

**COUNCIL ACTION FORM**

**SUBJECT: PUBLIC HEARING FOR DESIGNATION OF THE SOUTH WILMOTH AVENUE URBAN REVITALIZATION AREA**

**BACKGROUND:**

Breckenridge Group Ames, LLC, (commonly referred to as Breckenridge) is requesting the designation of 101, 105, 107, and 205 S. Wilmoth Avenue as an Urban Revitalization Area. The proposed Urban Revitalization Area comprises the former north middle school parcel (205 S Wilmoth Avenue) as well as three additional parcels (101, 105, and 107 S. Wilmoth Avenue) acquired by Breckenridge. The property addressed as 205 S Wilmoth is a vacant parcel of land while the three other parcels have vacant residential structures on them. A location map is found in Attachment 1.

The settlement agreement with Breckenridge Group, approved on July 28, 2015, allows Breckenridge to construct an apartment complex of up to 422 beds. The project will also must have between 15,000 and 40,000 square feet of commercial space along the Lincoln Way frontage as mixed use development.

The City Council approved an amendment to the Land Use Policy Plan future land use map on September 22. Breckenridge is also seeking to rezone the land encompassed by the proposed Urban Revitalization Area to RH (High Density Residential) and to remove the O-UIW (West University Impacted Overlay) from the three small parcels on the northeast corner of the site.

**URBAN REVITALIZATION PLAN:**

**The draft South Wilmoth Avenue Urban Revitalization Plan is attached to the Council Action Form. The Plan includes all of the materials required under Iowa Code and includes the qualifying criteria selected by the City at their October 13 meeting.**

**As part of the final plan, staff has included minor changes to address administration of the URA and clarify the intent.**

A) Iowa Code requires the Plan to state a timeframe in which the Plan may expire. The Plan includes an expiration date of December 31, 2021 and that any improvement requesting abatement must be complete by that deadline. If a project has already been determined to be eligible for abatement, then it would continue to receive abatement consistent with the chosen schedule and requirements of state law.

B) Under Applicability, the Plan now states in addition to complying with a site development plan approval, the buildings must have received building certificates of occupancy. **This does not mean building must be occupied by people or businesses, but that the construction of the buildings complies with Ames**

**Municipal Code requirements for occupancy of a building.** This was added based upon experience with previous URAs clarifying that that the City did not support abatement of unfinished buildings.

C) Council's qualifying criteria were modified for #1 and #8 as shown in strike through and underline sections. To avoid confusion of the word front, staff inserted the term street facing as was previously used in the Multi-Family Criteria rather than the use of the term front that is used in Campustown. The intent is still the same, which is that any façade oriented towards a street, Lincoln Way or Wilmoth, would be required to have 80% brick rather than 50% brick. In the event of a site being a corner or through lot, the zoning code considers a site to have two fronts which could trigger two facades being street facing.

**Staff notes that Breckenridge (See attached Email) believes that the meaning of this section should be that only buildings literally fronting upon a street must meet the 80% brick enhancement standard and that in the event that a building is located behind another building that the second building would only be subject to the 50% brick requirement.** Staff has not made this requested clarification as it would be up to Council to make this determination and direct staff to insert a clarifying sentence to Criteria #1. **Council could insert language, if it so desired, as follows: "Buildings substantially obstructed by other street facing buildings must only have one façade that meets the 80% brick requirement."**

The changes to #8 are to add meaning to the phrase "architectural enhanced." When administering this standard in the West Impact Overlay, there is a wide range of covered overhangs that are proposed to meet the standard that do not fully accomplish the goal of the standard and Staff wanted to clarify the intent.

These criteria are found in Attachment 3 of the Urban Revitalization Plan and are listed below.

1. All buildings shall use clay brick as the principal building material for 80% of a front street facing façade area, 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 increasing the buildings visual interest and identifying the entrance.
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. There shall be no balconies facing the south, west or east on the perimeter of the project.

Breckenridge provided a letter prior to the October 13 City Council meeting which states that they feel the criteria go beyond the expectations of the settlement agreement. In response to that letter Council deleted the commercial leasing requirement. The College Creek/Old Ames Middle School neighborhood provided additional proposed criteria prior to that October 13 meeting that were not specifically incorporated into the draft plan. To date, no additional comments have been presented to staff other than Breckenridge's request for clarification of the 80% brick standard for street facing facades discussed above.

**ALTERNATIVES:**

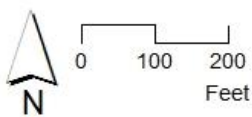
1. The City Council can approve the first reading of an ordinance establishing the South Wilmoth Avenue Urban Revitalization Area and by resolution approve the South Wilmoth Avenue Urban Revitalization Plan.
2. The City Council can modify or change the South Wilmoth Avenue Urban Revitalization Area or Plan and then approve the ordinance and resolution.

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

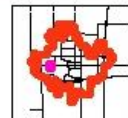
The settlement agreement identified a number of steps necessary for Breckenridge and the City to undertake. In summary, Breckenridge has transferred the south parcel (601 State Avenue) to Iowa State University, the City is conducting due diligence on the middle parcel (321 State Avenue), and the City has amended the Land Use Policy Plan future land use map. Remaining to be completed are the rezoning, the establishment of the Urban Revitalization Area, the Breckenridge's optional consolidations of parcels by means of a plat of survey.

The City Council gave initial direction regarding the qualifying criteria included in the Urban Revitalization Plan at the meeting on August 11 and subsequently amended them at the meeting on October 13. The Urban Revitalization Plan accompanying this Council Action Form reflects the direction of the City Council with staff suggested clarifications. **Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1, thereby adopting the South Wilmoth Urban Revitalization Plan and approving the first reading of the Tax Abatement ordinance for the properties at 101, 105, 107, and 205 South Wilmoth Avenue.**

# ATTACHMENT 1: LOCATION MAP



**Legend**  
 Proposed URA





## Front Façade - Clarification (Breckenridge)

Torresi, Brian D. to Kelly Diekmann, Judy K Parks

cc: "MDugl, JadeC", Charlie Vatterdt, Jared Rasmussen

Kelly and Judy – as we have discussed, there appears to be some confusion and/or ambiguity with respect to what “front façade” means in criterion #1 of the urban revitalization requirements for the Breckenridge development. To be clear, we knew there would be increased front façade requirements, so we are not objecting to the requirement. The issue, though, is what “front” means. As you know, the development will likely consist of a mixed-use building along Lincoln Way, a clubhouse in the area where 101, 105, and 107 S. Wilmoth currently sit, and two buildings behind those structures (one with frontage along S. Wilmoth and the other in the rear of the lot behind the two other residential buildings). Thus, we assume front façade would be the north face of the Lincoln Way building (facing the street) and the east face of the building along S. Wilmoth, and NOT any face of the buildings that are behind/obstructed by those other buildings and/or set back from the street(s). We propose that we adjust criterion #1, for clarity, to read as follows:

“All buildings shall use clay brick as the principal building material for 80% of the **street facing** facades, excluding openings. The remaining facades shall incorporate clay brick or cut stone into 50% of the façade materials. **In the event that a building is substantially blocked from view by an intervening building or set back greater than 200 feet from a street, then only one facade of the obscured or set back building must meet the 80% street facing facade requirement.**”

This language is more in-line with our expectations, and clarifies the term “front” as used in the revitalization criterion. Clearly “front” façade, which is meant to improve aesthetics from street views, was not meant to mean obscured buildings or buildings set back a certain distance from the street. And, to that point, you have not produced any evidence that this interpretation has been consistently applied to other projects across the city, so there may nonetheless be a reasonableness/good faith issue.

Please pass this along to appropriate channels so that this matter can be clarified prior to approval of the urban revitalization plan.

Feel free to call with questions.

Respectfully,

Brian D. Torresi | Attorney (also admitted in New York) | 515-246-7860 |  
[www.DavisBrownLaw.com](http://www.DavisBrownLaw.com)  
2605 Northridge Parkway, Suite 101 | Ames, Iowa 50010 | Fax: 515-471-7860

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

**AN ORDINANCE TO DESIGNATE THE URBAN REVITALIZATION AREA  
FOR SOUTH WILMOTH AVENUE**

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

Section 1: The land described as:

205 S. Wilmoth Avenue:

Parcel M of Garden Subdivision Lots 5-13 and a part of the Northeast Quarter (NE  $\frac{1}{4}$ ) of Section Eight (8), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5<sup>th</sup> P.M., in the City of Ames, Story County, Iowa as recorded on Slide 483, Page 4 as Instrument No. 2014-00003844 in the Office of the Story County Recorder

101 S. Wilmoth Avenue:

Lot One (1), except the South four (4) feet thereof, in Block One (1) in Garden Subdivision of the North 201.9 feet of the Northwest Quarter (NW  $\frac{1}{4}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ) of Section Eight (8), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5<sup>th</sup> P.M., in the City of Ames, Story County, Iowa

105 S. Wilmoth Avenue:

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 (NW  $\frac{1}{4}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ) of Section Eight (8), Township Eighty-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 (NW  $\frac{1}{4}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ) of Section Eight (8), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5<sup>th</sup> P.M., in the City of Ames, Story County, Iowa

107 S. Wilmoth Avenue:

Lot Three (3), Block One (1) in Garden Subdivision of the North 201.9 feet of the Northwest Quarter (NW  $\frac{1}{4}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ) of Section Eight (8), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5<sup>th</sup> P.M., in the City of Ames, Story County, Iowa

is hereby designated, pursuant to Chapter 404, *Code of Iowa*, as the South Wilmoth Avenue Urban Revitalization Area.

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.

Section 4: This ordinance will sunset on December 31, 2021.

ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Diane R. Voss, City Clerk

\_\_\_\_\_  
Ann H. Campbell, Mayor



# South Wilmoth Avenue Urban Revitalization Plan

In accordance with Chapter 404, Code of Iowa

## Legal Description (see Attachment 1: Location Map for Map Numbers)

Map #	Parcel ID	Address	Legal Description
1	09-08-225-020	205 S Wilmoth Ave.	Parcel M of Garden Subdivision Lots 5-13 and a part of the Northeast Quarter (NE ¼) of Section Eight (8), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5 <sup>th</sup> P.M., in the City of Ames, Story County, Iowa as recorded on Slide 483, Page 4 as Instrument No. 2014-00003844 in the Office of the Story County Recorder
2	09-08-225-040	101 S Wilmoth Ave.	Lot One (1), except the South four (4) feet thereof, in Block One (1) in Garden Subdivision of the North 201.9 feet of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Eight (8), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5 <sup>th</sup> P.M., in the City of Ames, Story County, Iowa
3	09-08-225-050	105 S Wilmoth Ave.	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 (NW ¼) of the Northeast Quarter (NE ¼) of Section Eight (8), Township Eighty-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 (NW ¼) of the Northeast Quarter (NE ¼) of Section Eight (8), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5 <sup>th</sup> P.M., in the City of Ames, Story County, Iowa

4	09-08-225-060	107 S Wilmoth Ave.	Lot Three (3), Block One (1) in Garden Subdivision of the North 201.9 feet of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Eight (8), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5 <sup>th</sup> P.M., in the City of Ames, Story County, Iowa
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**Assessed Valuations**

Map #	Land Value	Building Value	Total Value
1	\$350,000	\$0	\$350,000
2	\$76,300	\$73,700	\$150,000
3	\$31,100	\$71,900	\$103,000
4	\$30,000	\$62,500	\$92,500

**Owners and Addresses**

Map#	Owner Name	Owner Address
1	Breckenridge Group Ames Iowa LLC	1301 S Capital of Texas Highway, Ste. B201, Austin TX 78746
2	Breckenridge Group Ames Iowa LLC	1301 S Capital of Texas Highway, Ste. B201, Austin TX 78746
3	Breckenridge Group Ames Iowa LLC	1301 S Capital of Texas Highway, Ste. B201, Austin TX 78746
4	Breckenridge Group Ames Iowa LLC	1301 S Capital of Texas Highway, Ste. B201, Austin TX 78746

**Zoning and Land Uses (See Attachment 2: Zoning of Proposed URA)**

Map #	Existing		Proposed	
	Zoning	Land Use	Zoning	Land Use
1	RL	Vacant	RH or Commercial	Commercial and High Density
2	RH, O-UIW	Apartments	RH	High Density Residential
3	RH, O-UIW	Apartments	RH	High Density Residential
4	RH, O-UIW	Apartments	RH	High Density Residential

RL=Low Density Residential  
RM=Medium Density Residential  
O-UIW=West University Impacted Overlay

**Proposed Expansion of Services**

The proposed urban revitalization area will continue to receive all services from the City of Ames. There is no proposed extension or increase in the level of service.

**Applicability**

Revitalization is applicable only to new construction and only in conformance with the approved site development plan and that the principal buildings have received building certificates of occupancy. Revitalization is available to all allowed uses on the site that meet the qualifying criteria found in Attachment 3 of this Plan.

## Relocation Plan

There are no occupied residential structures in the proposed area. No relocations are anticipated, in the event relocation is necessary it is at the sole expense of the property owner.

## Tax Exemption Schedule

The property owner may choose one of the following options:

**The exemption period for ten (10) years.** The amount of the partial exemption is equal to a percent of the Actual Value added by the improvements, determined as follows:

For the first year	80%
second	70%
third	60%
fourth	50%
fifth	40%
sixth	40%
seventh	30%
eighth	30%
ninth	20%
tenth	20%

**The exemption period for five (5) years.**

For the first year	100%
second	80%
third	60%
fourth	40%
fifth	20%

**The exemption period for three (3) years.** All qualified real estate is eligible to receive a 100% exemption on the Actual Value added by the improvements for each of the three years.

## Required Increase in Valuation

The project shall require an increased in assessed valuation of at least fifteen percent.

## Federal, State or Private Funding

No federal, state, or private funding (other than the developer's financing) is anticipated for this project.

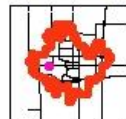
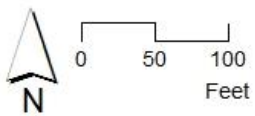
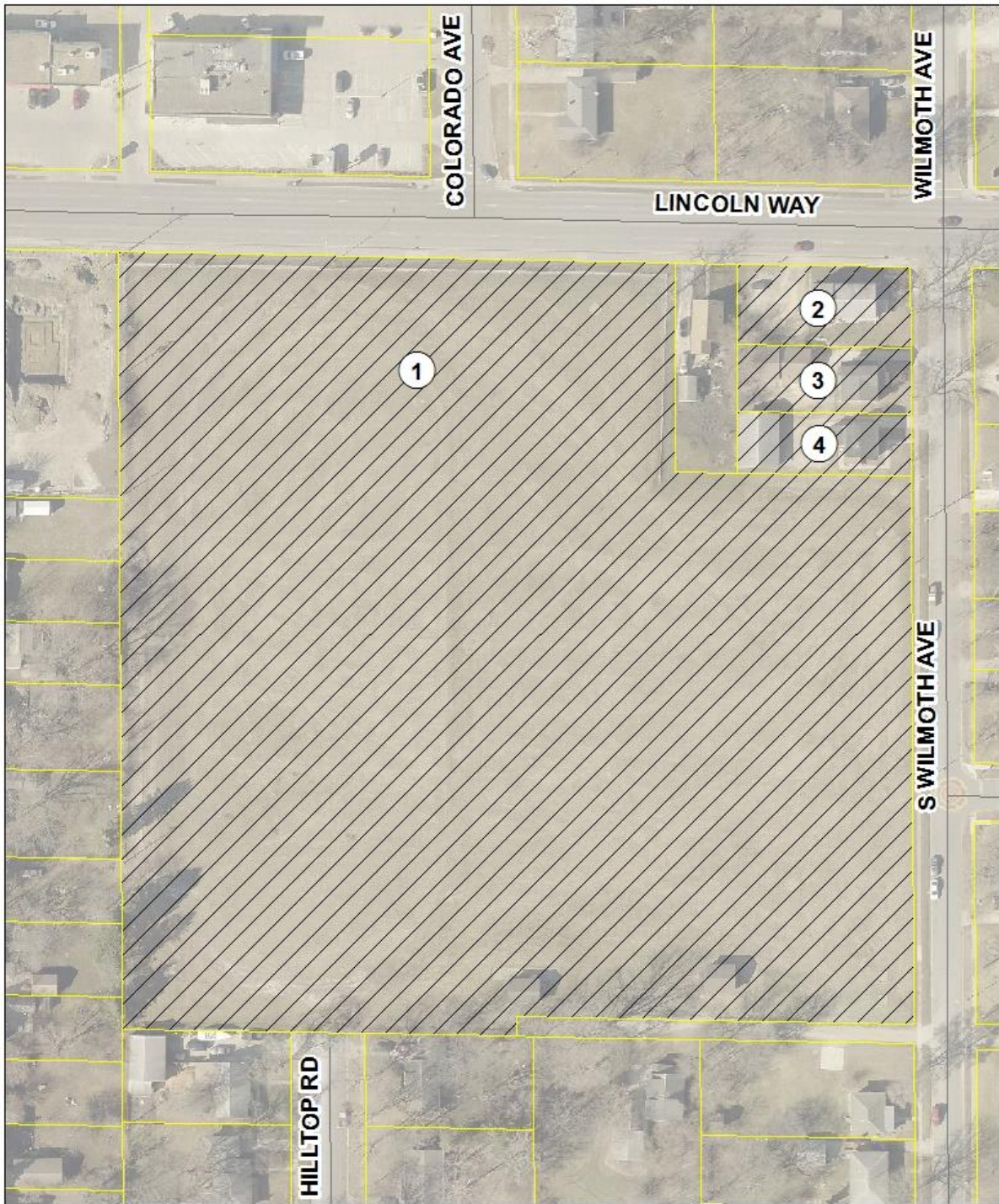
## Duration

The Urban Revitalization Area shall expire on December 31, 2021. All projects seeking tax abatement must have been completed prior to expiration. Projects already determined to be eligible for tax abatement shall continue to receive tax abatement consistent with the chosen schedule for abatement and in accordance with state law.

## Additional Criteria

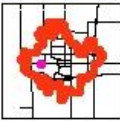
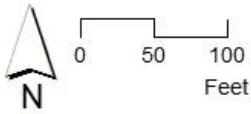
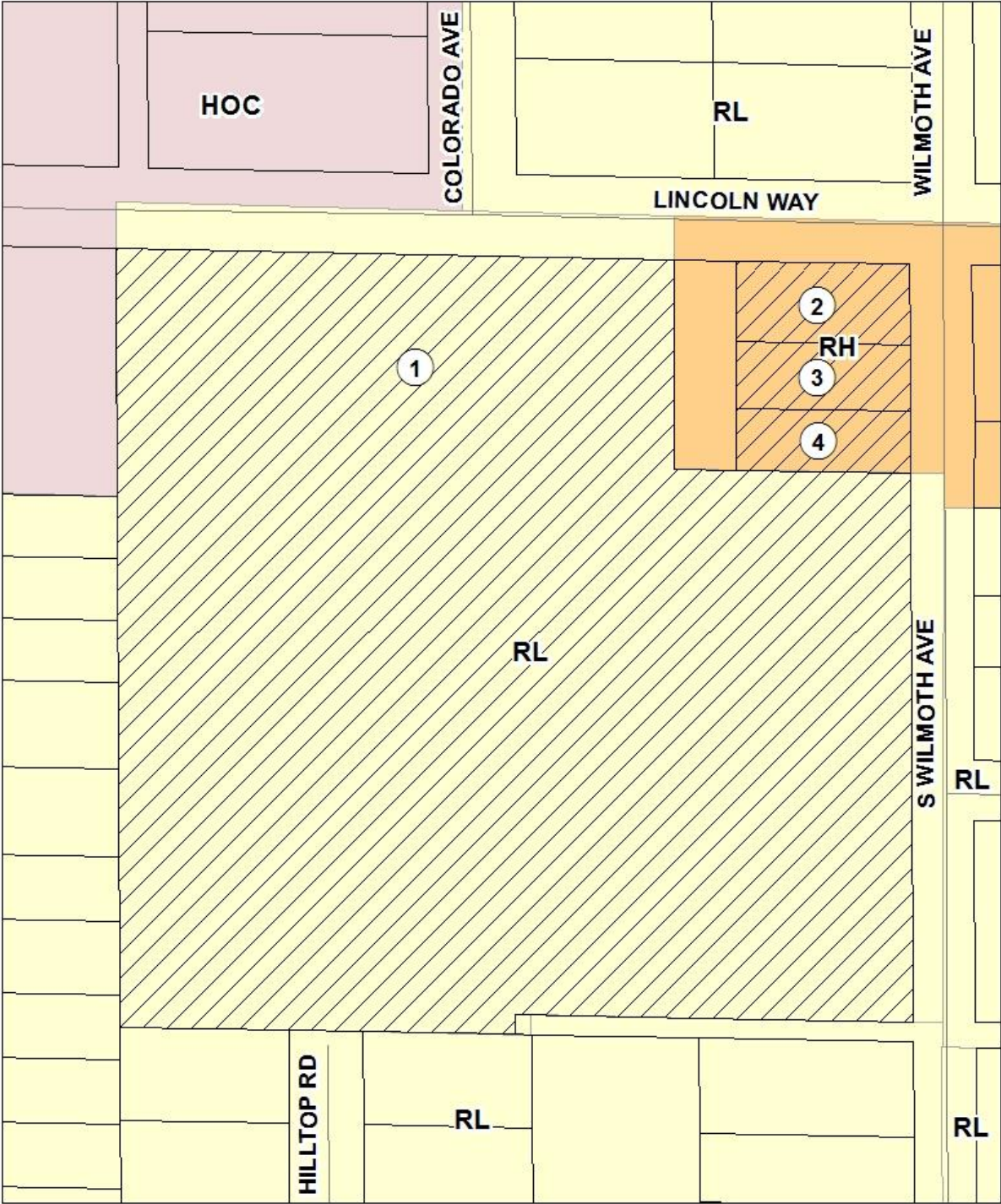
In order to be eligible for tax abatement, a project must be consistent with City ordinance and the a project also meeting the criteria in Attachment 3.

# ATTACHMENT 1: LOCATION OF PROPOSED URBAN REVITALIZATION AREA





**ATTACHMENT 2: ZONING OF PROPOSED URBAN REVITALIZATION AREA**



### **ATTACHMENT 3: ADDITIONAL QUALIFYING CRITERIA**

1. All buildings shall use clay brick as the principal building material for 80% of the street facing 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 increasing the buildings visual interest and identifying the entrance.
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. There shall be no balconies facing the south, west or east on the perimeter of the project.