

ITEM #: 29  
DATE: 11-24-15

**COUNCIL ACTION FORM**

**SUBJECT: REZONE PROPERTY LOCATED AT 101, 105, AND 107 SOUTH WILMOTH AVENUE FROM RESIDENTIAL HIGH DENSITY (RH) WITH THE WEST UNIVERSITY IMPACTED DISTRICT OVERLAY TO RESIDENTIAL HIGH DENSITY (RH) AND TO REZONE THE PROPERTY LOCATED AT 205 SOUTH WILMOTH AVENUE FROM RESIDENTIAL LOW DENSITY (RL) TO RESIDENTIAL HIGH DENSITY (RH).**

**BACKGROUND INFORMATION:**

Breckenridge Group Ames Iowa, LLC is requesting rezoning for property located at 101, 105, 107, and 205 S. Wilmoth Avenue. The four lots proposed for rezoning contain 8.91 acres and are currently zoning Residential Low Density (205 S. Wilmoth) and Residential High Density with the University West Impacted District (101, 105, and 107 S. Wilmoth). *(See Attachment A, Location and Current Zoning Map.)* The developer of the sites proposes the development of a mixed residential and commercial development and is requesting a rezoning from RL to RH for 205 Wilmoth and from RH with the West University Impacted District Overlay to the base RH zoning. *(See Attachment C, Proposed Zoning Map)*

The development of the properties will be required to be consistent with the approved settlement agreement from July 28, 2015 between the City of Ames and Breckenridge Group that would allow for future development of a residential use of up to 422 beds and the development of between 15,000 and 40,000 square feet of commercial development as mixed use. The property owner has also agreed to a three-story height limit for development of the combined sites. A contract rezoning agreement (see attached) is included with this request to ensure development will be consistent with these provisions of the settlement agreement.

City Council recently approved a minor Land Use Policy Plan Amendment for the subject properties to allow for such development. *(Attachment B, Existing LUPP Map)* The Amendment placed a commercial designation along Lincoln Way for the purpose of having mixed-use commercial buildings and had high density residential on the remainder of the site to allow for apartment development. The LUPP map shows the general boundaries of land use designation for these two uses and are not meant to be a precise delineation for future development of the sites.

The site abuts low-density zoned development to south, a majority of the land to the west is low density with one commercial site along Lincoln Way, to the north is split zoning of low-density residential and commercial, and properties to the east are mostly low-density residential with RH West University Impacted District zoning along Lincoln Way.

Under the regulations for RH zoning, commercial uses such as office, retail sales, and

restaurants are permitted through approval of a Major Site Development Plan if the area of such use exceeds 5,000 square feet. **In this case, a Major Site Development Plan would be required for development of the site due to the requirement of the settlement agreement and stipulations of the contract rezoning for at least 15,000 square feet of mixed-use commercial development.**

The RH zone for residential uses has a limit of 38.56 units per acre. A wide variety of multiple family housing types are principally allowed with RH zoned areas under the High Density designation. To provide context to the size of the site and the proposed rezoning with the 422 bed limitation agreed upon by the applicant, staff estimates an average of three bedrooms per unit for a total of 141 units split between 3 acres of commercial and 5.5 acres of residential. This would yield approximately 15-30 mixed use apartments above commercial and 110 to 125 stand alone apartment units. The average density for such a configuration would be 17 units per acre with a residential density of approximately 22 units per acre. However, this is only one example of how development could occur under the proposed designations; there are many alternative configurations to this example that are not actually known at this time.

The applicant is also requesting removal of the existing West University Impacted District Overlay zone on the three parcels (.55 acres) fronting on Wilmoth (101, 105, and 107 S. Wilmoth). The overlay does not extend across the remainder of the site. Buildings developed within the Overlay are subject to a 4-story height limit, additional front yard landscaping, architecturally designed front entrances, and a 25% higher parking rate.

The attached addendum includes additional information and analysis of the rezoning proposal.

**Neighborhood Submitted Protest:**

Representatives of the local neighborhood have submitted a petition protesting the rezoning of the 205 S. Wilmoth property. Section 29.1507 (8) of the Ames Municipal Code states that when more than 20% of the property within 200 feet of the proposed rezoning have protested such rezoning, the City Council shall only approve a zoning amendment with an affirmative vote of 5 of the 6 City Council members. The petition for 205 Wilmoth includes signatures from 22 of the 47 properties representing 43% of the property area within 200 feet of the 205 Wilmoth rezoning. However, the rezoning of 101, 105, and 107 does not have a valid petition for protesting the rezoning of these properties and will be subject to standard majority vote rules.

**Planning and Zoning Commission Recommendation:**

At a public hearing on October 21, 2015, the Planning and Zoning Commission voted 5-0 to recommend that the City Council rezone the subject properties from Residential Low Density (RL) and Residential High Density (RH) with the West University Impacted District (O-UIW) to Residential High Density (RH).

## **ALTERNATIVES:**

Due to the two separate rezoning amendments and the petition protesting the rezoning of 205 Wilmoth, the Council must take action on two separate ordinances as described below.

### **Rezoning of 205 S. Wilmoth Avenue:**

1. The City Council can approve on first reading the request for rezoning for the property at 205 South Wilmoth Avenue from Residential Low Density (RL) to Residential High Density (RH), based upon the applicant's project description and staff's analysis, as found in the addendum, with the contract rezoning agreement that includes the following conditions of approval:
  - a. Breckenridge develop not more than 422 beds of housing for no more than 422 residents spread across the "Enlarged North Parcel," or 350 beds if not combined;
  - b. Breckenridge develop a mixed use building or buildings with a minimum of 15,000 square feet of commercial space up to a maximum of 40,000 square feet on the first floor of those buildings that have frontage on Lincoln Way;
  - c. None of the buildings on the lot may exceed three stories in height.
2. The City Council can split zone the site to approximately 3 acres of Highway Oriented Commercial and 6 acres of Residential High Density with a proper legal description prepared prior to adopting the ordinance.
3. The City Council can approve the requested rezoning of property with modified conditions of rezoning.
4. The City Council can defer action on this request and refer it back to City staff and/or the applicant for additional information.

### **Rezone of 101, 105, and 107 S. Wilmoth Avenue:**

1. The City Council can approve on the first reading the request for rezoning for the properties at 101, 105, and 107 South Wilmoth Avenue from Residential High Density (RH) with the University West Impacted District Overlay to Residential High Density (RH), based upon the applicant's project description and staff's analysis, as found in the addendum, with the contract rezoning agreement that includes the following conditions of approval of the rezoning request:
  - a. Breckenridge develop not more than 422 beds of housing for no more than 422 residents spread across the "Enlarged North Parcel";
  - b. Breckenridge develop a mixed use building or buildings with a minimum of 15,000 square feet of commercial space up to a maximum of 40,000 square feet on the first floor of those buildings that have frontage on Lincoln Way;
  - c. None of the buildings on the lot may exceed three stories in height.

2. The City Council can approve the requested rezoning of property with modified conditions of rezoning.
3. The City Council can defer action on this request and refer it back to City staff and/or the applicant for additional information.
4. The City Council can deny the request to rezone 101,105, and 107 Wilmoth Avenue.

**CITY MANAGER’S RECOMMENDED ACTION:**

The four properties were recently the subject of an LUPP Amendment to provide for mixed use commercial development and apartment development. Review of the RH Checklist indicates the site scored high with the tool due to its proximity to a variety of services and access to transit. The site scores high on the tool because of its proximity to a variety of daily services (commercial, parks, etc.) and employment centers including ISU campus. Although project design details are not available at this time, the limits on intensity of use and height along with tax abatement incentives for design features are an approach to help ensure a compatible and desirable future development of the site. Individual site layout and design issues will have to be considered in more depth when a site plan is available for review.

The designation of the LUPP amendment to HOC for the frontage of the property along Lincoln Way was intended to allow for the future development of a mixed residential and commercial development type on the property either through the recently approved mixed use overlay, or as requested through the use of the commercial opportunities allowed under the RH zone. With the contract rezoning of the site, staff feels the intent of the land use designation for a commercial function on the Lincoln Way frontage is being provided and therefore can be found to conform to the LUPP. It will be important at the site plan stage of the development to confirm that the commercial component does in fact meet commercial development interests and that the site overall includes suitable transitions between the proposed uses on the site as well as with the surrounding commercial and residential uses abutting the property.

Prior to the development of the site, infrastructure adequacy will be verified in connection with the Major Site Development Plan criteria. Sanitary Sewer service will be verified by the Public Works Department based upon a precise project description. Additionally, evaluation of the traffic generated by the project and site access points will be required.

Due to the submitted neighborhood protest for the rezoning request for the property at 205 S. Wilmoth Avenue, Council is required to have two separate motions for the proposed rezoning. **Therefore, in regards to the rezoning request for 205 S. Wilmoth Avenue, the City Manager recommends Alternative #1 for the City Council to approve the rezoning of property at 205 South Wilmoth Avenue from Residential Low Density (RL) to Residential High Density (RH) with the contract rezoning agreement.**

**For the rezoning request for 101, 105, and 107 S. Wilmoth Avenue, the City Manager recommends Alternative #1 for the City Council to approve the rezoning**

of the properties at 101, 105, and 107 South Wilmoth Avenue from Residential High Density (RH) with the University West Impacted District Overlay to Residential High Density (RH) with the contract rezoning agreement.

## ADDENDUM

### REZONING BACKGROUND:

**Existing Land Use Policy Plan.** The LUPP designation of the subject area is Highway Oriented Commercial on the Lincoln Way frontage with High Density Residential on the remaining area of the site. This revision to the LUPP was recently approved by the City Council. An existing LUPP map of the immediate area can be found in Attachment B.

The intent of the Highway Oriented Land Use designation is for commercial uses that are appropriate for strip developments along the frontage of major thoroughfares such as Lincoln Way in this case. While the Highway Oriented Land use designation does not strictly allow for a mixed commercial/residential land use, the commercial uses typical of this type of strip development is compatible with a mixed use development and can be seen to be appropriate for this area of Lincoln Way. With the requirements of the settlement agreement for mixed use development, and the use of a zoning contract to effectuate the terms for commercial uses the proposed request, while even under residential zoning, can be seen to be compatible with the intended land use of the Highway Oriented Commercial designation of the LUPP.

The area of the property not fronting on Lincoln Way has been designated at High Density Residential in the LUPP. The High Density Residential Designation is described in the LUPP as a development density exceeding 11.22 units per acre. The LUPP does not include a stated maximum density, but the corresponding zoning of RH has a limit of 38.56 units per acre. A wide variety of multiple family housing types are principally allowed with RH zoned areas under the High Density Land Use Designation. Due to the size of the site, appropriate transitions appear to be able to be incorporated into the design of the site in a manner that is consistent with other commercial areas to the west of the subject site that will interface with the proposed residential properties.

The applicant has provided support materials (found in Attachment E) regarding the proposed rezoning and its conformance with the Land Use Policy Plan.

**Zoning.** The subject parcels are currently zoned Residential Low Density (RL) on the 205 Wilmoth parcel (previously the school track property) and High Density Residential (RH) on the three acquired parcels fronting on South Wilmoth Avenue. The three properties zoned RH also are encompassed within the West University Impacted District Overlay zone. The applicant is requesting rezoning for a mixed residential and commercial development in the Residential High Density (RL) zone. The applicant is also requesting removal of the existing West University Impacted District Overlay zone on the three parcel fronting on Wilmoth (101, 105, and 107 S. Wilmoth). The properties to the north and northeast of the subject sites are zoned HOC and RL and properties to the west, south, and east are zoned RL with some RH zoned properties west of the site.

With the required use of the property as a mixed use development, the split in the LUPP designation of the site could allow for both HOC and RH zoning districts to be compatible with the existing LUPP designation. As requested, the RH zone permits commercial uses and can comply with the commercial requirement of the development while also allowing for a range of residential uses. Based on the minimum 15,000 square feet of commercial area required for the development within the settlement, the approval of a Major Site Plan for the entire site will be required prior to development of the properties.

The RH zone does not have any specific site layout or design requirements other than the base zone bulk/density development standards. General parking and landscape requirement will apply. However, the Major Site Plan criteria triggered by the amount of commercial space will allow for site design and layout review including such elements as building scale and placement, drainage, landscaping, vehicular and pedestrian access, parking and circulation as well as safety requirements.

The HOC zone could also be requested to meet the commercial requirements, however, would not permit the residential uses above the commercial space as a base zone. The mixed use overlay would have to be applied to a HOC zoning request to address an allowance for mixed use buildings with residential uses above the first floor commercial space. This designation would require the submittal of a Major Site Plan at the time of the rezoning request to show compliance with the standards and guidelines of the mixed use overlay including such elements and building orientation, parking, access, FAR, minimum commercial area, interior building heights, etc. **Staff believes these Mixed Use guidelines will still be appropriate to be considered and applied to any mixed use development along Lincoln Way, regardless of the base zoning.** Base HOC zoning has other slight differences in its development standards compared to RH. Differences could include landscaping open space percentage of 15%, reduced setbacks, and other minor differences.

The West University Impacted District Overlay area is intended to allow for increased housing diversity and density in and around the University, while regulating uses by addressing such items as location, height, landscaping and fencing, parking, and exterior façade materials. The overlay's most significant regulations compared to RH base zone standards are the 4-story height limit, parking at a rate of 1.25 spaces per bedroom, and enhanced landscaping. The removal of the overlay zone, as requested by the application, does remove such regulations from the affected sites, however, the requirements of the Major Site Plan for the overall project for the commercial uses on the property will be able to address many of the same elements of the site regarding site layout, landscaping and buffering. Additionally, the contract rezoning with a three story height limit and bedroom limitation are more restrictive than the Overlay.

**Access.** The properties have frontage on both Lincoln Way and S. Wilmoth Avenue. Hilltop Avenue also dead ends along the south property line of the subject property. It is anticipated that commercial access from Lincoln Way will be desired for the commercial component of the project; however, residential access for the remainder of the site should be designed off of the S. Wilmoth frontage.

Staff believes that reviewing localized effects of operations near the site and accessing

the site is the highest priority for understanding the potential traffic impacts of development. A traffic study is usually triggered when at least 100 peak hour trips are added to the transportation network. The scope of evaluation then depends on the specific types of trips, nearby operations, and potential for project specific impacts. The proposed development of the site within the limits of the development agreement would likely exceed that 100 trip threshold and the Public Works Department would request a specific evaluation based on the potential for significant impacts from a particular project. Although we have existing traffic counts and projections for Lincoln Way operations at key intersections, we do not have specific information at Wilmoth. This means dealing with access from Lincoln Way and use of Wilmoth as a concentrated point of access for the apartments will at a minimum necessitate a traffic evaluation at the time of site plan review.

Additionally, it is noted that while there is existing transit service to the area by way of existing routes and stops on Lincoln Way. This site would have immediate access to the system along Lincoln Way. However, currently CyRide is at capacity at many peak travel times during the day.

**Infrastructure.** Access to existing sewer and water infrastructure is available to the site from both Lincoln Way and S. Wilmoth Avenue. Staff finds that the capacities of sanitary sewer, water, and traffic access are acceptable to plan for the more intense development on this site. Verification of sewer capacity is required in this area as part of a sewer master planning and modeling efforts that are underway. Any specific improvements needed for a particular development type or configuration can be identified and addressed Major site development plan review stage. Easements needed for the site utilities can be addressed through the future consolidation of the lots as part of the Plat or at the time of Site Plan review of the property.

**Urban Revitalization.** The City Council has a separate issue from the rezoning request that directed establishment of an Urban Revitalization Area with an incentive of tax abatement for a project includes specific features relating to site design. A number of the items related to commercial standards and minimum compatibility features for apartment development, such as brick facades, architectural entrances, roof types, parking, minimum fencing and buffer standards. It should be noted the tax abatement incentives are not mandatory conditions of development unless the property owner seeks the property tax abatement incentive. A list of the draft tax abatement prerequisites is included as Attachment F.

**Applicant's Statements.** The applicant has provided an explanation of the reasons for the rezoning. See Attachment E.

**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:

1. *Ames Municipal Code Section 29.1507(2)* allows owners of fifty percent (50%) 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.

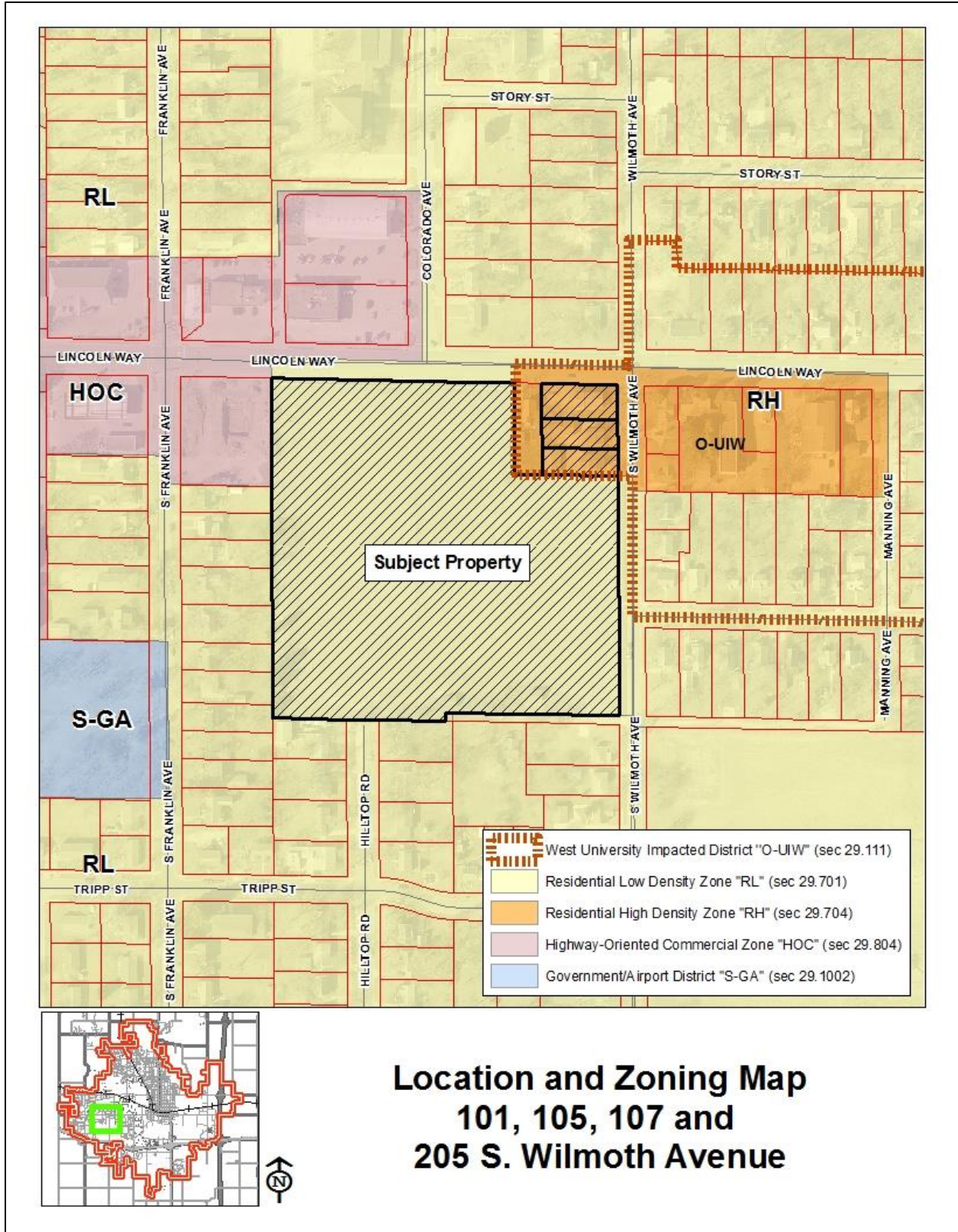
2. The subject property has been designated on the Land Use Policy Plan (LUPP) Future Land Use Map as “Highway Oriented Commercial” and “Residential High Density”.
3. The “Residential High Density” and the “Highway Oriented Commercial” land use designation of the LUPP can be determined to support the “RH” (Residential High Density) zoning designation. Multiple-family residential uses as well as commercial land uses can be developed in the RH, provided a contract obligates the zone to a minimum area of commercial space, the RH zoning request can be determined to meet the goals of the Highway Oriented Land Use designation.
4. Infrastructure is generally available for development of the properties. Verification of capacity for a specific project will occur prior to project approval. Necessary easements for service line connections will be determined at the Site Plan review stage.
5. Access to this site is from Lincoln Way and South Wilmoth Avenue, both being public street rights-of-way.

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

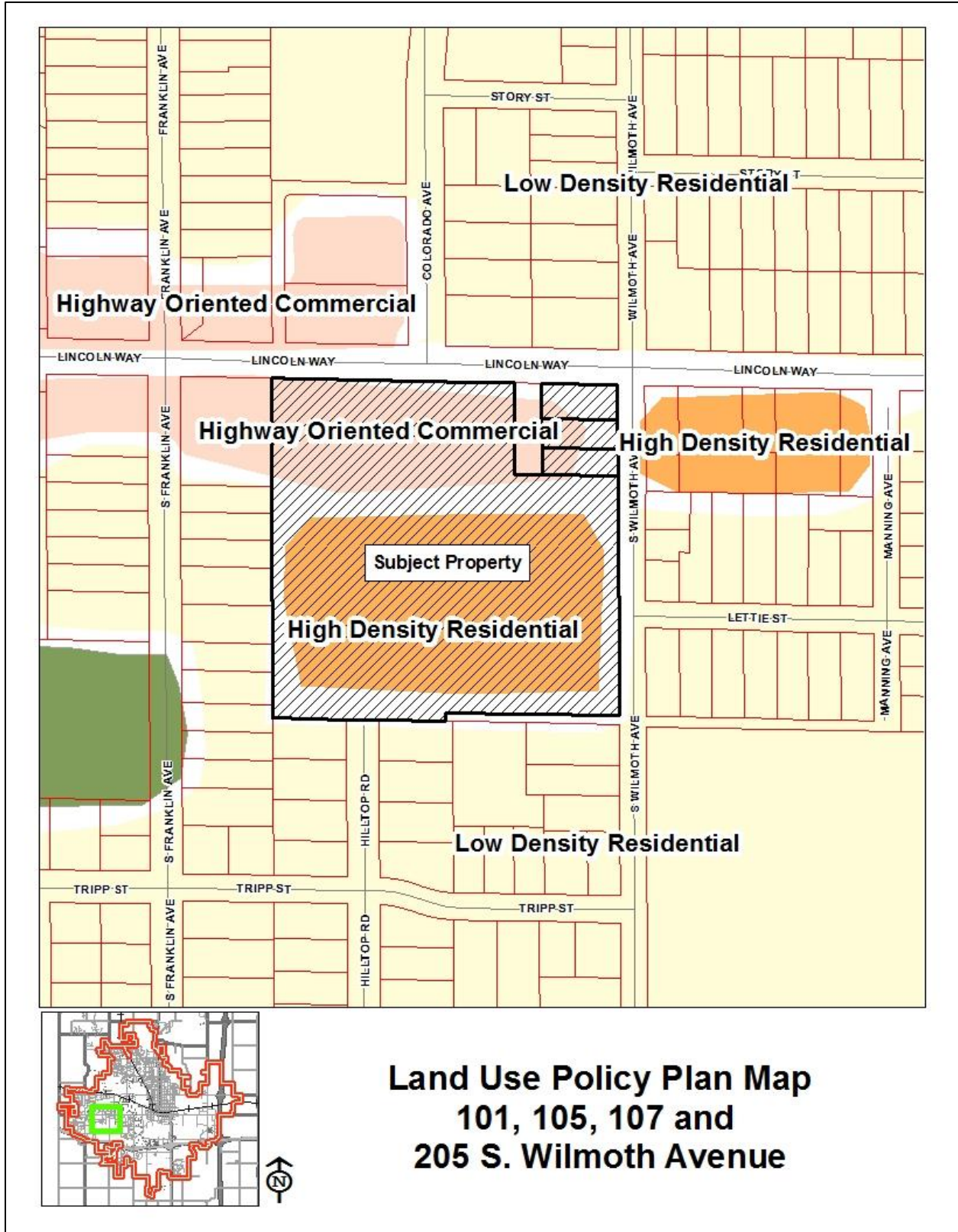
Representatives of the local neighborhood have submitted a petition with 23% of the owners within 200 feet of site protesting the rezoning of the site. This means that at the time of a City Council consideration of the request, it would require an affirmative vote by 5 of the 6 City Council members for the rezoning to be approved.



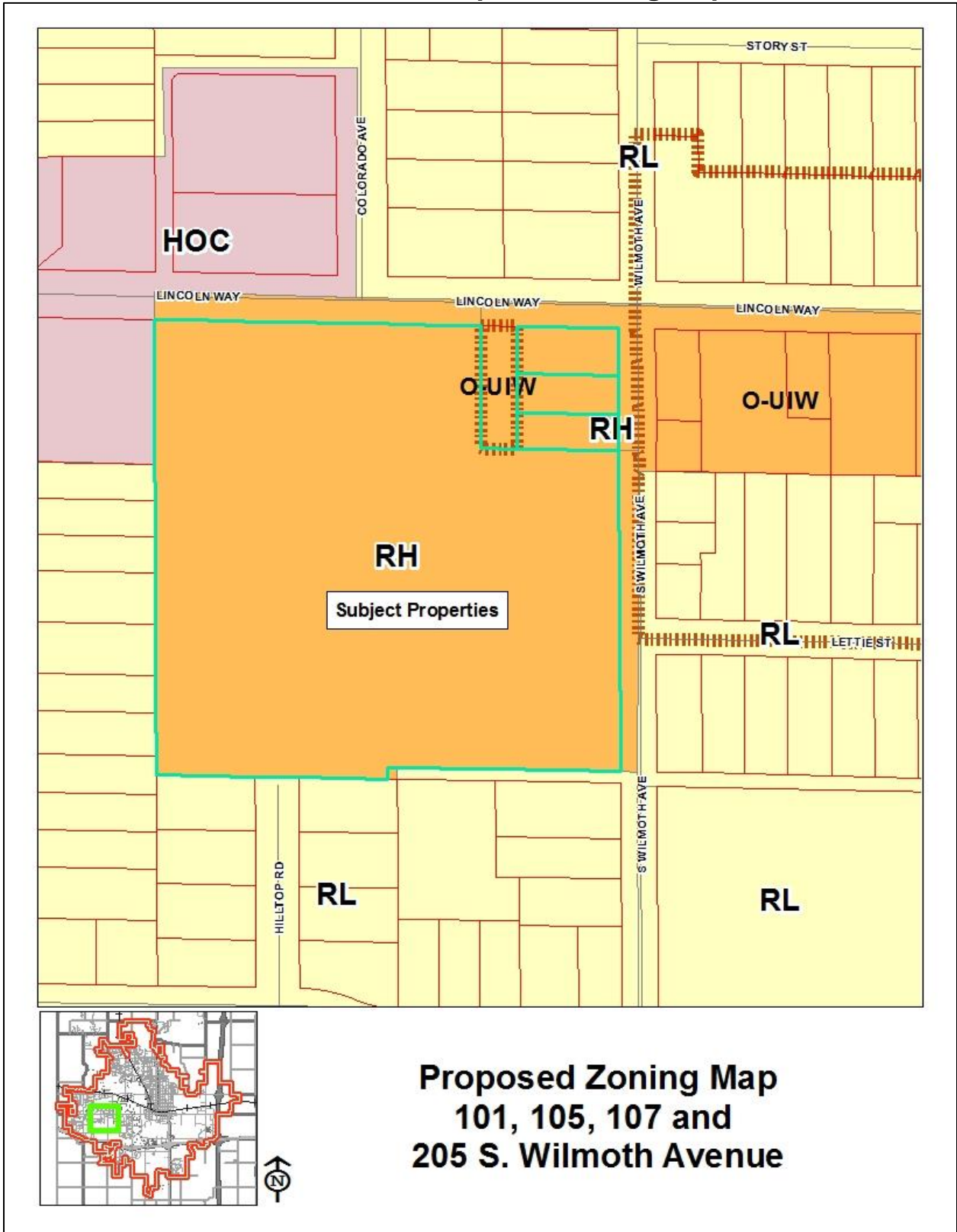
# Attachment A: Location and Current Zoning



# Attachment B: Land Use Policy Plan Map [Excerpt]



# Attachment C: Proposed Zoning Map



**Proposed Zoning Map  
101, 105, 107 and  
205 S. Wilmoth Avenue**

## Attachment D: 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.

**Goal No. 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. It is the further goal of the community to manage its growth so that it is more sustainable, predictable and assures quality of life.

**Goal No. 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.

**Goal No. 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.

**Goal No. 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.

**Goal No. 6.** It is the goal of Ames to increase the supply of housing and to provide a wider range of housing choices.

- 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, provisions for public protest of a rezoning.
- Ames *Municipal Code* Chapter 29, Section 704, Residential High Density, includes a list of uses that are permitted in the RH zoning district and the zone development standards that apply to properties in that zone.

# Attachment E: Applicant Statement

## Aspen Heights Development Rezoning Application

### Applicant Statement

1. A written explanation of the reasons for the requested rezoning.

The subject property is currently made up of two different zonings as described below in item 3. It is the intent of the applicant to rezoning the property, as described in item 4, to allow for a mixed use development made up primarily of apartment style housing with a limited amount of commercial area along Lincoln Way.

2. A written explanation of the consistency of this rezoning with the Land Use Policy Plan (LUPP).

The requested rezoning is consistent with the goals described in Chapter One, "Planning Base" of the LUPP in the following ways:

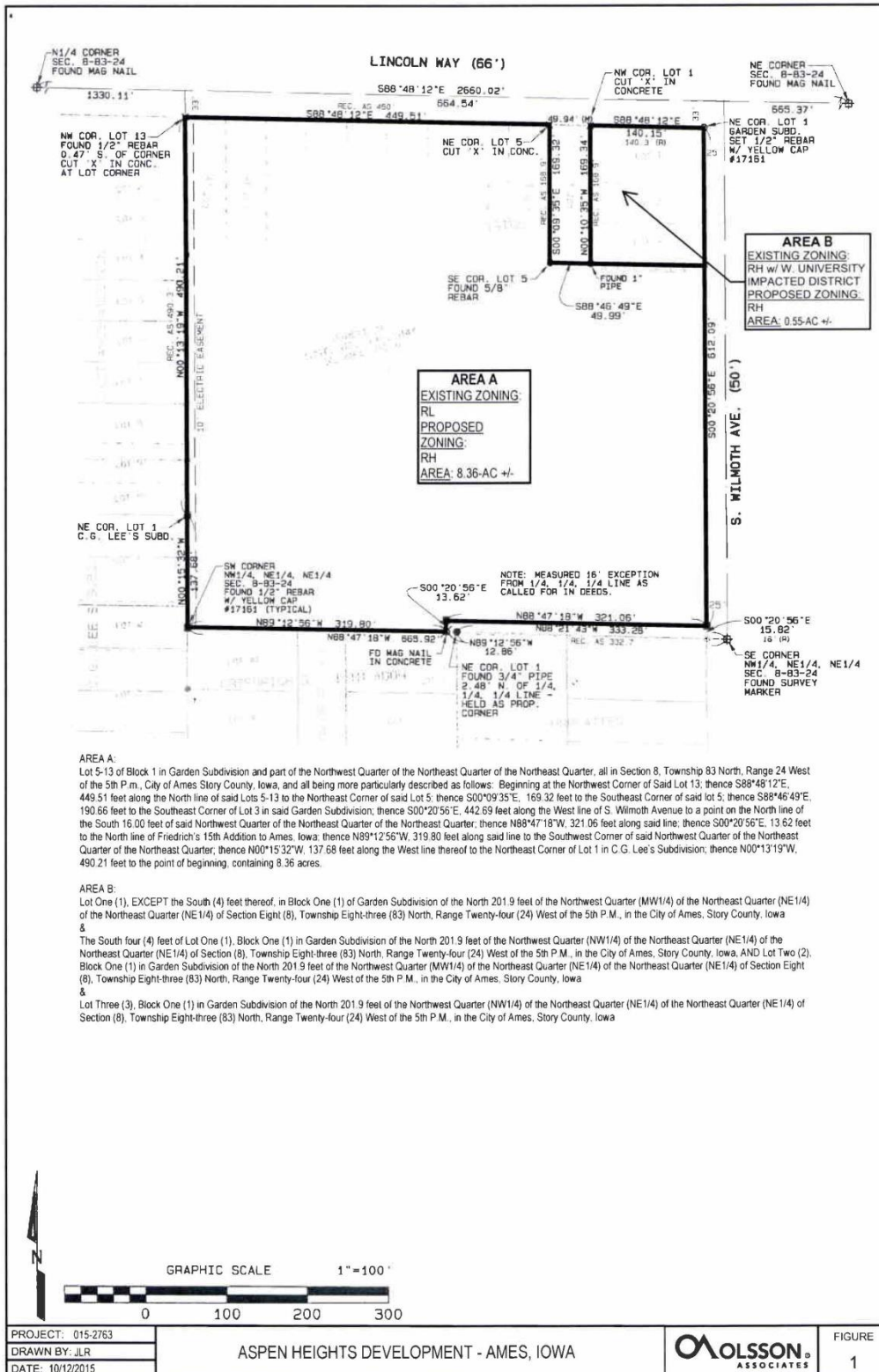
- a. Planning and management of growth  
Additional land is needed to allow for residential growth. Rezoning this property would help the Ames community in achieve their goals.
- b. Developable area provisions  
This rezoning will convert the property to a use conforming to the City's long range plan and goals, while also conserving land resources at the peripheral of Ames for future grow and development.
- c. Environmental-friendliness  
As the property exists today, the community is seeing little to no benefit to the natural and visual environment. As a grass field void of existing trees and landscaping, the property is not inviting from a visual or habitat prospective. As required by the development criteria of Ames, development of this property will includes trees, landscaping, and water quality features, that will enhance not only the visual appearance of the property and a sense of place for those living there, but also provide additional animal habitat within the urban core of the community.
- d. Sense of place and connectivity  
As proposed, this rezoning will create a mixed use development. Mixing uses of residential and commercial/retail will develop a sense of place where residents may be able to live and shop without leaving the overall development. Reducing the need for residents to travel on the existing transportation system.
- e. Cost-effectiveness and efficient growth pattern  
By rezoning a property within the urban core, this development will be able to use existing utilities and other City infrastructure systems already in place. This inherently reduces the cost of development, along with immediate and long term costs to the City.

## Attachment E: Applicant Statement, Cont.

- f. **Housing opportunities expansion**  
The major use as proposed by this zoning is residential. Goal No. 6 states, "It is the goal of Ames to increase the Supply of housing..." By rezoning this property from Low Density to High Density, the rezoning will do just that. Additional housing will be added to the community providing for more choice among the Ames residents.
  - g. **Mobility and alternative transportation**  
When planning and locating multi-family developments, it is important that they are located on or in close proximity to major transportation thoroughfares. The property is located along Lincoln Way, a major corridor through the City of Ames.
  - h. **Downtown as a central place**  
This zoning does not propose any activities that would duplicate those offered by Downtown, or in anyway, diminish the role of Downtown as a community focal point.
  - i. **Economic expansion and diversification**  
With the inclusion of a commercial/retail uses within the development as a whole, this will provide the opportunity for small business growth with a defined consumer base within walking distance.
  - j. **Cultural heritage preservation**  
The limits of the property included in the rezoning does not impact any known historical or architecturally significant structures or areas.
3. Current Zoning of the subject property.  
**Refer to attached Figure 1:**  
**Area A: Residential Low Density "RL"**  
**Area B: Residential High Density "RH" w/ W. University Impacted District**
  4. Proposed Zoning of the subject property.  
**Refer to attached Figure 1:**  
**Area A: Residential High Density "RH"**  
**Area B: Residential High Density "RH"**
  5. Proposed use of the property in sufficient detail to determine code compliance.

**The development, as currently proposed, is to re-develop the property from an institutional use to and multi-family apartment style complex along with a small amount of retail/commercial space to be located along Lincoln Way. The development shall be designed to meet current City codes, for not only building construction, but landscaping and buffering, parking, stormwater management, and traffic distribution.**

# Attachment E: Applicant Statement, Cont.



## **Attachment F: URA DRAFT Qualifying Criteria**

1. All buildings shall use clay brick as the principal building material for 80% of the front facades, excluding openings. The remaining facades shall incorporate clay brick or cut stone into 50% of the façade materials.
2. Buildings used solely for residential and accessory uses shall utilize hipped or gabled roofs. Mixed-use buildings are exempt from this standard.
3. The project shall provide additional commercial parking in excess of the retail/office parking rate of 3.3 spaces per 1,000 square feet of gross commercial floor area. A minimum of 20% of the commercial floor area shall provide parking at a rate of 9 spaces per 1,000 square feet of gross commercial floor area for the first 30,000 square feet of gross floor area.
4. A clubhouse, as defined in the Zoning Ordinance, shall not be permitted on the ground floor of a commercial mixed use building.
5. Ground floor commercial uses of mixed use buildings must be a permitted use of the HOC base zone for Office Uses; Retail Sales and Services Uses; Entertainment, Restaurant, and Recreation; and miscellaneous use of childcare.
6. Typical commercial tenant footprint shall have a minimum depth of 40 feet.
7. Commercial areas shall have a floor to ceiling height of a minimum of 12 feet.
8. Primary entrances to residential buildings shall include covered entries with architectural enhancements.
9. The residential project shall receive and maintain certification for the Iowa Crime Free Multi-Housing Program administered by the Ames Police Department.
10. The project shall utilize a Sign Program for commercial tenants that provide a cohesive design and lighting style to the site. Sign Program will allow for wall signage per the Sign Code. If a commercial ground sign is constructed, it is restricted to a single monument sign along Lincoln Way and shall include a decorative base compatible with the commercial buildings finishes and have an opaque sign face background. The Sign Program must be approved by the Planning Director.
11. The project shall provide landscape buffering with the L3 and F2 standards in a minimum of a 10-foot-wide planter along the perimeter property lines of the site.
12. The project shall provide street trees, per City specifications, along Wilmoth Avenue.
13. No balconies shall face the perimeter of the site.



### RH Site Evaluation Matrix

<b>RH Site Evaluation Matrix</b>	<b>Project Consistency</b>		
	<b>High</b>	<b>Average</b>	<b>Low</b>
<b>Location/Surroundings</b>			
Integrates into an existing neighborhood with appropriate interfaces and transitions High=part of a neighborhood, no significant physical barriers, includes transitions; Average=adjacent to neighborhood, some physical barriers, minor transitions; Low=separated from an residential existing area, physical barriers, no transitions available		X	
Located near daily services and amenities (school, park ,variety of commercial) High=Walk 10 minutes to range of service; Average=10 to 20 minutes to range of service; Low= Walk in excess of 20 minutes to range of service. *Parks and Recreation has specific service objectives for park proximity to residential	X		
Creates new neighborhood, not an isolated project (If not part of neighborhood, Does it create a critical mass or identifiable place, support to provide more services?)		X	
Located near employment centers or ISU Campus (High=10 minute bike/walk or 5 minute drive; Average is 20 minute walk or 15 minute drive; Low= exceeds 15 minute drive or no walkability)	X		
<b>Site</b>			
Contains no substantial natural features on the site (woodlands, wetlands, waterways)	X		
Located outside of the Floodway Fringe	X		
Separated adequately from adjacent noise, business operations, air quality (trains, highways, industrial uses, airport approach)		X	
Ability to preserve or sustain natural features		X	
<b>Housing Types and Design</b>			
Needed housing or building type or variety of housing types		X	
Architectural interest and character		X	
Site design for landscape buffering		X	
Includes affordable housing (Low and Moderate Income)			X
<b>Continued next page...</b>			
<b>Transportation</b>			

Adjacent to CyRide line to employment/campus High=majority of site is 1/8 miles walk from bus stop; Average= majority of site 1/4 mile walk from bus stop; Low= majority of site exceeds 1/4 miles walk from bus stop.	X		
CyRide service has adequate schedule and capacity High=seating capacity at peak times with schedule for full service Average=seating capacity at peak times with limited schedule Low=either no capacity for peak trips or schedule does not provide reliable service		X	
Pedestrian and Bike path or lanes with connectivity to neighborhood or commute	X		
Roadway capacity and intersection operations (existing and planned at LOS C)		X	
Site access and safety		X	
<b>Public Utilities/Services</b>			
Adequate storm, water, sewer capacity for intensification High=infrastructure in place with high capacity Average=infrastructure located nearby, developer obligation to extend and serve Low=system capacity is low, major extension needed or requires unplanned city participation in cost.		X	
Consistent with emergency response goals High=Fire average response time less than 3 minutes Average=Fire average response time within 3-5 minutes Low=Fire average response time exceeds 5 minutes, or projected substantial increase in service calls		X	
<b>Investment/Catalyst</b>			
Support prior City sponsored neighborhood/district investments or sub-area planning			X
Creates character/identity/sense of place			X
Encourages economic development or diversification of retail commercial (Mixed Use Development)		X	

**ORDINANCE NO. \_\_\_\_\_**

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

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

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

**Real Estate Description:**  
**(205 S. Wilmoth Avenue)**

Lot 5-13 of Block 1 in Garden Subdivision and part of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter, all in Section 8, Township 83 North, Range 24 West of the 5<sup>th</sup> P.M., City of Ames Story County, Iowa, and all being more particularly described as follows: Beginning at the Northwest Corner of Said Lot 13; thence S88°48'12"E, 449.51 feet along the North line of said Lots 5-13 to the Northeast Corner of said Lot 5; thence S00°09'35"E, 169.32 feet to the Southeast Corner of said Lot 5; thence S88°46'49"E, 190.66 feet to the Southeast Corner of Lot 3 in said Garden Subdivision; thence S00°20'56"E, 442.69 feet along the West line of South Wilmoth Avenue to a point on the North line of the South 16.00 feet of said Northwest Quarter of the Northeast Quarter of the Northeast Quarter; thence N88°47'18"W, 321.06 feet along said line; thence S00°20'56"E, 13.62 feet to the North line of Friedrich's 15<sup>th</sup> Addition to Ames, Iowa; thence N89°12'56"W, 319.80

feet along said line to the Southwest Corner of said Northwest Quarter of the Northeast Quarter of the Northeast Quarter; thence N00°15'32"W, 137.68 feet along the West line thereof to the Northeast Corner of Lot 1 in C.G. Lee's Subdivision; thence N00°13'19"W, 490.21 feet to the point of beginning, containing 8.36 acres.

Section 2: The real estate, as rezoned to RH, is subject to the limitations described with the Contract Rezoning Agreement as provided for in Iowa Code Section 414.5.

Section 3: All other ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: 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

**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 101, 105, and 107 South Wilmoth Avenue, is rezoned from Residential High Density (RH) with the University West Impact Overlay to Residential High Density (RH).

**Real Estate Description:**

**(101, 105, and 107 S. Wilmoth Avenue)**

Lot One (1), EXCEPT the South (4) feet thereof, in Block One (1) of Garden Subdivision of the North 201.9 feet of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section Eight (8), Township Eight-Three (83) North, Range Twenty-Four (24) West of the 5<sup>th</sup> P.M., in the City of Ames, Story County, Iowa;

and,

The South four (4) feet of Lot One (1), Block One (1) in Garden Subdivision of the North 201.9 feet of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section (8), Township Eight-Three (83) North, Range Twenty-Four (24) West of the 5<sup>th</sup> P.M., in the City of Ames, Story County, Iowa, AND Lot Two (2), Block One (1) in Garden Subdivision of the North 201.9 feet of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of the

Northeast Quarter (NE1/4) of Section Eight (8), Township Eight-Three (83) North, Range Twenty-Four (24) West of the 5<sup>th</sup> P.M., in the City of Ames, Story County, Iowa;  
and,

Lot Three (3), Block One (1) in Garden Subdivision of the North 201.9 feet of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section (8), Township Eight-Three (83) North, Range Twenty-Four (24) West of the 5<sup>th</sup> P.M., in the City of Ames, Story County, Iowa.

Section 2: The real estate, as rezoned to RH, is subject to the limitations described with the Contract Rezoning Agreement as provided for in Iowa Code Section 414.5.

Section 3: All other ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: 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: 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

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

**THIS AGREEMENT** (“Agreement”) made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2015, by and between the City of Ames, Iowa (hereinafter called “City”) and Breckenridge Group Ames Iowa LLC (hereinafter called “Developer”) (the City and the Developer are sometimes hereinafter collectively referred to as the “Parties” or individually as a “Party”), their successors and assigns.

**RECITALS:**

**WHEREAS**, Developer has applied to the City for rezoning of the parcel at 205 South Wilmoth Avenue (the “North Parcel”) from its present zoning designation of RL (Residential Low Density) to RH (Residential High Density) as legally described on Attachment A and depicted on Attachment B; and

**WHEREAS**, Developer has applied to the City for rezoning of 101, 105 and 107 South Wilmoth Avenue (collectively, the “Adjacent Parcels”) (the North Parcel and the Adjacent Parcels are hereinafter collectively referred to as the “Enlarged North Parcel”) from their present zoning designation as RH (Residential High Density) with a West University Impacted District overlay (the “Overlay”), to a base RH (Residential High Density) zoning designation without the Overlay as legally described on Attachment A and depicted on Attachment B; and

**WHEREAS**, Developer and the City desire to enter into this Agreement related to the development of the North Parcel and optionally by the Developer as the Enlarged North Parcel to incorporate provisions of the Settlement Agreement between Breckenridge and the City of Ames dated on or about August 3, 2015, that affect the North Parcel and/or the Enlarged North Parcel, as provided for under Iowa Code Section 414.5.

**NOW, THEREFORE**, the Parties 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 the owner of multiple properties that are being rezoned (i.e. the North Parcel and the Adjacent Parcels) and has expressly agreed to the imposition of additional conditions as authorized pursuant to Iowa Code Section 414.5.
  2. Restate and confirm the terms of the Settlement Agreement with respect to the intensity of development on the North Parcel.
  3. Restate and confirm the terms of the Settlement Agreement with respect to the ability of the Developer to consolidate the North Parcel and the Adjacent Parcels into the Enlarged North Parcel.
  4. Restate and confirm the terms of the Settlement Agreement with respect to the requirement of a mixed-use development on the North Parcel with a certain minimum (i.e 15,000 sf) and maximum (i.e. 40,000 sf) amount of commercial space.
  5. Restate and confirm the terms of the Settlement Agreement with respect to specific height limitations for the structures to be built on the North Parcel or on the Enlarged North Parcel.
  6. To support rezoning of the Adjacent Properties to RH without the Overlay and to establish a 3-story height limit to ensure compatible development of the properties.

**II.  
INTENSITY OF DEVELOPMENT OF PARCEL(S)**

Upon the consolidation of the North Parcel and the Adjacent Parcels into the Enlarged North Parcel, the maximum number of beds of housing that can be developed is four hundred twenty-two (422) for no more than four hundred twenty-two (422) residents. In the event the North Parcel is not consolidated into the Enlarged North Parcel, then the development on the North Parcel shall be limited to no more than three hundred fifty (350) beds of housing and 350 residents.

**III.  
OTHER SETTLEMENT TERMS**

- A. Commercial Space Requirements. The Developer shall develop on the North or the Enlarged North Parcel a minimum of fifteen thousand (15,000) square feet of



commercial space, up to a maximum of forty thousand (40,000) square feet of commercial space on the first floor of a mixed use building or mixed use buildings that may have frontage on Lincoln Way. (Discussed on phone with BTOR, by listing only buildings it will force all structure on Lincoln to be mixed use, which is not Breckenridge's intent)

- B. Height of Buildings. None of the buildings on the North Parcel, Adjacent Parcels, or Enlarged North Parcel may exceed three (3) stories in height. (discussed on the phone with BTOR)

#### **IV. GENERAL PROVISIONS**

A. Non-Inclusion of Other Improvement Obligations. 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 North Parcel, Enlarged North Parcel, or Adjacent Properties. Therefore, the Parties agree that all work done by and on behalf of the Developer with respect to, but not limited to, water, sanitary sewer, transportation, electric service, and storm water, shall be made in compliance with Iowa Code, Iowa Statewide Urban Design and Specifications (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 IV(E) herein), whether or not such requirements are specifically stated in this Agreement. (per phone call with BTOR that first sentence not needed)

B. Modification; Consistency with Settlement Agreement. The Parties agree that this Agreement may be modified, amended or supplemented only by written agreement of the Parties and only as necessary to carry out terms of the Settlement Agreement.

C. 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, but not limited to, transportation improvements (both on-site and off-site), building design and construction, site improvements, 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(SUDAS) 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 North Parcel, Enlarged North Parcel, or Adjacent Parcels.

D. Incorporation of Recitals and Exhibits/Attachments. The Recitals, together with any and all exhibits and other attachments 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.

E. Reservation of Rights. Notwithstanding anything in this Agreement to the contrary, including, but not limited to, language 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 North Parcel, Enlarged North Parcel, or Adjacent 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.

**V.  
COVENANTS RUN WITH THE LAND**

Except as expressly provided herein, this Agreement shall run with the North Parcel and Adjacent 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.

**Signatures on Following Page**

**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

**BRECKENRIDGE GROUP AMES IOWA LLC**

By \_\_\_\_\_  
Greg Henry, Manager

STATE OF TEXAS, COUNTY OF TRAVIS, ss:

This instrument was acknowledged before me on \_\_\_\_\_, 2015, by Greg Henry, Manager of Breckenridge Groups Ames Iowa LLC.

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