

ITEM #: 51
DATE: 06-13-23
DEPT: P&H

COUNCIL ACTION FORM

SUBJECT: REZONE THE PROPERTY AT 4098 EAST 13TH STREET FROM “PI” (PLANNED INDUSTRIAL) WITH THE NORTHEAST GATEWAY OVERLAY (O-GNE) TO “GI” (GENERAL INDUSTRIAL) WITH A MASTER PLAN AND REMOVING THE NORTHEAST GATEWAY OVERLAY (O-GNE).

BACKGROUND:

OPHIR Investments is requesting to rezone 55.18 acres of land located at 4098 East 13th Street in Ames. (See *Attachment A- Location Map*). The property is currently zoned Planned Industrial “PI” with the Northeast Gateway Overlay “O-GNE”. The requested zoning is General Industrial “GI”. The land is currently farmland located on the south side of East 13th Street. The requested rezoning would remove the O-GNE designation with the change to GI and Master Plan. (See *Attachment B- Proposed Zoning*)

The proposed site was at one time under the same ownership of the developer that was approved to construct a regional mall and shopping center to the west of this site. The property was included in the annexation and rezoning activities for the commercial development, but no specific development project has ever been approved for this site. At the time of its rezoning to PI in January of 2009, City Council included the O-GNE Overlay to preserve options for design compatibility with planned commercial uses since no specific plan was approved for the site. The O-GNE is an overlay that only applies to land in this area east of I-35 and was written to regulate the design and aesthetics of a regional shopping center.

Ames Plan 2040, the City’s comprehensive plan, designates the property as “Employment” (Emp.) (See Attachment C) Designations adjacent to the site include Regional Commercial for land to the west and for Residential development north of the site. Applicable zoning categories for Employment include the current PI zoning and the proposed GI zoning designation. PI allows for a range of industrial uses that are more selective compared to the proposed GI zoning and has slightly different development standards. **GI allows for the broadest range of industrial types of use and in some cases more intensive industrial processing activities than PI. GI is the most common industrial zone in the City with warehouse, industrial service, manufacturing, and office uses.**

The zoning request is also desired by the owner in order to gain additional development square footage for a planned warehouse distribution facility and

other office or industrial service uses. The proposal is accompanied by a Master Plan intended to define some use limitations and site design features. The details of the rezoning request from the applicant and accompanying Master Plan and included with *Attachment D- Master Plan, Master Plan E.*

The proposed use of warehouse and freight handling, industrial services, and office is permitted in both the PI and GI zoning designations. However, the PI zone allows for a more limited version of warehouse and freight handling than GI. The applicant is seeking to rezone the site to allow for an arrangement of buildings that provides more space for building placement due to GI allowing for up to 85% building coverage with a 15% minimum landscape area requirement. This is more generous than the PI standards which require a minimum of 20% landscaping and have a maximum allowed impervious coverage limit of 70%. The applicant believes that with the additional square footage they can more effectively use the site with two buildings rather than one larger building.

The developer intends to subdivide the site into two lots for development after the rezoning. One larger lot of approximately 42 acres and one smaller lot at approximately 12 acres. The Master Plan illustrates this intent, but a Preliminary and Final Plat is required to subdivide the site. The 12-acre piece would act as a transition to future commercial development to the west. The owner intends to build two warehouses on the larger future lot with small industrial services and offices on the second smaller lot. The Master Plan shows circulation in front of and between the warehouses as well as access from the future west lot to the east lot.

In lieu of the mandatory design requirements of O-GNE, the developer is proposing to meet the intent of certain O-GNE requirements that would be applicable to all building types, not just retail buildings. This includes front yards and setbacks, building materials, landscaping modifications, and lighting with the Master Plan. Staff has agreed that the proposed O-GNE elements and use limits that are addressed within the Master Plan are adequate to address compatibility with any future commercial development to the west within the overlay. See the addendum for more details about the Master Plan. A rezoning agreement is accompanying the Master Plan.

The site was approved for rezoning concurrent with approvals related to the regional mall development. The rezoning agreement for the mall site includes this site but did not include a concept plan or site plan for its use or specific development obligations related to this site other than the general references related to utility extensions along 13th Street upon its development.

Water currently exists along East 13th street to the northwest corner of the site and then turns south and runs along the west property line. This water line can serve the site and will be extend east upon development of the site.

Sanitary sewer does not exist to serve this site. **Sewer main is planned to be extended by the City of Ames this year to the northwest corner of the site from the west along**

East 13th Street. Sewer main that is not extended further along the subject site's frontage will then be extended by the developer to the eastern boundary of this site, as approved with a future subdivision plat. A condition of the master plan is to require a subdivision prior to development of the site.

The Master Plan identifies access points to the site. Access is intended to be shared. A turning lane for truck movements will need to be added with the development of the site. The City's traffic engineer has accepted an access analysis and finds the additional lane widening on 13th will accommodate the use.

Planning & Zoning Commission Recommendation:

At the May 17th Planning & Zoning Commission meeting the Commission reviewed the proposed rezoning with Master Plan. One member of the public spoke at the hearing. Mark Gannon who represents land owners directly north of the proposed rezoning asked about impacts infrastructure related to land to the north and its ability to be annexed. He also had concerns about existing drainage that can pond up along 13th Street (220th within the County) and wanted to ensure that drainage that runs through the site is contained and managed properly to not impact upstream drainage areas and the road. The applicant's engineer stated that the site has detention and drainage flow planned to handle expected flows. A storm water plan will be prepared at the time of development.

The Planning & Zoning Commission discussed the layout of the site and use differences between the zoning districts. The Commission voted 6-0 to recommend that the City Council approve the proposed rezoning with Master Plan with the condition that the final building façade requirements are finalized with staff prior to City Council consideration. The developer has since provided draft design requirements described in the addendum.

ALTERNATIVES:

1. Approve on first reading the request to rezone the property located at 4098 East 13th Street from "PI" (Planned Industrial) with the O-GNE (Northeast Gateway Overlay) to "GI" (General Industrial) with a Master Plan removing the O-GNE (Northeast Gateway Overlay) and require the applicant to sign a rezoning agreement for the Master Plan with the described design requirements prior to the third reading.
2. Deny the request to rezone the property located at 4098 East 13th Street from "PI" (Planned Industrial) with the O-GNE (Northeast Gateway Overlay) to "GI" (General Industrial) with a Master Plan removing the O-GNE (Northeast Gateway Overlay).
3. Defer action on this item and refer back to staff or the applicant for further information to be reconsidered within 30 days.

CITY MANAGER'S RECOMMENDED ACTION:

The proposed GI zoning with Master Plan is found to be consistent with the Ames 2040 Comprehensive Plan and the underlying land use as described in the addendum. Impacts on infrastructure and City services for this parcel are minimal and consistent with what has been anticipated for development in this area.

City staff believes the site can be compatibly developed for the proposed use if it is rezoned to "GI" as the existing industrial zoning of "PI" already permits the same proposed use. Typically GI would not be viewed as compatible with planned commercial uses and the potential for residential to be developed to the north due to its very basic zoning standards and allowable uses. The Master Plan limitations on uses and details regarding site layout the interface of the site with E 13th Street mitigate these concerns for GI.

The O-GNE was designed to address site design issues with the Kettleson Marsh located north of regional commercial land and with desired aesthetic and quality design features of a regional commercial center. These types of features do not readily translate to planned tilt up concrete construction for large distribution buildings. Since the site is not intended for pedestrian use and for shopping or entertainment uses, staff believes the compatibility features focused on the street frontage and basic building design elements are the important elements of the O-GNE that should still be addressed for the site. The proposed design language and Master Plan limitations do address these minimum compatibility requirements in relation to future commercial and residential uses that will be situated adjacent to the site. **Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1.**

Infrastructure improvements will be detailed out with a future subdivision approval for development of the site. Future Site Development Plans will be reviewed for conformance with the zoning standards and with the Master Plan.

ADDENDUM

Ames Plan 2040. The Future Land Use Map classifies the land proposed for rezoning as “Employment” (Emp). Plan 2040 does not use individual industrial classifications to prescribe the type of industrial zoning. **It is incumbent upon a rezoning application review to determine the appropriate type of industrial zoning based upon intended use, use needs within the city, and the compatibility of the proposed use with adjacent existing and planned use.**

In the Land Use Guiding Principles sections on page 43 of Ames Plan 2040 Principles LU2 and LU5 both apply in this case along with the Employment Classification. (See *Attachment C- Future Land Use Map and Employment Classification and Land Use Excerpt*). These principles are:

LU2- Compatibility with Flexibility. Ames land use pattern should minimize conflicts between adjacent land uses. Some land uses are inherently incompatible and should be separated. In other cases, a variety of design techniques where different uses and intensities meet can reduce incompatibilities and more successfully integrate different uses into a cohesive city environment. Homogeneous building form and uses are not necessarily the goal of the plan. Guidelines should provide developers with reasonable flexibility and room for innovation.

LU5- Places for Employment and Enterprise. Ames will continue to provide appropriately located space for a wide range of enterprises that provide employment for existing and prospective residents. The City’s planning for industrial uses includes large areas for expansion within the ISU Research Park and Prairie View Industrial Center. Additionally, small business, commercial office, and trade uses are planned for diverse locations across the City. Zoning standards will address design and use requirements recognizing the diverse needs and locations of employment uses.

The Employment category includes “GI” (among other industrial categories) as an implementing zoning district. (see *Attachment C – Future Land Use Map and Employment Classification and Land Use Excerpt*).

Some of the characteristics of the “Employment” (EMP) future land use designation ((See Attachment C) are:

- Provide attractive and well-functioning settings for a range of industrial enterprises.
- Building on Ames’ natural and historic strength in research.
- Minimize impact and external effects on City neighborhoods.
- New large industrial development east of I-35
- Planned facilities include large blocks and large sites
- East scenario Tiers 3 and 4 have Planned Residential uses adjacent to this industrial area to the north of East 13th Street. Consider future compatibility of use and traffic levels with industrial.

The land is east of I-35 where larger scale site development is anticipated. East 13th Street provides access directly to I-35. Consideration of compatibility with site design and proposed uses is a critical component of the review and determination of consistency. The proposed rezoning contains industrial property that provides for new industrial development, and is located near some similar uses and large areas of undeveloped land. The Master Plan includes features that are designed to assist in compatibility with the planned uses to the west and north of the site, including future residential.

Proposed Zoning. The applicant proposes rezoning from “PI” (Planned Industrial) with the O-GNE (Northeast Gateway Overlay) to “GI” (General Industrial) and removing the O-GNE overlay. The property to the south is zoned “PI” (Planned Industrial), the property to the west is zoned “PRC” (Planned Regional Commercial) with the O-GNE (Northeast Gateway Overlay). The property to the north and east is outside of the City limits.

The “GI” zone is intended to allow industrial development including manufacturing, resource production, warehousing, and industrial service. IT allows for the most intensive types of industrial uses along with other office and industrial uses. Development is expected to be generally auto oriented, with access from major traffic ways. GI zoning includes no specific architectural standards; however a Master Plan has been included that includes architectural standards, among other items.

GI zoning includes basic front, rear, and side setbacks. A developed site must include at least 15% of the area as landscaping. GI would require a 40-foot front setback from E. 13th, the proposed master plan will require a minimum setback of 50 feet, this is shown for the western portion of the site. However, the larger industrial building footprints on the Master Plan are depicted in the range of 175 feet from E. 13th Street. The Master Plan front yard landscaping and parking components that create the greater separation for the large industrial buildings than the minimum setbacks will be applied at the time of site plan review.

The O-GNE, which is being removed, was primarily intended to be applied to commercial areas with regional shopping centers. The overlay has been applied to the “PI” industrial zoning at this location since 2000’s. Given that the O-GNE addresses commercial designs it is not seen as critical to an industrial development to maintain the overlay given the associated Master Plan. The design elements that are incorporated into this Master Plan proposal will provide compatibility with any future commercial to the west where the overlay is being maintained.

Master Plan. The proposed rezoning includes a Master Plan layout that will govern the placement of buildings, circulation of traffic, setbacks, landscaping and building façade characteristics. As part of the rezoning at this location staff believes that some O-GNE standards applying to building materials and landscaping should be maintained to create compatibility with the future commercial development to the west in the O-GNE overlay. Any subsequent site development plan will need to comply with the Master Plan

requirements. The developer presented draft language for design details to staff for review. The draft details of the Master Plan more specifically include:

- The Master Plan will require the developer to provide building materials that provide accents on the corners of the building with high quality materials, emphasize front entrances, provide variation in roofline and façade relief. Architectural metal panels may be permitted, exclusive metal siding or corrugated metal materials are prohibited. The overlay requires colors and textures using muted earth tones, this could be a requirement as well.
- Building materials will consist of 75% of the primary building façade being earthtone colored brick, architectural concrete panels with decorative reveals at joints, textured concrete block, or stone. Street facing facades shall incorporate a minimum of two materials for the purpose of having accent features.
- Buildings facing public ROW shall consist of 20% non-reflective glass or glaze.
- The loading docks on the warehouses will be prohibited from facing East 13th Street and instead will face the center maneuvering area between the buildings. The loading docks will not be required to have extra screening as normally required due to the front yard setback distance with landscaping provided and being required to face away from East 13th Street.
- Landscaping will be provided in the front yard and other required areas and will be located near and around stormwater treatment areas in the front yard.
- The minimum front setback will be 50 feet for buildings on the future west site. Greater setbacks are required for the larger industrial buildings in general conformance to the site layout with landscape and parking areas depicted on the Master Plan. Setbacks apply to buildings and outdoor storage areas.
- The lighting provided on site will not be overly concentrated to one area.
- There will be two large buildings on the warehouse property with three access points from East 13th and access to loading areas between the buildings. Two smaller buildings will be located on the smaller west future lot with an access point aligned with 570th Avenue. The ultimate design and locations will be determined during development review. Access will be shared.
- Loading areas require a minimum 10% of the paved area as the basis for establishing landscaping requirements in and around the area. **The Master Plan will allow for an equivalent area to be accounted for in other areas that are not immediately adjacent to the loading areas. This is permitted by approval of a Master Plan per Zoning Ordinance Section 29.403 (3) when the purposes of the landscape standards are met with an alternative design.** The enhanced front yard area and separation assist in meeting the intent of the landscape

percentage requirement for a loading area.

- Uses of the site will be limited to warehouse and distribution facilities as described with the applicant narrative and to allow for office and industrial service uses for the western portion of the site.

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

Direction from Subject Property	Existing Primary Land Uses
Subject Property	Farmland / Undeveloped
North	Farmland/ Undeveloped <i>(single house in front of site that is not within the City)</i>
East	Farmland/ Undeveloped
South	Farmland/ Undeveloped, Railroad and some rail siding, Barilla to the south
West	Farmland/ Undeveloped

Infrastructure. Impacts on infrastructure and City services for this parcel are consistent with what is already anticipated for industrial use of the property. Public water runs along East 13th Street to the northwest corner of this property from the west and then proceeds south along the west property line. Water main is planned to be extended to the east of the site. Areas adjacent to this site are currently part of Rural Iowa Utility Association rural water service territory.

Public sewer will be extended along East 13th Street from west of I-35 to the northwest corner of this property to provide sewer service to this area east of I-35. This project is capital improvement project by the City of Ames and will allow other uses in this area to be served in the future.

Public Works has determined adequate sewer capacity exists to serve the site once sewer is installed. Any future extension of City utilities and connections will be at the property owner's expense. 18" Sewer main will be required to be extended across the entire frontage of the site to serve other potential future development in the area.

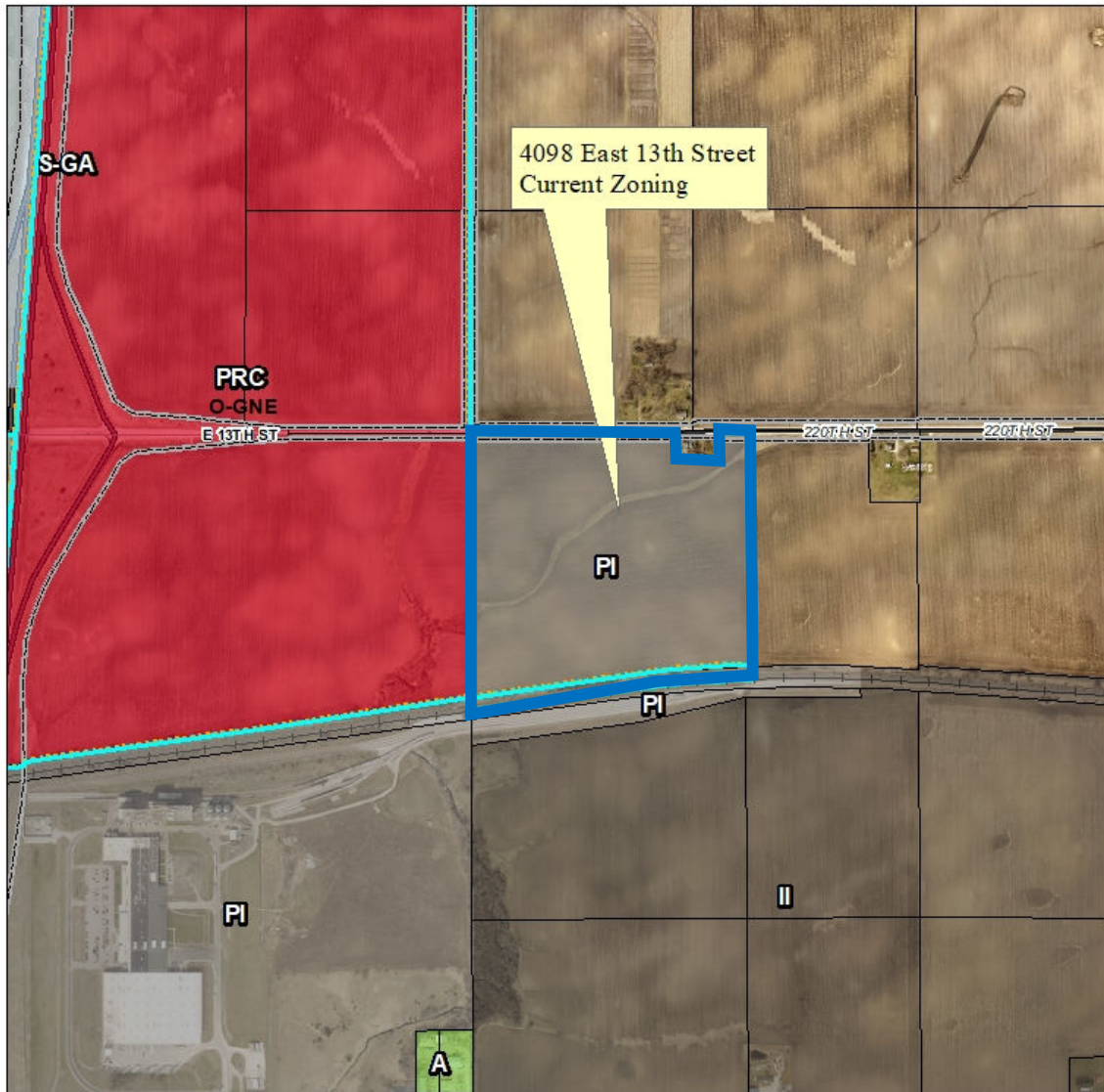
East 13th Street is classified as a Collector street in front of this site. A right turn lane will be constructed by the developer along the east bound side of East 13th Street along the frontage of the site in conjunction with development.

Findings of Fact. Based upon an analysis of the proposed rezoning and laws pertinent to the proposed map amendment, staff makes the following findings of fact:

1. The subject property is owned by OPHIR Investments. The rezoning request and statement of justification is included as *Attachment E*.
2. Ames Municipal Code Section 29.1507(1) allows the property owner to initiate an amendment to the Official Zoning Map.
3. The proposed rezoning with the master plan and the master plan limitations are consistent with the classification of "Employment" (Emp) identified on the Ames Plan 2040 Future Land Use Map described on page 63 and LU Principles #2 and #5.
4. Development in the "GI" zoning district requires a site plan review process to assure that such development and intensity of use assures a safe, functional, efficient, and environmentally sound operation.
5. Impacts on infrastructure and City services for this parcel is consistent with what is already anticipated for the area.

Public Notice. The City provided mailed notice to all property owners within 200 feet of the subject property prior to the City Council meeting in accordance with the notification requirements of Chapter 29.

Attachment A- Location & Zoning

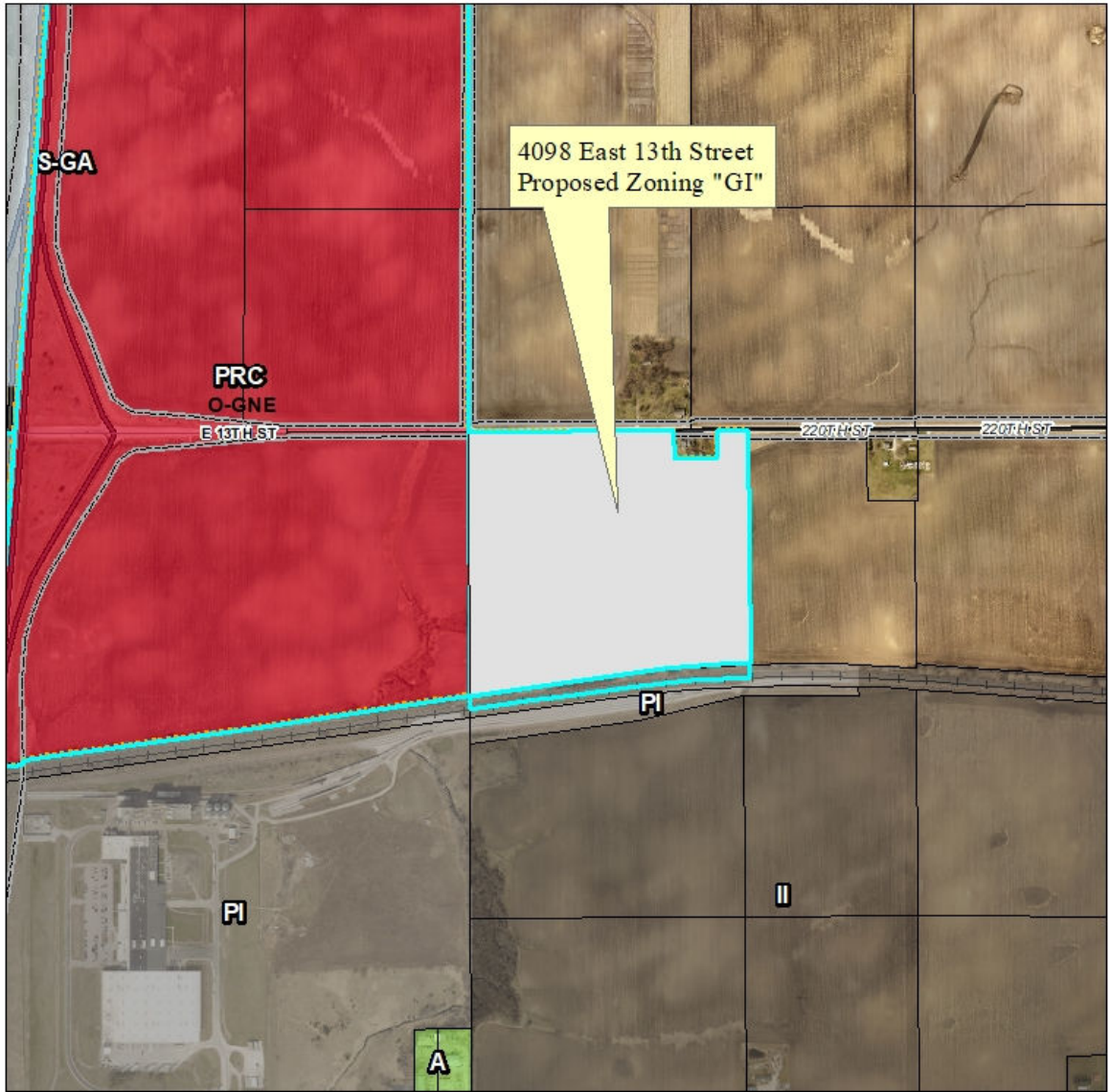


4098 East 13th Street
 Current Zoning "PI"
 O-GNE Overlay

- Legend**
- Overlay Zones**
 - Northeast Gateway Overlay District "O-GNE" (sec 29.1109)
 - PARCELS**
 - Zoning District**
 - Agriculture**
 - Agricultural Zone "A" (sec 29.600)
 - Commercial**
 - Planned Regional Commercial Zone "PRC" (sec 29.805)
 - Industrial**
 - General Industrial Zone "GI" (sec 29.901)
 - Planned Industrial Zone "PI" (sec 29.902)
 - Intensive Industrial Zone "II" (sec 29.904)
 - Special Purpose**
 - Government/Airport District "S-GA" (sec 29.1002)
 - STREET LABELS - ALL @ 50000FT
 - RAILROAD CENTERLINES



Attachment B- Proposed Zoning Designation

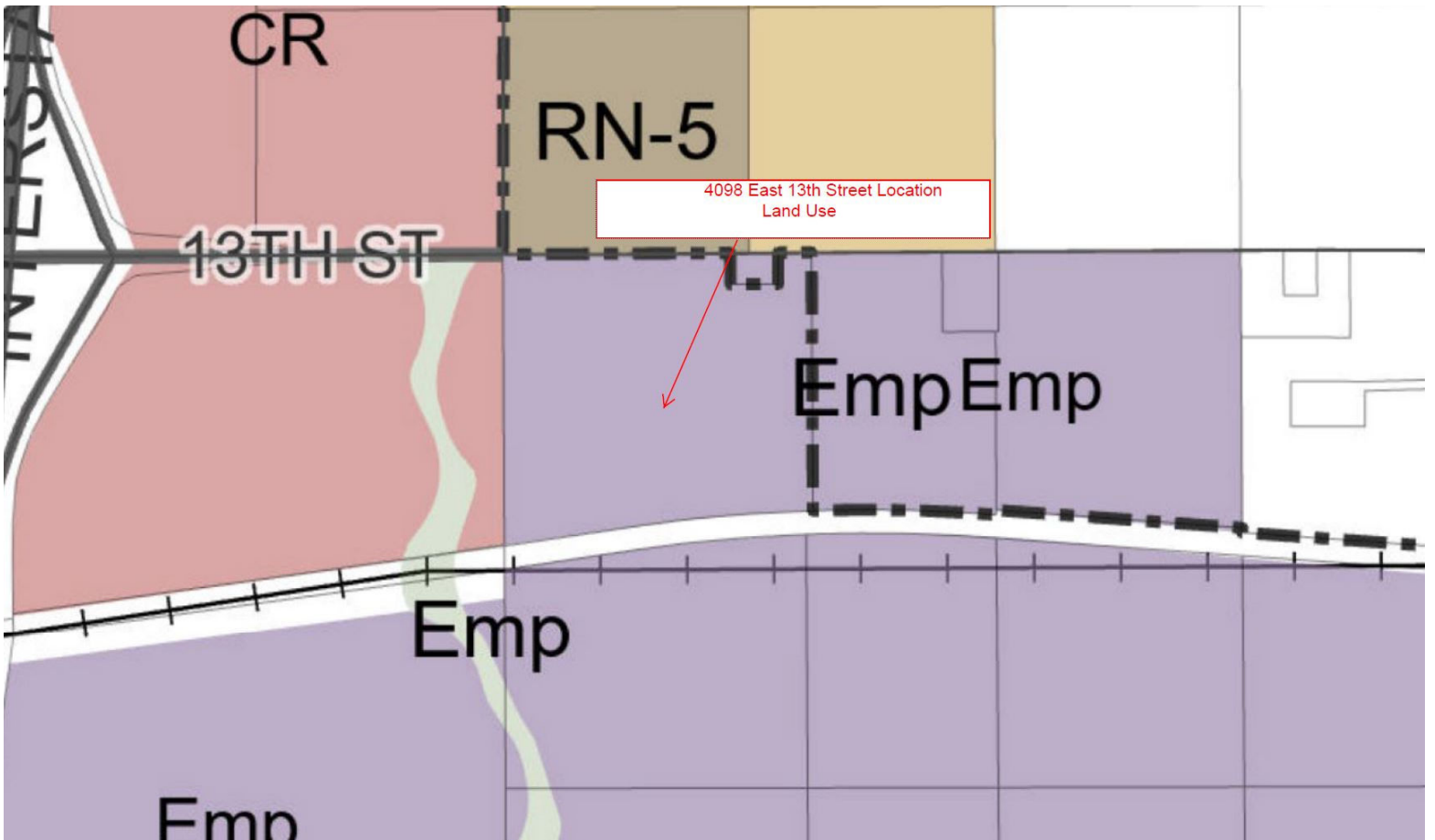


4098 East 13th Street
Proposed Zoning "GI"
(O-GNE Removed)

- Legend**
- Overlay Zones**
 - Northeast Gateway Overlay District "O-GNE" (sec.29.1109)
 - PARCELS**
 - PARCELS
 - Zoning District**
 - Agriculture**
 - Agricultural Zone "A" (sec.29.600)
 - Commercial**
 - Planned Regional Commercial Zone "PRC" (sec.29.805)
 - Industrial**
 - General Industrial Zone "GI" (sec.29.901)
 - Planned Industrial Zone "PI" (sec.29.902)
 - Intensive Industrial Zone "II" (sec.29.904)
 - Special Purpose**
 - Government/Airport District "S-GA" (sec.29.1002)
 - STREET LABELS - ALL @ 50000 FT
 - RAILROAD CENTERLINES



Attachment C- Future Land Use Map Excerpt



Attachment C (Cont.) -Land Use Guiding Principles

LAND USE: GUIDING PRINCIPLES



Guiding Principles of Land Use

LU1: Relating Land Use and Transportation.

Land use planning must be planned in coordination with Ames' network of streets, trails, paths, and transit lines. The land use plan is closely related to the Complete Streets Plan, with higher intensity uses clustered along streets that have the capacity to serve them successfully. A system of multi-modal connections will be the framework for a land use plan that promotes variety and diversity of uses.

Sufficiency of other related support services, including infrastructure, emergency response, and parks will be correlated to the intensity of use.

LU2: Compatibility with Flexibility. Ames land use pattern should minimize conflicts between adjacent land uses. Some land uses are inherently incompatible and should be separated. In other cases, a variety of design techniques where different uses and intensities meet can reduce incompatibilities and more successfully integrate different uses into a cohesive city environment. Homogeneous

building form and uses are not necessarily the goal of the plan. Guidelines should provide developers with reasonable flexibility and room for innovation.

LU3: Residential Density and Diversity. New residential development in Ames will achieve densities sufficient to use infrastructure efficiently, support neighborhood services, minimize adverse effects on the environment, and provide residents with a quality urban environment. As an inclusive community, Ames will encourage diverse housing types and price points that serve the needs of a range of demographic and economic groups. In addition, reactions to the Covid pandemic may require different housing forms than those built to date, maintaining target densities but with common space that provides greater distancing possibility.

LU4: Vital, Convenient Mixed Uses. Ames will encourage a compatible mix of uses to create more active, interesting, and efficient city environments, while providing residents convenient access to neighborhood commercial services and other vital community facilities.

LU5: Places for Employment and Enterprise.

Ames will continue to provide appropriately located space for a wide range of enterprises that provide employment for existing and prospective residents. The City's planning for industrial uses includes large areas for expansion within the ISU Research Park and Prairie View Industrial Center. Additionally, small business, commercial office, and trade uses are planned for diverse locations across the City. Zoning standards will address design and use requirements recognizing the diverse needs and locations of employment uses.

Attachment C (Cont.)- Employment Land Use Category

LAND USE: CATEGORIES

Employment (Emp)

CHARACTERISTICS

- » Includes both general industrial areas and large-scale employment centers that are part of planned business or ISU Research Park.
- » Mixes traditional manufacturing warehouse activities on the east side of the City and office and R&D uses in ISU Research Park and areas near South Bell.
- » Can include high impact and heavy industrial uses.
- » Older areas include single purpose industrial lots and relatively low-density site development.
- » Planned facilities include large blocks and large sites.
- » High truck traffic generation with good access to regional transportation facilities.
- » City policy to focus most new large industrial development east of I-35.
- » Service uses are clustered in Boone County and can be expanded with the West Growth Areas.

APPLICABLE EXISTING ZONING CATEGORIES

- » GI General Industrial PI Planned Industrial
- » RI Research Park Industrial
- » II Intensive Industrial

GOALS

- » Provide attractive and well-functioning settings for a range of industrial enterprises.
- » Build on Ames' natural and historic strength in research.
- » Minimize impact and external effects on City neighborhoods.
- » Discourage industrial uses that are large resource users for water and sewer services with system capacity impacts.



DEVELOPMENT GUIDELINES

- » Phase out small obsolete industrial clusters in primarily non-industrial areas, such as industrial pockets along the railroad.
- » Use screening and landscaped buffering to address building scale and typical utilitarian appearance.
- » Residential uses should not be permitted in these areas. Site design should provide separation and buffering between intense industrial and adjacent residential use.
- » Apply aesthetic enhancements to sites along major corridors.
- » Plan for improved pedestrian connectivity and access for alternative modes of transportation.
- » Large sites may allow for incorporating green infrastructure, renewable energy, or other GHG reduction and sustainable design techniques to existing site and development in new employment areas.
- » Focus Research Park uses on R&D and office with high employment intensity.
- » Ensure truck traffic and transportation capacity is adequately addressed in siting new large industrial facilities.

PUBLIC ACTIONS

- » Implement infrastructure and transportation projects necessary to open the East Industrial area.
- » As East Industrial, Prairie View, develops out with large uses, evaluate options for smaller industrial sites and locally serving commercial uses. Large format retail is not permitted.
- » Use economic development tools and standard to support resource and environmentally conscious uses, minimize water and sewer capacity demand.
- » Support commuter transportation alternatives to single occupant automobiles.
- » Adapt zoning to provide for large manufacturing facilities based on automation.
- » Differentiate zoning for business park use types from individual general industrial uses oriented to small or independent businesses.
- » East scenario Tiers 3 and 4 have planned residential uses adjacent to industrial uses north of the railroad. Consider future compatibility of use and traffic levels with industrial. Development options north of the railroad.

Attachment E- Applicants Statements

City of Ames Rezoning Application JT Warehouse at 4098 East 13th Street, Ames, IA

1. Written explanation of the reasons for requesting rezoning.

The existing property at 4098 East 13th Street consists of 55.18-acres. The property is currently zoned Planned Industrial (PI). The property also has an overlay district referred to as the NE Gateway Overlay (O-GNE) district. The Developer intends to subdivide the property into two lots and construct a high cube warehouse facility for local City of Ames businesses to utilize. The warehouse facility is planned to have 30 employees and generate 25 trucks per day.

The Developer is proposing to rezone the property to General Industrial (GI). The existing Planned Industrial zoning of the property limits the size of the building on the property based on the code requirement of maximum floor area ratio (FAR) of 0.35. On the proposed subdivided Lot 1 consisting of 42.76-acres, the maximum building size is limited to 652,000 square feet (SF). If the property is rezoned to GI, then there is no FAR requirement. The maximum building size in the GI ordinance is 85% of the lot area. Thus, subdivided Lot 1 consisting of 42.76-acres could have buildings up to 1,580,000-SF. The Developer's conceptual development plan consists of two (2) 446,500-SF buildings for a total building area on the site of 893,000-SF or 48% of the lot area.

The Developer requests to remove the NE Gateway Overlay district from the property. The intent of the O-GNE is to ensure that the regional commercial development results in high quality development. The proposed warehouse project will be high quality for an Industrial Zone. The proposed buildings will be concrete precast panels. The Developer is agreeable to providing additional landscaping along the East 13th Street frontage as well as landscaping buffering along the west property line adjoining the commercial zoned property.

2. Written explanation of the consistency of this rezoning with the Ames Plan 2040.

The existing property is designated as "Employment" per the Future Land Use Map. Employment land use characteristics include general industrial development with planned facilities with large sites and truck traffic generation with good access to regional transportation facilities. The proposed development project characteristics meets the definition of Employment land use and will satisfy the following goals:

- Provide attractive and well-functioning setting for a range of industrial enterprises.
- Minimize impact and external effects on City neighborhoods.
- Discourage industrial uses that are large resource users for water and sewer services.

The proposed warehouse project is a light industrial use and is consistent with the goals and development guidelines of the Ames Plan 2040.

3. Current zoning of the subject property.

The property is currently zoned Planned Industrial (PI)

4. Proposed zoning of the subject property.

The requested rezoning request is General Industrial (GI).

5. Proposed use of the property.

The use of the property will be for high cube warehouse facility for local City of Ames businesses.

The Owner will lease the building to tenants.

S P A C E A B O V E R E S E R V E D F O R O F F I C I A L U S E

Legal description: See page 1.

Return document to: City Clerk, 515 Clark Avenue, Ames IA 50010

Document prepared by: Mark O. Lambert, City of Ames Legal Department, 515 Clark Ave., Ames, IA 50010 – 515-239-5146

**REZONING AGREEMENT FOR ADOPTION OF
THE MASTER PLAN FOR 4098 E 13th Street**

THIS AGREEMENT, made and entered into this ____ day of June 2023, by and between the **City of Ames, Iowa**, (hereinafter “City”) and **ELWELL-RUETER, L.L.C.**, its successors and assigns (hereinafter “Developer”), collectively referred to as the “Parties,”

WITNESSETH THAT:

WHEREAS the Parties hereto desire the improvement and development of real property (Parcel No. 10-05-100-110) in the City of Ames, locally known as 4098 E 13th Street (hereinafter referred to as the “Site”) and legally described as:

Parcel “A” in the Northwest Fractional Quarter (NW frl ¼) of Section Five (5), Township Eighty-three (83) North, Range Twenty-three (23) West of the 5th P.M., Story County, Iowa, as shown on Plat of Survey (Amended) filed in the office of the Recorder of Story County, Iowa, on the 12th Day of December, 1997 and recorded as Instrument No. 97-13483, in Book 15, Page 90 [approximately 55.18 acres more or less];

and

WHEREAS, the Site is designated on the Ames Plan 2040 as Employment (EMP) Expansion) which has an allowable zoning category of General Industrial (GI), and the Developer is seeking rezoning of the Site from the current zoning of Planned Industrial (PI) with Northeast Gateway Overlay (O-GNE) to General Industrial (GI) removing the Northeast Gateway Overlay (O-GNE) with Master Plan; and

WHEREAS, Developer has proposed a Master Plan to address compatibility of use and layout of the site with the proposed GI zoning; and

WHEREAS, the City Council has determined that due to specific conditions that exist on or around the area proposed to be rezoned, or due to specific situations that require more careful consideration of how the layout and design of a site affects general health, safety and welfare, a Master Plan is necessary for the proposed rezoning request as set forth in Ames Municipal Code §29.1507;

WHEREAS, the Developer has submitted a Master Plan in conformance with the requirements set forth in Ames Municipal Code §29.1507(4); and

WHEREAS, Ames Municipal Code §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; and

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

I.

4098 EAST 13th STREET MASTER PLAN ADOPTED

The Master Plan set forth as Attachment A and incorporated by reference in this agreement shall be the Master Plan for the Site at 4098 East 13th Street. Developer agrees that all development upon the Site shall be in compliance with the Master Plan attached hereto. Developer further agrees that:

- (a) Developer shall restrict uses upon the Site as shown on the Master Plan.
- (b) The Site shall be divided into two or more lots with a preliminary and final plat prior to development of the site.
- (c) Developer shall adhere to the general layout shown in the attached Master Plan in all material aspects, including but not limited to, the placement of two buildings on Lot 1, placement of one or more buildings on Lot 2, circulation of traffic, setbacks, landscaping and building façade characteristics.

II.

NON-INCLUSION OF OTHER OBLIGATIONS

The Parties acknowledge and agree that this Agreement is being executed to fulfill a specific requirement of §29.1507(5) of the Ames Municipal Code. The Parties further acknowledge that all site development and subdivision standards continue to apply to the Site.

III.

GENERAL PROVISIONS

- A. Modification. The parties agree that this Agreement may be modified,

amended, or supplemented only by written agreement of the parties. In addition, any modifications or changes to the Master Plan shall be undertaken in accordance with the process provided for in Ames Municipal Code §29.1507(5).

B. Incorporation of Recitals and Exhibits. The recitals, together with all exhibits attached hereto, are confirmed by the parties as true and incorporated herein by reference as if fully set forth verbatim. The recitals and exhibits are a substantive contractual part of this Agreement.

C. Prior Agreements Binding. The terms of all prior Agreements affecting this Property in which the City is a party, including any pre-annexation agreement and/or development agreement, are hereby reaffirmed in their entirety except as they may be expressly modified by this Agreement.

D. Noninclusion of Other Improvement Obligations. The Parties acknowledge and agree that it is not possible to anticipate all the infrastructure and Code requirements that the Developer may be required to complete or comply with to properly develop the Site. Therefore, the Parties agree that all work done by and on behalf of the Developer with respect to other improvements, including but not limited to, building design, building construction, and utilities, both on-site and off-site, shall be made in compliance with the Iowa Code, SUDAS, and all other federal, state, and local laws and policies of general application, including but not limited to building and zoning codes, whether or not such requirements are specifically stated in this Agreement.

IV. COVENANT WITH THE LAND

This Agreement shall be filed for record in the office of the Story County Recorder and all covenants, agreements, promises, and representations herein stated shall be deemed to be covenants running with the Site and shall endure and be binding on the parties hereto, their mortgagees, lienholders, successors and assigns, for a period of twenty-one (21) years from the date of the recording of these covenants, unless claims to continue any interest in the covenants are filed as provided by law. The parties understand and agree that the zoning of the property is a matter that may only be modified by the City Council. The City shall have the right to file a claim to continue its interest in these covenants. Invalidation of any of these covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

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

(S i g n a t u r e s o n f o l l o w i n g p a g e)

Dated this _____ day of June 2023.

ELWELL-RUETER, L.L.C.

By:

_____, Manager

STATE OF IOWA, COUNTY OF STORY, SS.:

This instrument was acknowledged before me on _____, 2023, by
_____, as Manager of Elwell-Rueter, L.L.C.

NOTARY PUBLIC

Passed and approved on _____, 2023, by Resolution No. 23-_____
adopted by the City Council of the City of Ames, Iowa.

CITY OF AMES, IOWA

By:

John A. Haila, Mayor

Attest:

Renee Hall, City Clerk

STATE OF IOWA, COUNTY OF STORY, SS.:

This instrument was acknowledged before me on _____, 2023, by John A. Haila and Renee Hall, as Mayor and City Clerk, respectively, of the City of Ames, Iowa.

NOTARY PUBLIC

ATTACHMENT 'A' – MASTER PLAN