

ITEM #: 52  
 DATE: 07-28-15

**COUNCIL ACTION FORM**

**REQUEST: REZONE FROM A (AGRICULTURE) TO FS-RL (SUBURBAN RESIDENTIAL LOW DENSITY) WITH A MASTER PLAN AT 5400 GRANT AVENUE (PROPOSED HAYDEN’S CROSSING SUBDIVISION)**

**BACKGROUND:**

Hunziker Land Development Company owns a 12-acre parcel north along Grant Avenue north of Ada Hayden Heritage Park’s west trailhead and 1,500 feet south of 190th Street. (See Attachment A, Location Map.) The owner proposes the development of a residential subdivision to be known as Hayden’s Crossing and is requesting a rezoning of 12.0 acres from Agriculture to Suburban Residential Low Density (FS-RL). (See Attachment D, Proposed Zoning) Total development is estimated between 29 and 37 dwelling units.

This land was annexed by 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 Policy Plan Future Land Use Map) The “FS-RL” zoning district is consistent with this land use designation. Support materials provided by the applicant (Attachment G, Applicant’s Narrative) 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 subsequent to approval of the rezoning request.**

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 FS-RL Master Plan (Attachment E) illustrates residential development on 7.60 acres of the property and common open space and 3.98 acres of conservation areas. Project details of the Master Plan include:

1. Developable acreage of approximately 7.60 acres. Applicant proposes potential mix of single family attached and detached units. Total development will meet minimum density requirements of 3.75 units per net acre. This is estimated to be a minimum of 29 units, with a maximum of 37 units as described by the applicant. Maximum density under FS-RL would permit approximately 76 dwelling units at 10 dwelling units per net acre.
2. One access point on the west with Grant Avenue. Future street connections to the abutting north property are also likely to occur.

3. A single pedestrian access from Hayden's Crossing into Ada Hayden Heritage Park near the middle of the site along the south property boundary. This will provide a connection to the existing "Upland Trail" within the park. This connection would be at the sole cost of the developer
4. Conservation areas along the west, east and south perimeter of the site as shown on the plan. Including, a minimum 30-ft wide buffer of undevelopable open space between Hayden's Crossing and the City-owned property to the east and south, to be planted with native grasses and forbs during the first phase of the development.

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

Development of this site is the second project to request approval under the Conservation Subdivision standards of Ames *Municipal Code*. The initial Conservation Subdivision established inside the city is the Quarry Estate development to the north of this site at the southeast corner of the intersection of Grant Avenue and 190<sup>th</sup> Street. The Ames Conservation Subdivision standards are 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 Master Plan shows 33% of the property as conservation areas and open space distributed throughout the development and abutting the residential areas.

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

Prior to annexation, an agreement was approved by owners of this subject property and 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 all of the urban infrastructure necessary to provide city services to this area as an assessment district (Grant Avenue) and connection districts (sewer and water). Sewer and water main extensions have been constructed and street construction will be completed before the end of 2015. Utilities are available to serve the development. Grant Avenue 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 zoning district. Staff believes it is consistent with the Objectives and Future Land Use Map of the City of Ames Land Use Policy Plan, with the following conditions:**

- a. Developer is responsible for frontage and intersection access improvements at time of subdivision;

- b. A single pedestrian access be provided from Hayden's Crossing into Ada Hayden Heritage Park at the location shown on the Master Plan; and,
- c. A minimum of a 30-foot wide buffer of undevelopable open space be established between Hayden's Crossing and the city-owned park land to the east and south.

**Planning and Zoning Commission Recommendation.** At its public hearing on July 1, 2015, the Planning and Zoning Commission recommended approval (4-1) of the proposed rezoning from A to FS-RL, including the proposed Master Plan and the conditions recommended by staff. The Commission discussed the type of housing proposed, proximity of housing to the Park, use of the green areas, location of pedestrian connections, locations for storm water detention, and the purpose and maintenance of the buffer strips and access to adjacent properties.

**ALTERNATIVES:**

1. The City Council can approve on first reading the rezoning of the land located at 5400 Grant Avenue from Agriculture (A) to Suburban Residential Low Density (FS-RL), including the attached Master Plan, and require a signed rezoning agreement with the following conditions of the Master Plan prior to third reading of rezoning ordinance:
  - a. Developer is responsible for frontage and intersection access improvements at time of subdivision;
  - b. Single pedestrian access be provided from Hayden's Crossing into Ada Hayden Heritage Park at the location shown on the Master Plan; and,
  - c. A minimum of a 30-foot wide buffer of undevelopable open space be established between Hayden's Crossing and the city-owned park land to the east and south.
2. The City Council can approve on first reading the rezoning of land located at 5400 Grant Avenue from Agriculture (A) to Suburban Residential Low Density (FS-RL), with different conditions.
3. The City Council can deny the request for rezoning from Agriculture (A) to Suburban Residential Low Density (FS-RL), including the attached Master Plan, if the Commission 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 or to require a signed rezoning agreement prior to first reading.

**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 has been provided for 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 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. A signed zoning agreement with the Master Plan will be provided prior to the third reading of the rezoning ordinance.

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is approval of the rezoning on first reading, including the attached Master Plan, and requiring a signed zoning agreement prior to third reading.

## **ADDENDUM**

**Existing Land Use Policy Plan.** The LUPP designation of the entire subject area is Village/Suburban Residential. The proposed change of zone to FS-RL is consistent with that designation as one option for zoning of the site. The applicant has provided support materials (see *Attachment G – Applicant’s Narrative*) regarding how the proposed rezoning is consistent with the Land Use Policy Plan. These materials describe how the proposed rezoning and implementation of the proposed development is consistent with all ten goals of the LUPP.

The LUPP designation of the property to the east and south is Parks and Open Space, with Ada Hayden Lake and its surrounding land designated as Environmentally Sensitive Area. Property to the west is the future Rose Prairie development and designated as Village/Suburban Residential.

The property to the north inside the city limits, and is designated as Village/Suburban Residential. This property is known as the Frame’s properties and is situated between the proposed Hayden’s Crossing and the approved Quarry Estates.

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

<b>Direction from Subject Property</b>	<b>Existing Land Uses</b>
Subject Property	Farm Land, Former Homestead
North	Farm Land, Former Homestead
East	(Ada Hayden Heritage Park)
South	(Ada Hayden Heritage Park, trailhead and future parking lot)
West	Farmland, Former homestead

**Existing Zoning.** The site is zoned Agriculture (A). The property directly to the east and south is Ada Hayden Heritage Park, a city park zoned Government/Airport (S-GA). North of the subject property and west of the park is property recently annexed into the city and zoned Agriculture (A), The property to the west of the subject property across Grant Avenue is also zoned Agriculture (A). The proposed zoning is reflected in *Attachment D – Proposed Zoning*.

**Proposed Floating Suburban Zoning.** The applicant has requested FS zoning as an alternative to Village Residential Zoning. FS zoning is an option that may be selected by an applicant to create a more homogenous development type as compared to the heterogeneous development pattern of Village Residential. With FS zoning there is an option for Residential Low or Residential Medium. The applicant is proposing FS-RL zoning which allows for either single family attached or single family detached housing within the same zoning district. **Development within FS-RL zoning must reach a minimum density of 3.75 units per net acre and not exceed 10 units per net acre.**

**Master Plan.** A Master Plan is intended to provide a general description of the intended development of a property. A Master Plan must address natural areas, buildable areas, building types, range of uses and basic access points, as described in zoning requirements of Section 29.1507(4) (see *Attachment F – Applicable Regulations*).

The entire property has been in agricultural use for many years. An inventory of vegetation and structures required by the Conservation Subdivision standards has been submitted, and will be part of the consideration and approval of the subdivision plat for this property. The submitted Master Plan proposes areas for homes and conservation areas with residential development on 7.60 acres of the property and common open space and conservation areas totaling about 3.98 acres.

The Master Plan proposes a development pattern with both single-family detached and single-family attached home. The applicant describes a minimum of 29 units, with a maximum of 37 units. At the most intense development level of 10 units per net acre, there may be approximately 76 housing units without the restriction of the Master Plan.

The minimum density standard for the area to be rezoned to FS-RL is 3.75 dwelling units per net acre. The Master Plan proposes a minimum net density for the area to be zoned FS-RL of approximately 3.81 dwelling units per acre, including both single-family detached and attached homes. Full review of net acreage will occur with the subsequent preliminary plat subdivision review.

Each attached and detached single-family home must be on its own individual lot. Layout and specific design of the site will be evaluated at the time of preliminary plat review. Attached single-family homes of three or more units also require an administrative site development plan review after subdivision approval.

**Access.** The Master Plan includes one access point with the existing street, Grant Avenue, that borders the west property line of the site. In all likelihood at least one additional local street would be stubbed to the north to help promote development of the Frame properties.

**Ada Hayden Heritage Park.** Among of the attractions of Hayden’s Crossing will be its proximity to Ada Hayden Heritage Park and the view into the park’s naturalized landscape from some of the Hayden’s Crossing lots. The Master Plan seeks to protect the park landscape from the development and the many more people who will be living next door to it. Single-family homes may be as close as 50 feet to the park boundary and 70 to 100 feet from the north loop upland trail. The 30-foot landscape buffer within this separation area provides for a transition from private to public space with native vegetation.

**The only access from Hayden’s Crossing into Ada Hayden Heritage Park will be a pedestrian connection along the southeast facing property line of the subdivision in close proximity to the existing upland trail.** The north loop upland trail within the park follows the southeast edge of this site. The existing trail is rock, as will be the pedestrian connection to Hayden’s Crossing. The material for this connection and its

final location with Hayden's Crossing will be determined during the subdivision process. Any other future connections between Ada Hayden Heritage Park and Hayden's Crossing would require City Council approval.

The Master Plan includes a buffer between the developed lots of Hayden's Crossing and the park. This buffer will consist of 30 feet (minimum) of open space running along the entire shared property boundary, in which development is prohibited. It will be planted with native grasses and forbs. The shared property boundary itself will be identified with permanent markers designed by the city. This entire buffer will be established, installed and maintained by the Hayden's Crossing property owners association as a requirements of the conservation subdivision.

**Landscape Buffers.** Other landscape buffers, with a width of 25-feet, will be established between the proposed single family units and Grant Avenue. The City is planning construction of a parking lot for 20 vehicles just to the south of this site. The Parks and Recreation Department will establish parking lot buffer screening adjacent to the parking lot on park property and Hayden's Crossing will maintain its own conversation area along the park. The use of buffering is consistent with the development expectations identified within FS zoning standards.

**Conservation Subdivision.** The Hayden's Crossing property is within the watershed that drains into Ada Hayden Lake, which the city uses for a back-up water supply. To protect the quality of the water in the lake, the development is required to comply with the Conservation Subdivision standards of Ames *Municipal Code*, Section 23.600.

In addition to protecting water quality, the intent of the Conservation Subdivision Developments is to protect existing surface drainage systems, to promote interconnected greenways, to provide commonly-owned open space and conservation areas and to protect such areas in perpetuity.

The Conservation Subdivision standards address lot arrangement, buffer distances from drainage ways, stormwater management systems and pedestrian and bicycle facilities. Many of these standards will apply only during the subdivision process.

**Open Space and Conservation Areas.** Several Conservation Subdivision standards are evident in the Master Plan. Conservation areas and open space is required to comprise at least 25% of the property and must be distributed throughout the development. The Master Plan identifies approximately 33% of the land area as open space and conservation areas.

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

A requirement of the Conservation Subdivision ordinance is that 80% of the residential lots must abut a conservation area or open space. Therefore, the Master Plan layout demonstrates an effort to plan a development pattern of residential areas around central

open spaces or conservation areas. The details of features within the conservation areas will be part of the preliminary plat review. The preliminary plat also will provide the arrangement of these lots and the local streets serving them and final configuration of open space areas.

**Water Quality.** In addition to the protection of the water quality in Ada Hayden Lake afforded by the Conservation Subdivision standards, the city also has design standards for new construction to protect surface waters from degradation due to storm water runoff. Ames *Municipal Code*, Chapter 5B “Post Construction Stormwater Management” contains these standards and also references the “Iowa Stormwater Management Manual.”

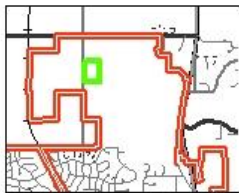
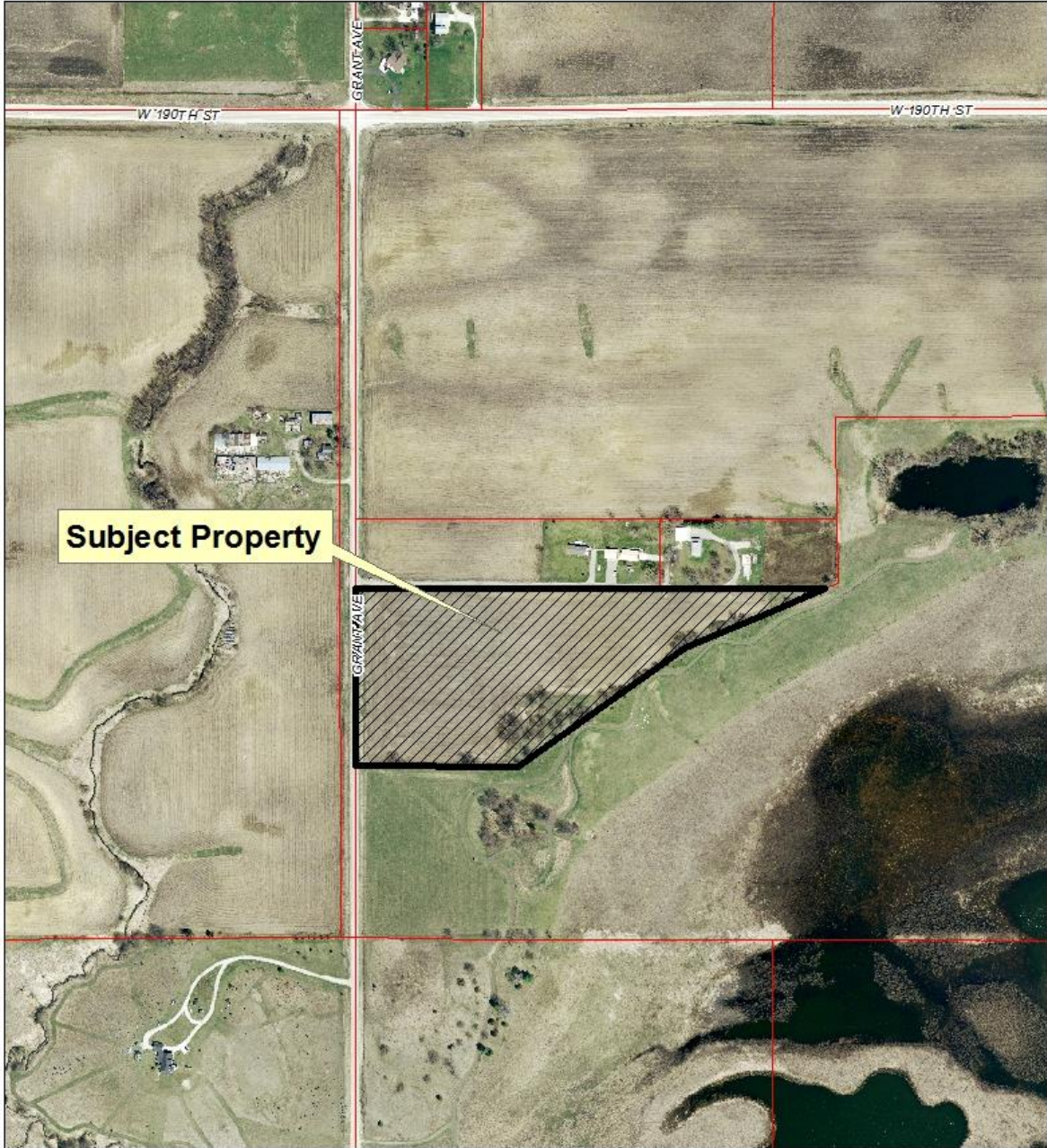
**Infrastructure.** City and developer have a pre-annexation agreement that, among other commitments, confirms the developers’ contributions to City infrastructure costs. Installation of water and sanitary sewer mains serving the developments along Grant Avenue are underway and paving of Grant Avenue will be completed during the 2015.

**Public Notice.** Notice was mailed to property owners within 200 feet of the subject site and a sign was posted on the subject property. As of this writing, no comments have been received.



# Attachment A

## Location Map

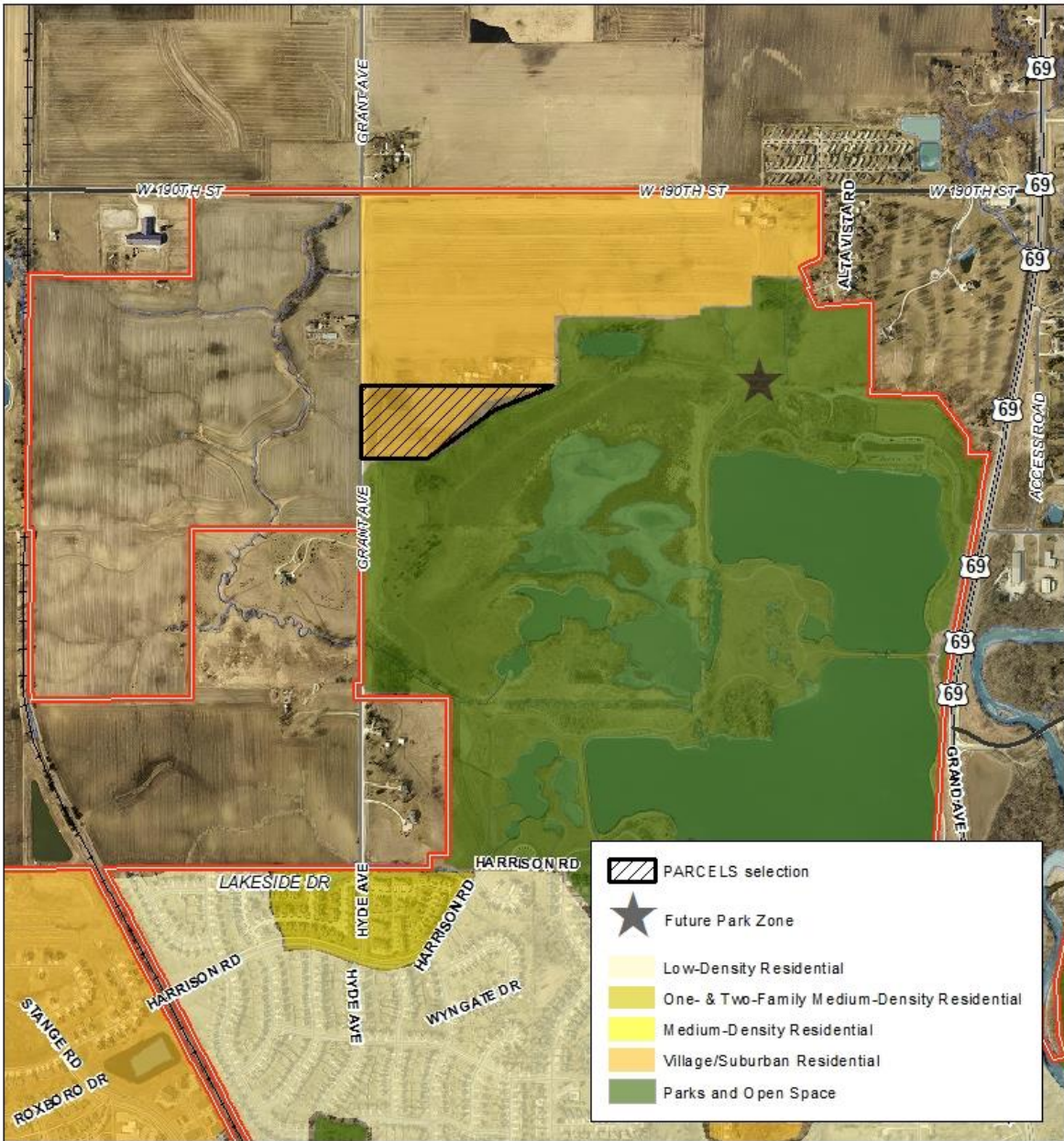


**Location Map**  
**5400 Grant Avenue**



# Attachment B

## Land Use Policy Plan Future Land Use Map

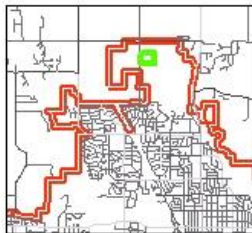
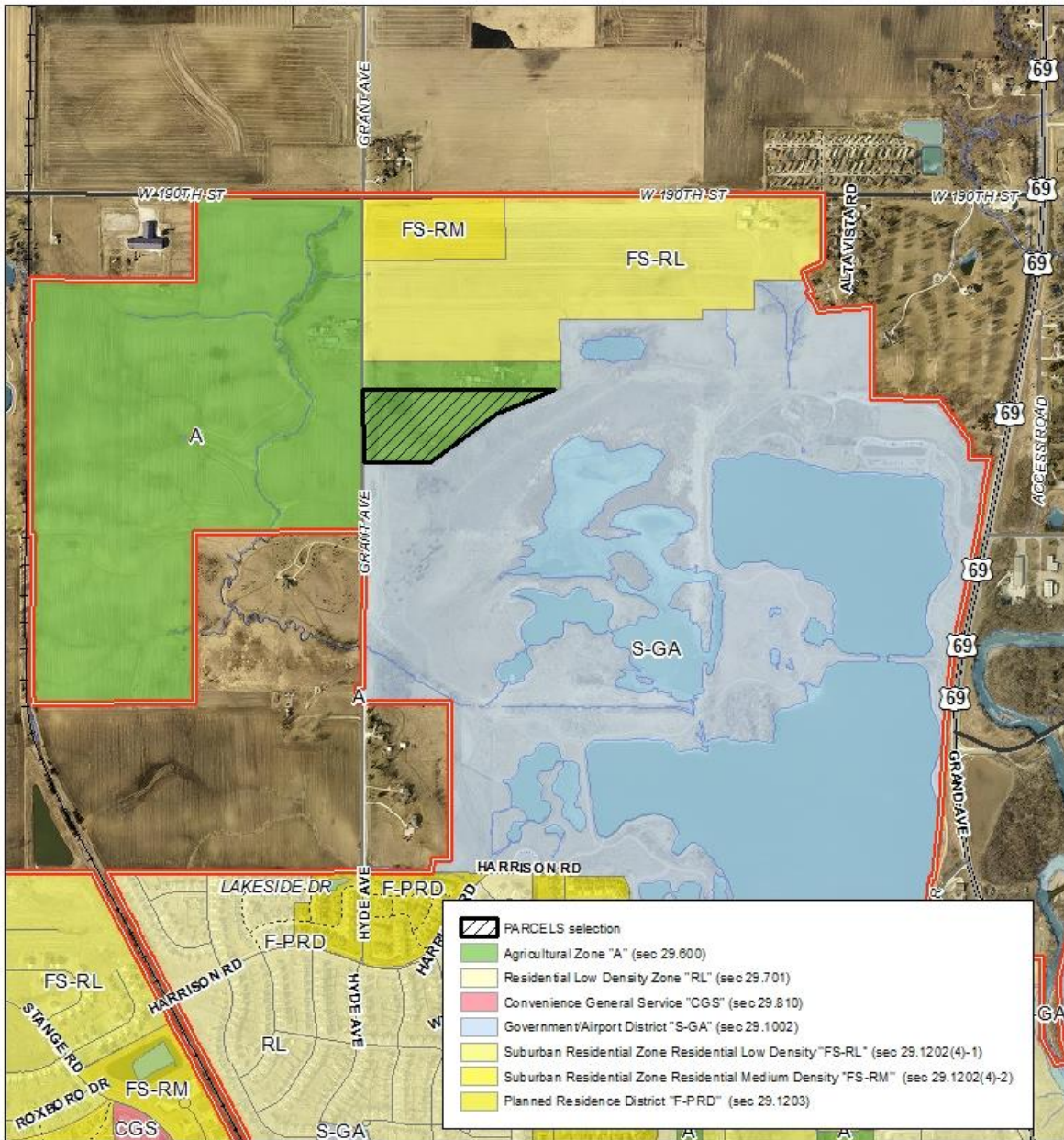


### LUPP Future Land Use Map 5400 Grant Avenue



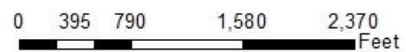
# Attachment C

## Existing Zoning



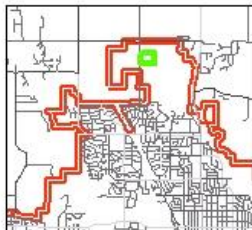
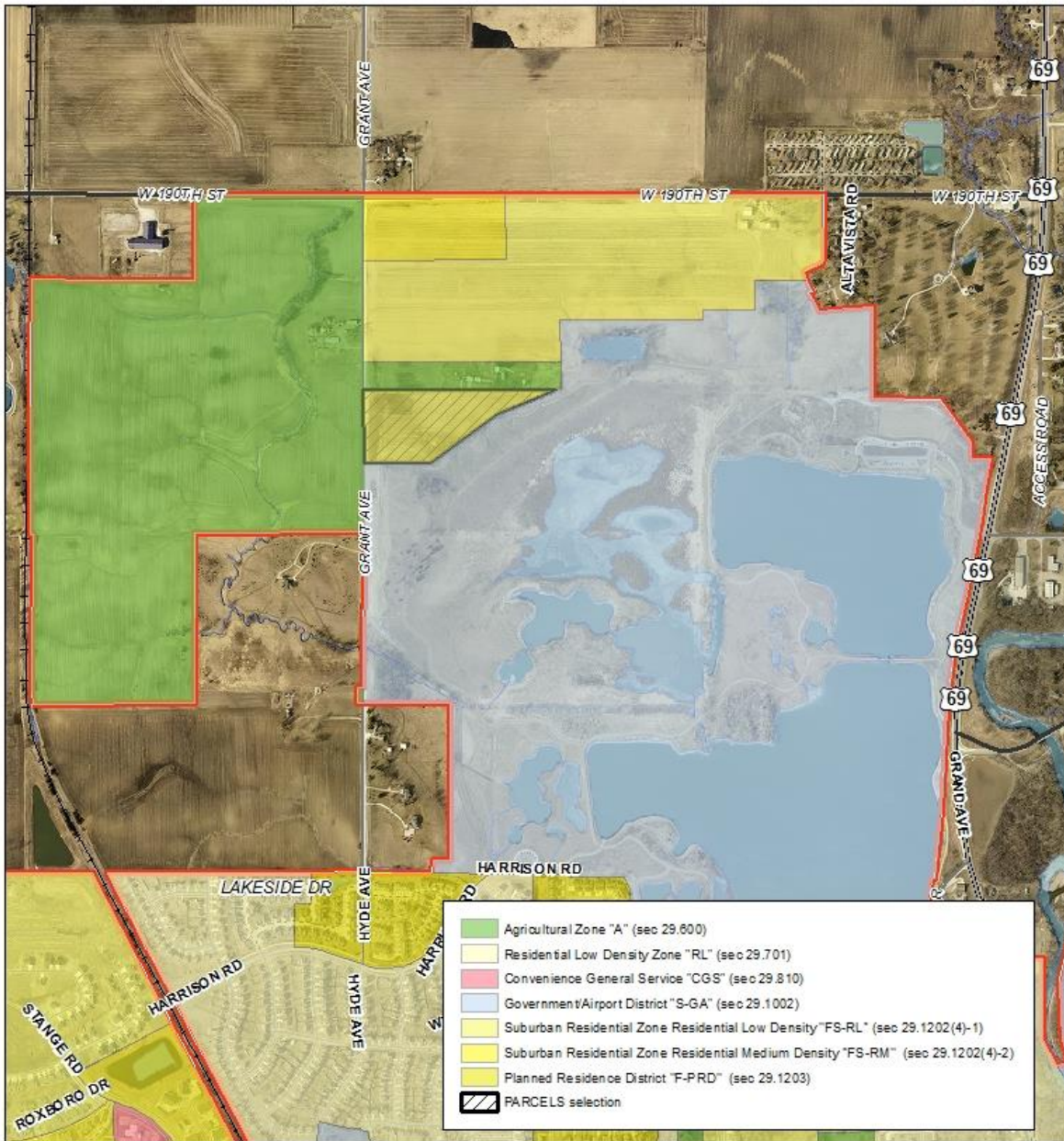
### Zoning Map

### 5400 Grant Avenue



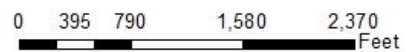
# Attachment D

## Proposed Zoning



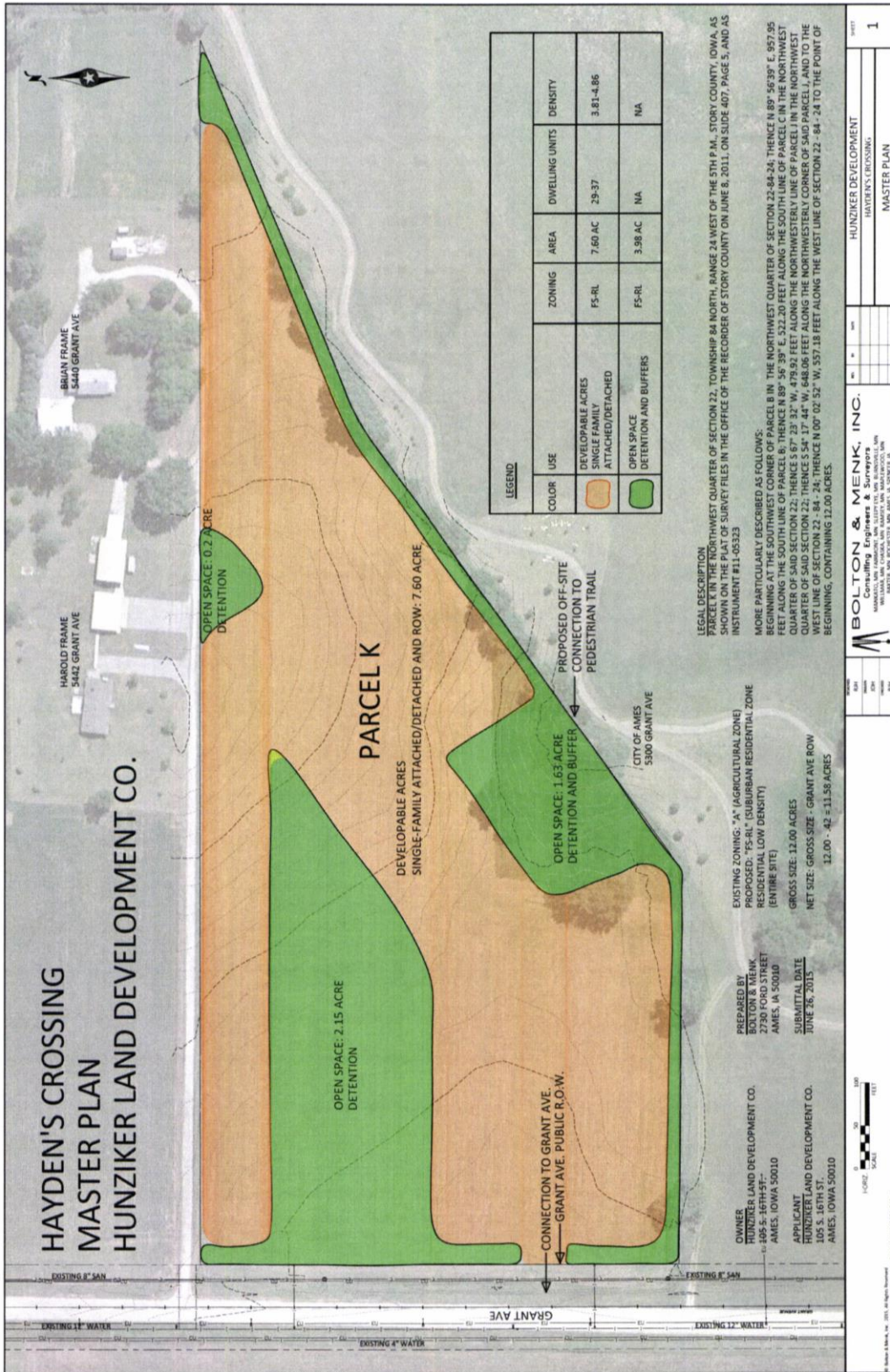
### Proposed Zoning Map

### 5400 Grant Avenue



# Attachment E

## Master Plan Sheet



## **Attachment F**

### ***Applicable Regulations***

- 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 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.

#### **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 G

## *Applicant's Narrative – Page 1*

### Hayden's Crossing Subdivision Rezoning

#### Reasons for Requesting Rezoning

We are requesting the parcel be rezoned from the current Agricultural – A to Suburban Residential – Low Density FS-RL to allow the development of the property as residential.

#### Consistency of this rezoning plan with the Land Use Policy Plan

The parcel requested for rezoning meets the consistency and goals of the Land Use Policy Plan (LUPP), as FS-RL zoning is an acceptable use for residential subdivisions. The LUPP identifies the parcel as part of the North Allowable Growth Area. We feel that this rezoning meets the following goals of the LUPP:

- 1. Recognizing that additional population and economic growth is likely, it is the goal of Ames to plan for and manage growth within the context of the community's capacity and preferences.** This expansion provides for additional housing to provide for the expanding population. It allows for the utilization of recently upgraded infrastructure to expand the City, making it an ideal location for a residential subdivision. The community also has a preference to locate here, as seen by recent construction.
- 2. In preparing for the target population and employment growth, it is the goal of Ames to assure the adequate provision and availability of developable land. It is the further goal of the community to guide the character, location, and compatibility of growth with the area's natural resources and rural areas.** This request fits the character and compatibility of growth of the surrounding area by expanding on the development of existing residential to provide sufficient land resources.
- 3. It is the goal of Ames to assure that it is an "environmentally-friendly" community and that all goals and objectives are integrated with this common goal. In continuing to serve as a concentrated area for human habitat and economic activity, Ames seeks to be compatible with its ecological systems in creating an environmentally sustainable community.** The development planned for this area is to include buffers, natural areas, and storm water management features based on the City's Conservation Subdivision overlay.
- 4. It is the goal of Ames to create a greater sense of place and connectivity, physically and psychologically, in building a neighborhood and overall community identity and spirit. It is the further goal of the community to assure a more healthy, safe, and attractive environment.** The development is intended to add to the connectivity of the community by having a physical connection to Ada Hayden Park which will allow for healthy and safe recreation and attractive views of the environment.
- 5. It is the goal of Ames to establish a cost-effective and efficient growth pattern for development in new areas and in a limited number of existing areas for intensification. It is a further goal of the community to link the timing of development with the installation of public infrastructure including utilities, multi-modal transportation system, parks and open space.** As noted in item 1, this development will be able to utilize the new infrastructure installed along Grant Avenue for the development for the North Allowable Growth Area.

# Attachment G

## Applicant's Narrative – Page 2

6. **It is the goal of Ames to increase the supply of housing and to provide a wider range of housing choices.** This development will provide for additional lots for construction which will help with the availability of housing.
7. **It is the goal of Ames to provide greater mobility through more efficient use of personal automobiles and enhanced availability of an integrated system including alternative modes of transportation.** This development will be directly adjacent to a park access and across the street from a future shared use path, which can both provide alternate modes of transportation.
8. **It is the goal of Ames to enhance the role of Downtown as a community focal point.** This project does not propose uses that would duplicate those offered by the downtown. It would increase population which will provide potential shoppers/customers/users of downtown.
9. **It is the goal of Ames to promote expansion and diversification of the economy in creating a base that is more self-sufficient and that is more sustainable with regard to the environment.** The subdivision provides additional housing for people to allow economic growth.
10. **It is the goal of Ames to maintain and enhance its cultural heritage.** The proposed site does not negatively impact the cultural heritage of Ames.

### **Current Zoning of the subject property**

The property is currently zoned Agricultural – A

### **Proposed Zoning of the subject Property**

The requested zoning is Suburban Residential – Low Density FS-RL

### **Proposed Use of the Property**

The intended use of the property is single family residential housing.

### **Legal Description of the property proposed for rezoning.**

PARCEL K IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 84 NORTH, RANGE 24 WEST OF THE 5TH P.M., STORY COUNTY, IOWA, AS SHOWN ON THE PLAT OF SURVEY FILES IN THE OFFICE OF THE RECORDER OF STORY COUNTY ON JUNE 8, 2011, ON SLIDE 407, PAGE 5, AND AS INSTRUMENT #11-05323

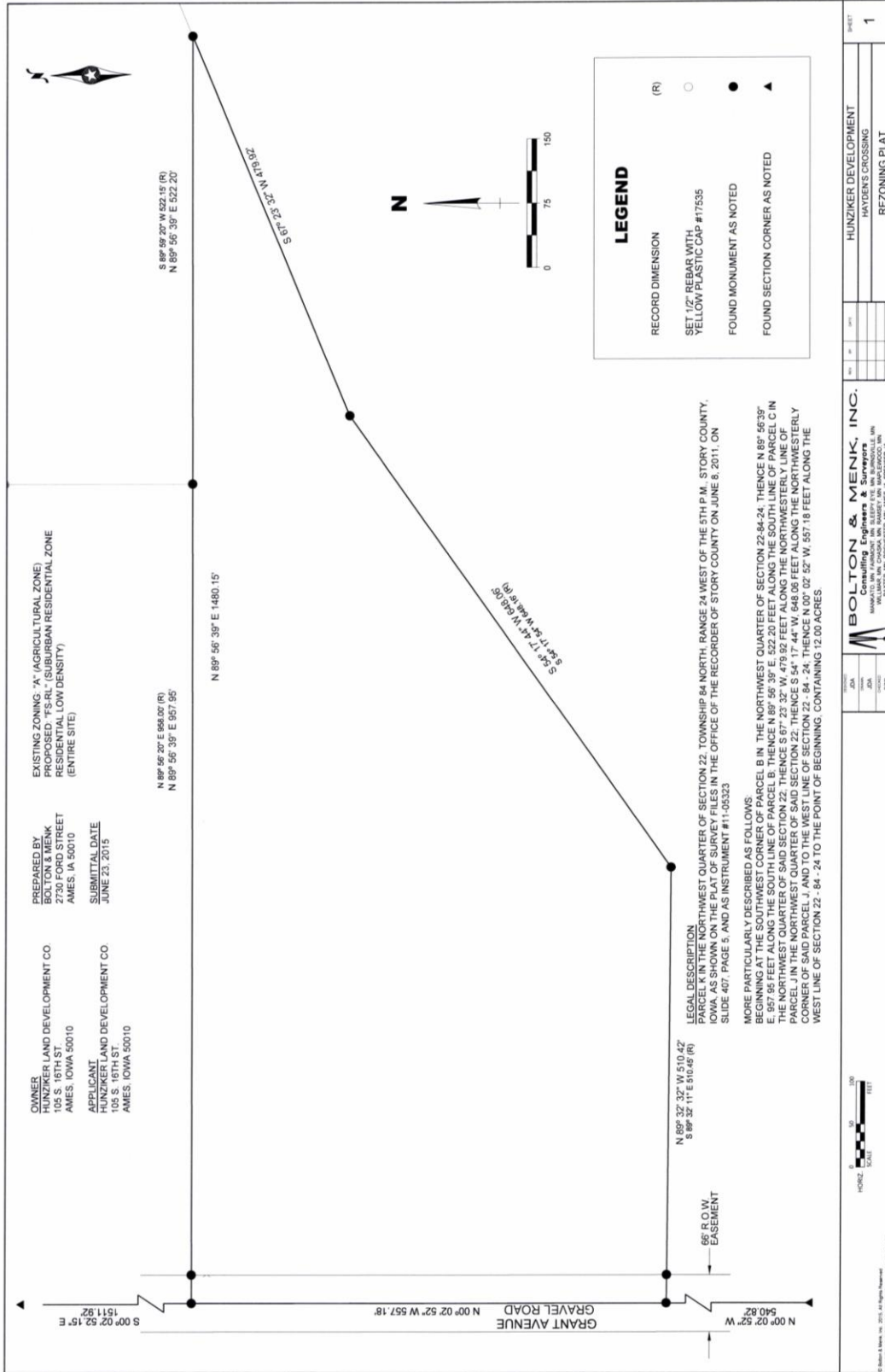
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL B IN THE NORTHWEST QUARTER OF SECTION 22-84-24; THENCE N 89° 56'39" E, 957.95 FEET ALONG THE SOUTH LINE OF PARCEL B; THENCE N 89° 56' 39" E, 522.20 FEET ALONG THE SOUTH LINE OF PARCEL C IN THE NORTHWEST QUARTER OF SAID SECTION 22; THENCE S 67° 23' 32" W, 479.92 FEET ALONG THE NORTHWESTERLY LINE OF PARCEL J IN THE NORTHWEST QUARTER OF SAID SECTION 22; THENCE S 54° 17' 44" W, 648.06 FEET ALONG THE NORTHWESTERLY CORNER OF SAID PARCEL J, AND TO THE WEST LINE OF SECTION 22 - 84 - 24; THENCE N 00° 02' 52" W, 557.18 FEET ALONG THE WEST LINE OF SECTION 22 - 84 - 24 TO THE POINT OF BEGINNING, CONTAINING 12.00 ACRES.



# Attachment H

## Rezoning Plat



**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 5400 Grant Avenue, is rezoned with a Master Plan from Agricultural (A) to Suburban Residential Low Density (FS-RL).

**Real Estate Description:** Parcel K in the Northwest Quarter of Section 22, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa, as shown on the plat of survey files in the office of the Recorder of Story County on June 8, 2011, on Slide 407, Page 5, and as Instrument #11-05323.

More particularly described as follows: Beginning at the Southwest Corner of Parcel B in the Northwest Quarter of Section 22-84-24; thence N89°56'39" E, 957.95 feet along the South line of Parcel B; thence N89°56'39" E, 522.20 feet along the South line of Parcel C in the Northwest Quarter of said Section 22; thence S67°23'32" W, 479.92 feet along the Northwesterly line of Parcel J in the Northwest Quarter of said Section 22; thence S54°17'44" W, 648.06 feet along the Northwesterly Corner of said Parcel J, and to the West line of Section 22-84-24; thence N00°02'52" W, 557.18 feet along the West line of Section 22-84-24 to the point of beginning, containing 12.00 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

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

Prepared by: Jessica D. Spoden, City of Ames Legal Department, 515 Clark Ave., Ames, IA 50010; 515-239-5146  
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  
HAYDEN'S CROSSING SUBDIVISION  
5400 GRANT AVENUE**

**THIS AGREEMENT**, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2015, by and between the City of Ames, Iowa (hereinafter called "City") and Hunziker Land Development Company, 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 Hayden's Crossing (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 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.  
HAYDEN’S CROSSING 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 Hayden’s Crossing 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 Developer is responsible for frontage and intersection access improvements at the time of subdivision.
- B. 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 “Proposed Off-Site Connection to Pedestrian Trail”.
- C. The Site shall include a minimum thirty (30) foot wide buffer of undevelopable open space to be located between the developed lots of Hayden’s Crossing and Ada Hayden Heritage Park, as shown on the Master Plan as “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 \_\_\_\_\_, 2015, 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 \_\_\_\_\_, 2015, 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

HUNZIKER LAND DEVELOPMENT  
COMPANY, LLC

By \_\_\_\_\_  
Chuck Winkleblack, Manager

STATE OF IOWA, COUNTY OF STORY, ss:

This instrument was acknowledged before me on \_\_\_\_\_, 2015, by Chuck Winkleblack as Manager of Hunziker Land Development Company, L.L.C.

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

