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

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 Return to: Ames City Clerk, Ames City Hall, 515 Clark Ave., P.O. Box 511, Ames, IA 50010

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**ZONING AGREEMENT FOR ADOPTION OF  
 THE MASTER PLAN FOR  
 QUARRY ESTATES SUBDIVISION  
 907 W. 190<sup>TH</sup> STREET**

**THIS AGREEMENT**, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2014, by and between the City of Ames, Iowa (hereinafter called “City”) and The Quarry Estates, L.L.C. (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 an area which has been recently annexed into the City, known as Quarry Estates (hereinafter referred to as the “Site”); and

**WHEREAS**, the Parties entered into an Agreement Pertaining to Voluntary Annexation of the Site, pursuant to which the Developer agreed to seek rezoning of the Site; and

**WHEREAS**, the Site is designated on the Land Use Policy Plan as Village/Suburban Residential with certain portions therein also designated as Watershed Protection area; and the Developer is seeking rezoning of the Site from A - Agriculture zoning to FS-RL – Suburban Low Density Residential and FS-RM – Suburban Medium Density Residential consistent with the LUPP designations and in conformance with the Agreement Pertaining to Voluntary Annexation; 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.**

**QUARRY ESTATES MASTER PLAN ADOPTED**

The Master Plan set forth at Attachment A and incorporated by reference in this agreement shall be the Master Plan for the Quarry Estates Subdivision.

**II.**

**MASTER PLAN CONDITIONS**

The Parties agree to the following additional items which could not be graphically represented on the master plan:

- A. The Site shall include a central transportation corridor on an east-west alignment through the Site to provide facilities for motor vehicles, pedestrians, and bicycles.
- B. The Developer is responsible for frontage and intersection access improvements at the time of subdivision.
- C. The Master Plan shall include a single pedestrian access from the Site into Ada Hayden Heritage Park at the location shown on the plan, indicated as "Connection to Trail".
- D. The Site shall include a minimum thirty (30) foot wide buffer of undevelopable open space to be located between the developed lots of Quarry Estates and Ada Hayden Heritage Park, as shown on the Master Plan as "Conservation Area/Open Space".

**III.**

**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 annexation.

The Parties understand that the Master Plan adopts a general conceptual plan for development, without review or approval of specific subdivision 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.

**IV.  
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

QUARRY ESTATES, LLC

By \_\_\_\_\_  
Reiny Friedrich, Manager

STATE OF IOWA, COUNTY OF STORY, ss:

This instrument was acknowledged before me on \_\_\_\_\_, 2014, by Reiny Friedrich as Manager of The Quarry Estates, L.L.C.

\_\_\_\_\_  
Notary Public in and for the State of Iowa



ITEM # 16  
DATE: 09-09-14

COUNCIL ACTION FORM

**REQUEST: PROPOSED QUARRY ESTATES SUBDIVISION AT 907 W. 190<sup>TH</sup> STREET – REZONE FROM A (AGRICULTURE) TO FS-RL (SUBURBAN RESIDENTIAL LOW DENSITY) AND FS-RM (SUBURBAN RESIDENTIAL MEDIUM DENSITY) WITH A MASTER PLAN**

**BACKGROUND:**

Quarry Estates LLC owns a 79-acre parcel (plus 6.5 acres of county road right-of-way) north of Ada Hayden Heritage Park immediately south of 190th Street. (See Attachment A, Location Map.) The owner proposes the development of a residential subdivision to be known as Quarry Estates, and is requesting a rezoning of 68.8 acres from Agriculture to Suburban Residential Low Density (FS-RL) and of 10.1 acres from Agriculture to Suburban Residential Medium Density (FS-RM). (See Attachment D, Proposed Zoning and Attachment H, Rezoning Plat). Total development is estimated between 225 and 365 dwelling units.

This land was annexed into the City on December 30, 2013. Before annexation, the Ames Urban Fringe Plan designated this property for Urban Residential land use and Watershed Protection Area, since it is within the watershed of Ada Hayden Lake. Upon annexation, the property was designated as Village/Suburban Residential on the Land Use Policy Plan map. (See Attachment B, Land Use Designations.) The proposed FS-RL and FS-RM zoning districts are consistent with these land use designations. Support materials provided by the applicant (Attachment G) describe how the proposed rezoning and implementation of the proposed development is consistent with all ten goals of the Land Use Policy Plan. **Ultimately, development of the site will require approval of a Conservation Subdivision and a Site Development Plan(s) subsequent to approval of the rezoning request.**

On March 4, 2014, the City Council determined that a Master Plan would be required for rezoning this property. A Master Plan provides a broad view of the development concept by describing the intended uses, building types, access points, and protected areas. The submitted Master Plan (Attachment E) proposes residential development on 59 acres of the property, and common open space and 20 acres of conservation areas. Project details of the Master Plan include the following:

1. FS-RM in the northwest 8.2 net acre portion of the site, adjacent to Grant Avenue and 190<sup>th</sup> Street. The applicant proposes a potential mix of apartments, independent senior living, and single-family attached housing. Total development will meet minimum density requirements of 10 units per net acre. This is estimated at a minimum of 82 units, but no maximum number of units is expressed at this time. Maximum Density could permit approximately 180 dwelling units.
2. FS-RL in the northeast 4.5 net acre portion of the site for development of 20 to 40



single-family attached dwelling units.

3. FS-RL for approximately 33.8 net acres of the site for development of 125 to 145 single-family detached dwelling units. The combined FS-RL development will achieve the minimum net density of 3.75 units per acre.
4. A central transportation corridor on an east-west alignment through the site, which will provide facilities for motor vehicles, pedestrians and bicycles.
5. Three access points with existing streets, including one access on the west on Grant Avenue, which will be a collector street.
6. A single pedestrian access from Quarry Estates into Ada Hayden Heritage Park near the middle of the site at the west end of the shared property boundary, just west of the upland pond within the park in this area. This will provide a connection to the existing "Upland Trail" within the park.
7. Conservation areas along the south and west perimeter of the site. This includes a minimum 30-foot wide buffer of undevelopable open space between the developed lots of Quarry Estates and Ada Hayden Heritage Park to be planted with native grasses and forbs during the first phase of the development. The shared property boundary itself will be identified with permanent markers designed by the City.

The attached addendum includes a full description of the Master Plan and analysis of the rezoning proposal.

Development of this site is likely to be the first project to request approval under the Conservation Subdivision standards of the *Municipal Code*. These Conservation Subdivision standards were designed to protect the quality of water in Ada Hayden Lake, protect existing surface drainage systems, promote interconnected greenways, provide commonly-owned open space and conservation areas, and protect such areas in perpetuity. The proposed Master Plan shows 25% of the property as interconnected conservation areas and open space distributed throughout the development and abutting the residential areas. These open spaces will serve as a buffer between proposed residences and existing residences on the east and south of the property.

Because no significant native plant communities exist on the site, this conservation area will be "naturalized" by establishing new native plant communities. Conservation easements will be established for all conservation areas, and will be maintained according to a conservation area management plan that is required during the subdivision process.

Prior to annexation, agreements were approved between the City and the owners of this property and of other land parcels between Ada Hayden Heritage Park and the railroad right-of-way and south of 190<sup>th</sup> Street, which established the timing and responsibility for extension of the urban infrastructure necessary to provide city services to this area. This was to be accomplished through an assessment district for the improvement of Grant



Avenue and through connection districts for extension of sanitary sewer and water mains. These sewer and water main extensions are currently under construction, and bids will be taken on street construction in the near future. Utilities will be available to serve development starting by summer of 2015. Grant Road construction is expected to be completed in the fall of 2015.

**Staff concludes that the Master Plan identifies developable and undeveloped areas, range of uses and residential unit types consistent with the proposed FS-RL and FS-RM zoning district. Based upon the above information, the Master Plan, the Addendum, information provided by the applicant, and the other attachments, staff further concludes that the infrastructure under construction will be adequate to serve the project, as well as that the proposed rezoning of the subject property is consistent with the Goals and Objectives and Future Land Use Map of the City's Land Use Policy Plan, as long as the following conditions are met:**

- a. Central transportation corridor on an east-west alignment through the site provides facilities for motor vehicles, pedestrians and bicycles
- b. Developer is responsible for frontage and intersection access improvements at time of subdivision
- c. A single pedestrian access be provided from Quarry Estates into Ada Hayden Heritage Park at the location shown on the Master Plan
- d. A 30-ft wide buffer of undevelopable open space be established between the developed lots of Quarry Estates and Ada Hayden Heritage Park as described above

**Planning and Zoning Commission Recommendation.** At its public hearing on August 20, 2014, the Planning and Zoning Commission heard input from three neighboring residents. They had questions related to why the single-family attached housing is planned to be located at the east end of the project in the portion of the project next to their subdivision and about the number, height, appearance and occupancy of these residences. They also asked about fencing along the existing park boundary, and whether neighboring homes will be required to connect to the City's sanitary sewer. Some of these questions were answered at the meeting; and it was stated that others will be answered at the time of the Preliminary Plat hearing. One neighbor pointed out that a high number of noisy trucks on 190<sup>th</sup> Street daily may disturb the residents of the senior housing facility.

The Commission asked about trail connections and whether viewsheds had been analyzed. Staff identified that no perimeter fencing was requested along the Ada Hayden boundary. Instead, an open planted buffer area with decorative boundary markers was preferred. It was stated that viewsheds had not been analyzed since the Zoning Code allows up to three-story structures. The Commission noted that the project attempts to protect Ada Hayden Park, while also providing housing choices and access to the park. The Planning and Zoning Commission ultimately recommended approval (4-0) of the proposed rezoning from A to FS-RL and FS-RM with the proposed Master Plan with the conditions recommended by staff.



It should be noted that staff has not yet finished preparing the Zoning Agreement document. To expedite the various steps needed to develop this property, the City Council could approve the rezoning on first reading prior to having the signed Zoning Agreements finalized with the applicant. The signed Zoning Agreement would then be brought back for Council approval no later than the 3<sup>rd</sup> reading of the rezoning ordinance.

#### **ALTERNATIVES:**

1. The City Council can approve on first reading the rezoning of the Quarry Estates land from Agriculture to Suburban Residential Low Density (FS-RL) and Suburban Residential Medium Density (FS-RM) with the attached Master Plan, with the following conditions as recommended by the Planning and Zoning Commission:
  - a. Central transportation corridor on an east-west alignment through the site provides facilities for motor vehicles, pedestrians and bicycles
  - b. Developer is responsible for frontage and intersection access improvements at time of subdivision
  - c. A single pedestrian access be provided from Quarry Estates into Ada Hayden Heritage Park at the location shown on the Master Plan
  - d. A 30-ft wide buffer of undevelopable open space be established between the developed lots of Quarry Estates and Ada Hayden Heritage Park as described above
2. The City Council can approve on first reading the request for rezoning from Agriculture to Suburban Residential Low Density (FS-RL) and Suburban Residential Medium Density (FS-RM) with different conditions.
3. The City Council can deny the request for rezoning from Agriculture to Suburban Residential Low Density (FS-RL) and Suburban Residential Medium Density (FS-RM) with the attached Master Plan if the Council finds that the City's regulations and policies are not met.
4. The City Council can defer action on this request and refer it back to City staff and/or the applicant for additional information. **If the Council desires that the Zoning Agreement be finalized before the first reading, approval of the first reading should be delayed until the signed Zoning Agreement has been returned to the City.**

#### **CITY MANAGER'S RECOMMENDED ACTION:**

As noted in the attached addendum, the proposed rezoning is consistent with the Land Use Policy Plan goals, objectives and policies and land use designations. Adequate infrastructure will have been provided at the time of development. The Master Plan provides for developed areas, conservation areas and open space, housing types and



densities that are consistent with the proposed FS-RL and FS-RM zoning district standards and generally consistent with the intent of subsequent Conservation Subdivision standards. The Master Plan also provides adequately for major transportation connections and circulation and for interface with Ada Hayden Heritage Park that are in the best interests of the community, under the proposed conditions.

Even though staff has not yet completed preparation of the Zoning Agreement, it is possible for that document to be completed and signed prior to passage of the rezoning ordinance on its third reading. In accordance with Council's previous direction to demonstrate a "can do" approach, it is the recommendation of the City Manager that the City Council accept Alternative #1 as stated above. However, should Council feel that the agreement should be completed and signed first, then Alternative #4 should be accepted.

**It should be noted the Zoning Agreement will include the graphic representation of the Master Plan that was approved as well as the four conditions listed above in the staff recommendation. This agreement binds the owners of the property within the area of the rezoning to develop in compliance to the Master Plan.**