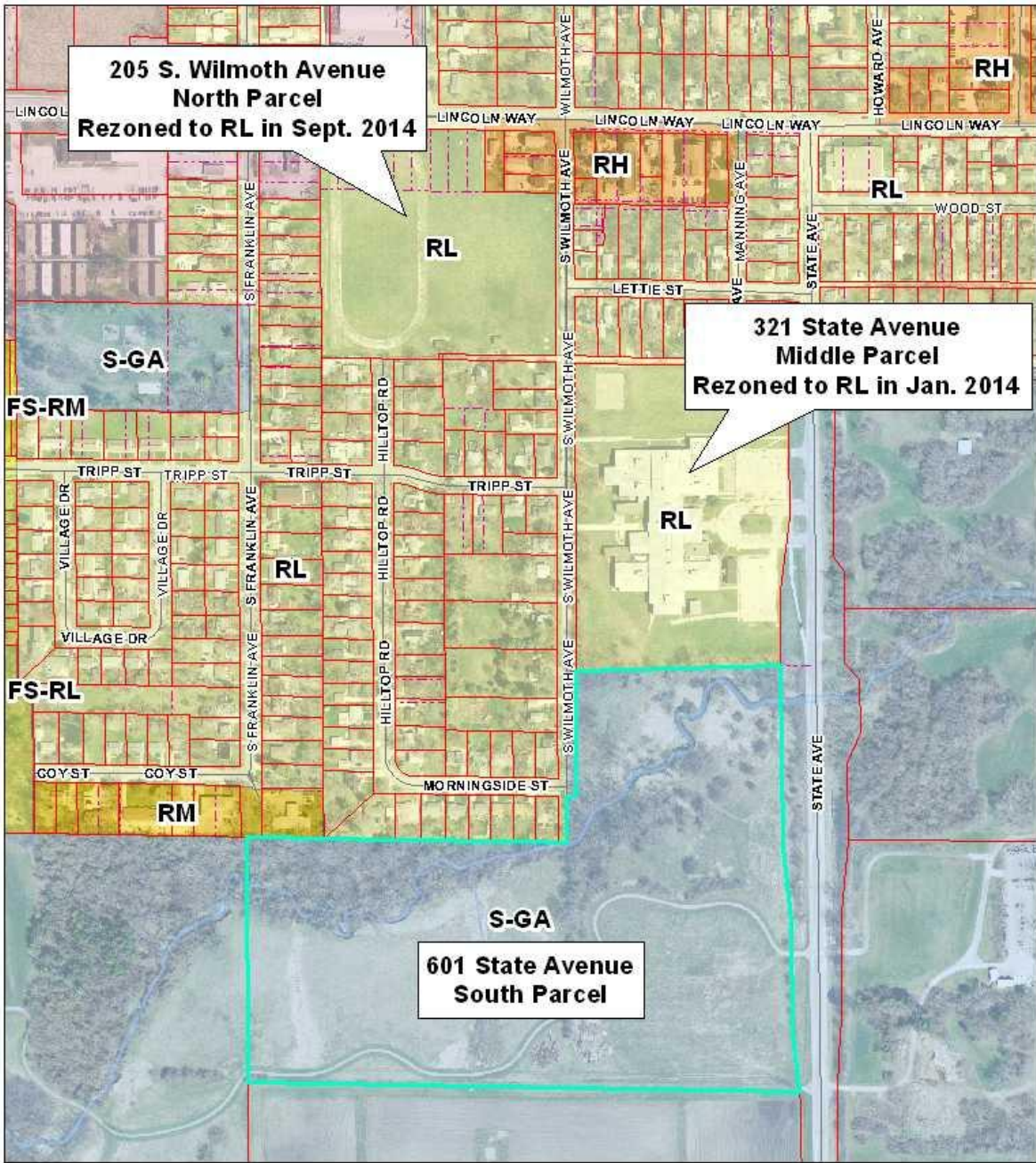
Attachment B
LUPP Future Land Use Map



Existing Land Use Policy Plan Map
Breckenridge Development Properties

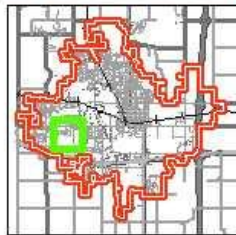
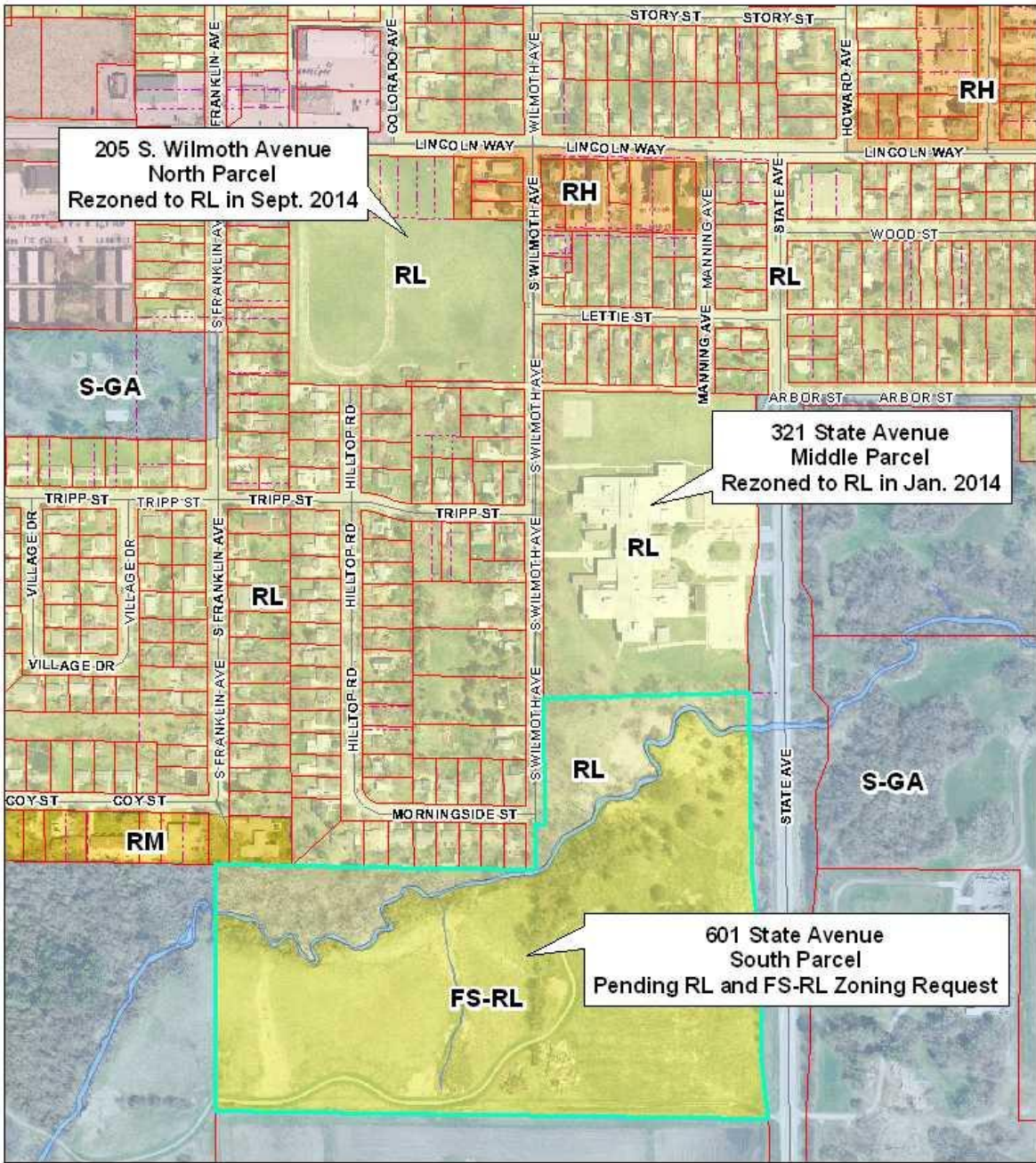


**Attachment C
Existing Zoning**



Existing Zoning Map

Attachment D Proposed Zoning



Proposed Zoning Map

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 601 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 G

Applicant Statement and Master Plan

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 (Residential Low Density) 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 if the bike path is moved.

(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

Applicant Statement and Master Plan

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 140 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. No minimum density.

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.

Net developable acres for the parcel = a maximum 14.0 acres as per agreement with the City of Ames.

Minimum required number of units = 53 units at 3.75 units per net acre.

Maximum number of units allowed by FS-RL = 140 units at 10.0 units per net acre. Unit types are single family detached and single family attached in accordance with the zoning requirements for each zone.

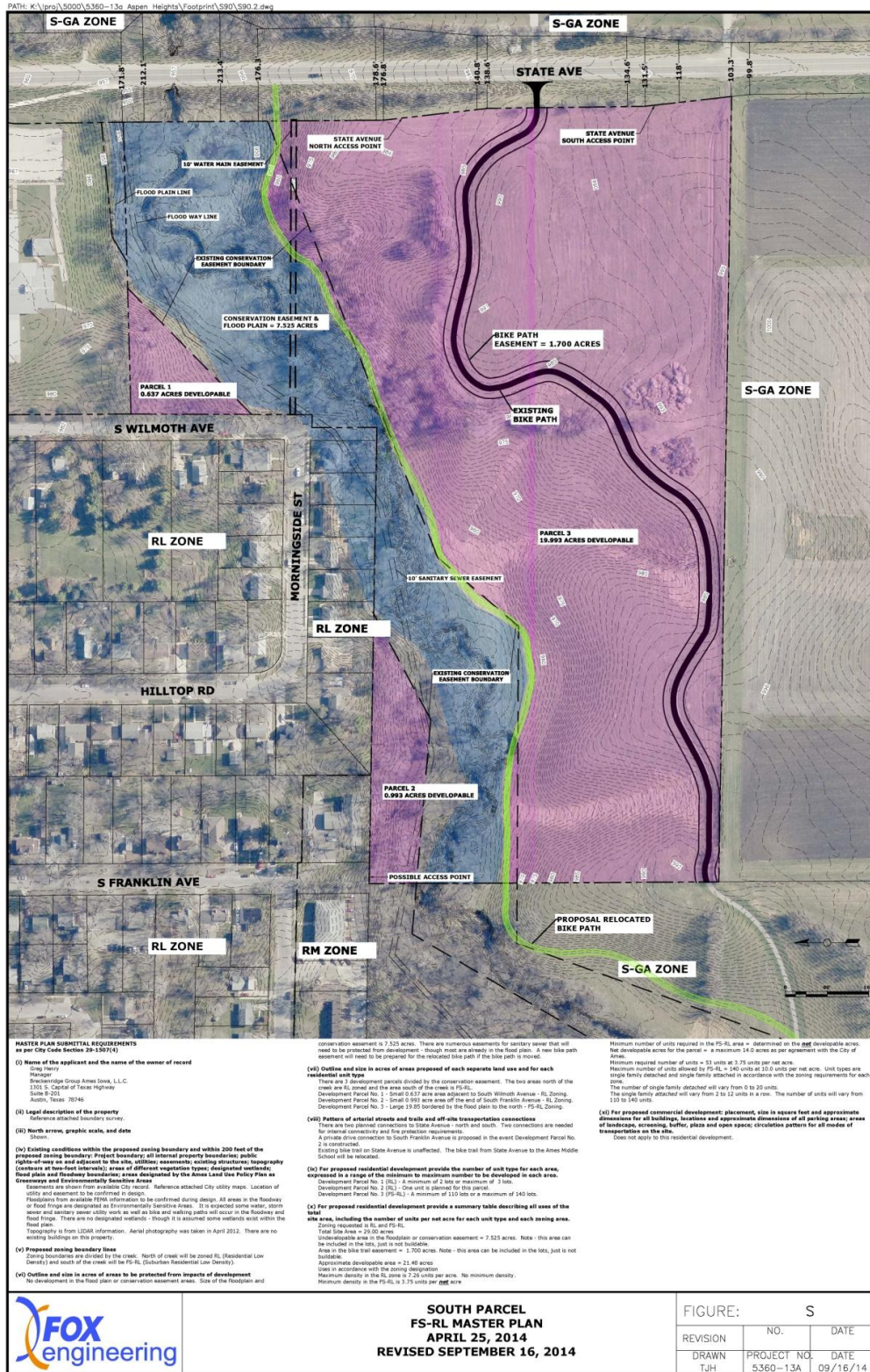
The number of single family *detached* will vary from 0 to 20 units.

The single family *attached* will vary from 2 to 12 units in a row. The number of units will vary from 110 to 140 units.

(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, Cont. Applicant Statement and Master Plan



BRECKENRIDGE MASTER PLAN ZONING AGREEMENT

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, P.O. Box 811, Ames, IA 50010

AGREEMENT FOR ADOPTION OF THE MASTER PLAN FOR PROPERTY AT 601 STATE AVENUE

THIS AGREEMENT, (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"), its successors and assigns, both collectively being referred to as the "Parties,"

WITNESSETH THAT:

WHEREAS, the Parties hereto desire the improvement and development of land located at 601 State Avenue (hereinafter referred to as the "Site"); and

WHEREAS, the Site is designated on the Land Use Policy Plan as Village/Suburban Residential, and the Developer is seeking rezoning of the Site from SG-A – Government/Airport zoning to FS-RL - Suburban Low Density Residential for that portion of the parcel south of College Creek, and RL (Low Density Residential) for that portion of the parcel north of College Creek, consistent with the LUPP designations; and

WHEREAS, the City Council resolved that a Master Plan accompany this rezoning, pursuant to Ames Municipal Code section 29.1507(3), and the Developer has submitted a Master Plan in conformance with the requirements set forth in Ames Municipal Code section 29.1507(4); and

WHEREAS, Ames Municipal Code section 29.1507(5) requires approval of a zoning agreement when a Master Plan is required and that all development of the Site comply with the Master Plan.

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

I.
601 STATE AVENUE MASTER PLAN ADOPTED

The Master Plan set forth at Attachment A and incorporated by reference in this agreement shall be the Master Plan for 601 State Avenue.

II.
NON-INCLUSION OF OTHER OBLIGATIONS

The Parties acknowledge and agree that this Agreement is being executed to fulfill a specific requirement of section 29.1507(5) of the Ames Municipal Code. It is also understood that this Agreement supplements but does not replace or supersede any agreements made with the City or third parties as necessary to complete development.

The Parties understand that the Master Plan adopts a general conceptual plan for development, without review or approval of specific plats or site plans for development of the Site. The Parties therefore acknowledge that the Master Plan adoption does not anticipate or incorporate all the additional approvals or requirements that may be required to properly and completely develop the Site and does not relieve the Developer of compliance with other provisions of the Ames Municipal Code, the Iowa Code, SUDAS or other federal, state or local laws or regulations.

Notwithstanding anything in this Agreement to the contrary, including, but not limited to, language in this Article II concerning the requirement of the Developer to comply with ordinances, regulations and policies (collectively, the "Ordinances") of the City related to the development of the Site, the Developer hereby reserves the right to dispute, challenge, seek a waiver of and/or variance for or otherwise contest any and all of such Ordinances and the City and the Developer hereby understand, acknowledge and agree that the execution of this Agreement shall not, in any manner, be deemed a waiver of any right of the Developer with respect to the applicability of or compliance with the Ordinances.

III.
MODIFICATION OF AGREEMENT

Any modifications or changes to the Master Plan shall be undertaken in accordance with the process provided for in Ames Municipal Code section 29.1507(5).

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

CITY OF AMES, IOWA

By _____
Ann H. Campbell, Mayor

Attest _____
Diane R. Voss, City Clerk

STATE OF IOWA, COUNTY OF STORY, ss:

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, who, being 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.

Notary Public in and for the State of Iowa

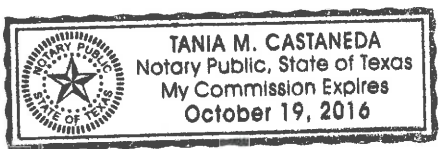
BRECKENRIDGE GROUP AMES
IOWA LLC

By _____
Greg Henry, Manager

STATE OF Tx, COUNTY OF Travis ss:

This instrument was acknowledged before me on September 19, 2014, by Greg Henry as CEO of Breckenridge Group Ames Iowa LLC.

[Signature]
Notary Public in and for the State of TEXAS



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, P.O. Box 811, Ames, IA 50010

**CONTRACT REZONING AGREEMENT BETWEEN BRECKENRIDGE GROUP
AMES IOWA LLC AND THE CITY OF AMES**

THIS AGREEMENT, (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 parties hereto desire the improvement and development of an area located at 601 State Avenue and legally described as set out on Attachment A and depicted in Attachment B (collectively, the "South Parcel"); and

WHEREAS, Developer has applied to the City for rezoning of the South Parcel from its present designation as S-GA (Government/Airport) to FS-RL (Floating Suburban Residential Low Density) and RL (Residential Low Density), consistent with the Land Use Policy Plan; and

WHEREAS, Developer has previously obtained rezoning for an adjacent parcel located at 321 State Avenue (the "Middle Parcel") (the South Parcel and the Middle Parcel are sometimes collectively referred to herein as the "Parcels"); and

WHEREAS, Developer and the City desire to enter into an agreement related to the development of the South Parcel and addressing off-site traffic impacts of the Parcels in addition to granting the base zoning for the South Parcel, as provided for under Iowa Code section 414.5.

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

I.
INTENT AND PURPOSE

- A. It is the intent of this Agreement to:
1. Recognize that the Developer is owner of the South Parcel which is being rezoned but expressly agrees to the imposition of additional conditions as authorized pursuant to Iowa Code section 414.5.
 2. Provide for a certain intensity of development on the South Parcel.
 3. Provide for proportional cost sharing of off-site traffic improvements required for the development which is contemplated to occur on the Parcels.
 4. Allow for relocation of the bike path across the South Parcel.

II.
INTENSITY OF DEVELOPMENT OF PARCEL

With regard to the intensity of development of the South Parcel, the calculations to determine with precision how many net acres will be developed and to what level those will be developed depend on factors that become known only as a result of processes that occur after the South Parcel is rezoned. Since those steps have not occurred, the precise amount of developable area is not yet known and a maximum range is being estimated. In order to provide a limit to the intensity of development prior to site layout stage, the Developer agrees that it will limit the entire development of the South Parcel to no more than fourteen (14) net acres, excluding the area of the bike path in the event a mutually agreeable location for the relocation of said bike path is not determined in accordance with Article IV herein. The parties recognize that these are maximum limits based on the Ames Municipal Code effective as of the date this Agreement is executed and acknowledge that upon completion of the final design steps, the actual net acreage may differ in accordance with the then existing requirements of the City of Ames Municipal Code.

III.
OFF-SITE TRAFFIC IMPROVEMENT COSTS

A. Off-Site Traffic Improvement Costs. With regard to off-site improvements, the Developer agrees that it shall pay its proportionate cost for improvements to the intersection of Mortensen Road and State Avenue, to include roadway and other infrastructure improvements at that intersection, as needed to safely absorb the additional pedestrian and vehicular traffic generated by the development contemplated on the Parcels. For the contemplated improvements of that intersection, the Developer's share would be no more than thirty-six percent (36%) (the "Developer's Share") of the City's engineer's estimate for cost of the traffic improvements. The Developer's Share shall be financially secured to the City with an annual update of the estimated cost; the current estimated cost is approximately \$320,000. Financial security shall be provided to the City prior to final plat approval or issuance of the first building permit for construction of a dwelling unit on either of the Parcels, whichever occurs first.

At the time the City authorizes the first contract or contracts related to the construction of the traffic improvements, the final amount due for the Developer's Share shall be calculated by the City and the Developer shall pay the difference between the amount held as security and the construction contract cost. Payment of the Developer's Share is due within 30 days of notice from the City. Upon full payment of the Developer's Share to the City, the Developer has no further mitigation responsibility in regards to Mortensen Road and State Avenue intersection for development of the Parcels. The Developer hereby understands, acknowledges and agrees that the Developer shall be responsible for the Developer's Share regardless of the type or nature of the traffic improvements being constructed at the intersection. The City hereby understands, acknowledges and agrees that the Developer's Share is a maximum percentage based on gross number of trips generated by projected persons within the development of the Parcels from the analysis of the traffic study dated December 23, 2013, and subsequent addendum, and that as a result of the decrease in intensity of the development of the Parcels since said traffic impact study was prepared, the Developer's Share should be less than the actual percentage stated herein.

B. Non-Inclusion of Other Improvement Obligations. The parties acknowledge and agree that this Agreement is being executed in contemplation of a conceptual plan for development, without further review or approval of subsequent specific plans for development of the South Parcel. The parties acknowledge and agree that it is not possible to anticipate all the infrastructure requirements that the Developer may be required to complete to properly develop the South Parcel. Therefore, the parties agree that all work done by and on behalf of the Developer with respect to, but not limited to, landscaping, sidewalks, bike paths, building design, building construction and utilities, both on-site and off-site, shall be made in compliance with Iowa Code, SUDAS and all other federal, state and local laws and policies of general application, including but not limited to the Ordinances (as defined in Article V(D) herein), whether or not such requirements are specifically stated in this Agreement.

IV. BIKE PATH RELOCATION

A. Bike Path. The parties agree that the bike path through the South Parcel shall be relocated to another location, which shall be mutually agreed upon, to minimize the amount of development-related traffic that crosses the bike path. The parties shall use their best efforts and negotiate in good faith with respect to the relocation of the bike path. It is understood relocation of the bike path shall be to City specifications and at the sole expense of the Developer. It is further understood that relocation may require the Developer to take additional measures at its sole expense, including securing permission from third parties, to relocate portions of the path on property outside the boundaries of the South Parcel in order to ensure connectivity of the path with other segments of the path.

V. GENERAL PROVISIONS

A. Modification. The parties agree that this Agreement may be modified, amended or supplemented only by written agreement of the parties.

B. 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 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 South Parcel.

C. 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.

D. Reservation of Rights. Notwithstanding anything in this Agreement to the contrary, including, but not limited to, language in Articles II, III(B) and V(B) herein concerning the requirement of the Developer to comply with ordinances, regulations and policies (collectively, the "Ordinances") of the City related to the development of the Parcels, the Developer hereby reserves the right to dispute, challenge, seek a waiver of and/or variance for or otherwise contest any and all of such Ordinances and the City and the Developer hereby understand, acknowledge and agree that the execution of this Agreement shall not, in any manner, be deemed a waiver of any right of the Developer with respect to the applicability of or compliance with the Ordinances.

VI. COVENANTS RUN WITH THE LAND

This Agreement shall run with the Parcels and shall be binding upon the Developer, its successors, subsequent purchasers and assigns. Each party hereto agrees to cooperate with the other in executing a Memorandum of Agreement that may be recorded in place of this document.

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

(SIGNATURE PAGE FOLLOWS)

CITY OF AMES, IOWA

By _____
Ann H. Campbell, Mayor

Attest _____
Diane R. Voss, City Clerk

(Notarization on following page)

STATE OF IOWA, COUNTY OF STORY, ss:

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, who, being 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.

Notary Public in and for the State of Iowa

BRECKENRIDGE GROUP AMES IOWA LLC

By _____
Greg Henry, Manager

(Notarization on following page)

STATE OF TX, COUNTY OF TARRANT ss:

This instrument was acknowledged before me on Sept. 19, 2014, by Greg Henry, CEO of Breckenridge Group Ames Iowa LLC.

Notary Public in and for the State of TX



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 Revised 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