

COUNCIL ACTION FORM

SUBJECT: MASTER PLAN DETERMINATION FOR REZONING APPLICATIONS FOR PROPERTY AT 601 STATE AVENUE AND 205 S. WILMOTH AVENUE

BACKGROUND:

On April 3, 2014 Breckenridge Group Ames Iowa, LLC submitted two applications for rezoning for the properties at 205 S. Wilmoth Avenue (North Parcel) and 601 State Avenue (South Parcel). (See Attachment 1, Location Map).

North Parcel:

The North Parcel is located south of Lincoln Way and West of S. Wilmoth Avenue and includes approximately 8.36 acres. The property is designated as Low Density Residential by the Land Use Policy Plan and is currently zoned Government/Airport (S-GA). The requested rezoning for the property is from Government/Airport (S-GA) to Residential Low Density (RL). This zoning designation of RL is summarized as “single-family residential with a maximum net density of 7.26 dwelling units per net acre.”

South Parcel:

The South Parcel is located approximately a ¼ miles south of Lincoln Way along the west side of State Avenue including approximately 28.9 acres. Based upon the Land Use Policy Plan (LUPP) land use designation, the site is generally split by College Creek with approximately 1.63 acres of Low Density north of College Creek and 27.37 acres of Village Suburban south. A Greenway designation also overlays College Creek. (See Attachment 2, Existing LUPP Map) The LUPP summarizes the Village Suburban Designation as “all single-family, two-family, multi-family and manufactured residential uses that involve more than a net density of 8.0 units per acre with supporting convenience/neighborhood-scale commercial uses.”

The entire property is currently zoned Government/Airport (S-GA). The requested rezoning for the property is from Government/Airport (S-GA) to Residential Low Density (RL) north of the creek and Suburban Residential Low Density (FS-RL) south of the creek. **The South Parcel rezoning petition is a new petition to replace the withdrawn FS-RM application from March 25, 2014.**

The Municipal Code requires that, prior to making an application for a Floating Zone Suburban Low Density or Medium Density rezoning, the City Council shall determine whether it wishes to have a Master Plan prepared to accompany the rezoning request. In order to have a complete application for rezoning, City Council must first indicate its interest in having a Master Plan accompany the requested FS-RL

rezoning. **The applicant has requested that both rezoning petitions be reviewed by the City Council for Master Plan determinations** even though it is only required for the FS-RL or FS-RM rezoning requests. The Council can choose at this time to make a determination of need for a Master Plan for the north parcel if it is deemed necessary.

Master Plan Determination:

A Master Plan is intended to provide a broad view of the development concept by describing the intended uses, building types, access points, and protected areas. Section 29.1507.3(b) of the Municipal Code identifies the criteria by which the City Council may require a Master Plan as part of a rezoning application. If any one of these conditions is met, the City Council may require a Master Plan. Alternatively, the City Council may decide that the size or scope of the project does not necessitate an accompanying Master Plan with a rezoning application.

Under this Code section, a Master Plan may be required if a property:

1. Contains more than one type of housing unit and will be developed in phases;
2. Is located on land that is wetlands, flood plain, designated as Greenways or Environmentally Sensitive Area in the LUPP, conservation easement, or other documented sensitive condition or natural resource;
3. May require new or upgraded public improvements; or
4. Has specific conditions or situations that exist on or around the site that require "more careful consideration of how the layout and design of a site affects general health, safety, and welfare...."

The full text of the conditions on which a Master Plan may be required is found in Attachment 3. That attachment also contains the text of the ordinance describing the contents of a Master Plan. Further details would be developed later in the development process in regards to any required applications for a preliminary plat or, possibly, contract rezoning.

Based on an examination of the submitted rezoning applications (See Attachments 4 and 5, Rezoning Requests) and the preliminary conversations with the owner's representative, staff offers the following comments:

1. The north parcel request to Low Density Zoning does not require that City Council make a determination of a Master Plan prior to rezoning, however, it is within the Council's authority to require a Master Plan for any rezoning request if the request is found to meet any one of the previously noted condition. In staff's review of the request, the only allowed use within the proposed RL zoning is single-family homes on individual lots. To develop the site in conformance with

the proposed RL zoning, the applicant will be required to submit a preliminary plat for subdivision of the property subsequent to approval of a rezoning, so any public improvements will be reviewed as part of the subdivision process with the Commission and Council.

2. On the South Parcel, the proposed rezoning is for two different districts. The development will likely contain two housing types—single family attached and single family detached as permitted within the FS-RL zoning district and single family detached homes as permitted within the RL zoning district.
3. The South Parcel contains documented sensitive conditions or natural resources, such as the flood plain, the designation of Greenway Area of the LUPP, and the existing conservation easement.
4. On the South Parcel, there are several public improvements that may be required, specifically the streets, sanitary sewer, water service and all other infrastructure necessary for residential development.
5. On the South Parcel, the size of the developable area and the potential occupancy for the site required that a traffic study be conducted under the previous rezoning review. This review may require improvements to streets, intersections, or utilities based on that study.

To develop the south parcel under RL/FS-RL, a subdivision is needed because of the limits on use to single-family attached or detached homes on individual lots.

If the City Council does not require a Master Plan, then the applications will be able to be determined to be complete following this meeting. Staff would then assess the submitted applications and provide comments to the applicant. Upon completing a review of the application it would then be forwarded to the Planning and Zoning Commission to make a recommendation to the City Council. Should the Commission fail to reach a recommendation within 90 days, these rezoning requests would be forwarded to the City Council without a recommendation by the Commission.

If the City Council does require a Master Plan, then the applications will be considered complete upon submittal of that Master Plan to the Department of Planning and Housing. The review process described above would then apply to the complete application for rezoning.

ALTERNATIVES:

1. The City Council can determine that a Master Plan is required for the 601 State Avenue (South Parcel) rezoning application and determine that a Master Plan is not required for the 205 S. Wilmoth (North Parcel) rezoning application.

2. The City Council can choose to require a Master Plan for both rezoning applications.
3. The City Council can choose not to require a Master Plan for either rezoning application.
4. Action on this request can be postponed and referred back to City staff and/or the applicant for additional information.

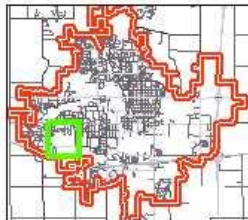
MANAGER'S RECOMMENDED ACTION:

Based on the applications submitted and the criteria for determination of a Master Plan, the north parcel request to a Low Density Residential zone does not appear to meet the criteria for needing a Master Plan. The requested RL zone will only permit one type of dwelling unit, a single-family detached home, which will be required to be located on an individual lot. The property does not contain any designated environmentally sensitive areas or areas of natural resources. The property will require a preliminary and final plat for the lots so any required public utility needs will be addressed at the time of subdivision. **Staff does not feel that a Master Plan is needed for the north parcel with the submitted rezoning request.** Council recently approved the rezoning of the 10 acre middle parcel with RL zoning and no master plan for similar reasons about the limited range of uses within RL.

However, on the South parcel, the requested FS-RL zone would permit both single-family and attached style housing units. The property also contains areas of flood plain, a conservation easement; LUPP Greenways designated areas, wooded areas and areas of increased slope. **Based on the size of the lot, setting, and context, these items all warrant some additional consideration with a Master Plan prior to subdivision of the property.**

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby requiring that a Master Plan for the property at 601 State Avenue (South Parcel) and not requiring a Master Plan for the property at 205 S. Wilmoth Avenue (North Parcel).

**Attachment 1:
Location Map**



Location Map

Attachment 2 Existing Land Use Policy Plan Map



Attachment 3

Zoning Code for Master Plans

Section 29.1507(3)

- (b) The City Council may require a Master Plan to be submitted with a rezoning application if it determines that any one of the following conditions is met:
 - (i) The area to be rezoned will contain more than one type of residential dwelling unit and will be developed in multiple phases.
 - (ii) The area to be rezoned contains designated wetlands; flood plain and floodway boundaries; areas designated by the Ames Land Use Policy Plan as Greenways and Environmentally Sensitive Areas; conservation easements or other documented sensitive environmental conditions or valuable natural resources.
 - (iii) Development of the area with the most intensive uses permitted by the proposed zoning designation may require new, enlarged or upgraded off-site public improvements.
 - (iv) The City Council determines that due to specific conditions that exist on or around the area proposed to be rezoned, or due to 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 consideration of the proposed zoning map amendment.
- (c) If the City Council determines that a Master Plan is required it shall be prepared in compliance with the requirements of Section 29.1507(4) and shall be reviewed concurrently with the application for a zoning text amendment.

Section 29.1507(4)

- (4) **Master Plan.** When a Master Plan is required, it shall be submitted in compliance with the following:
 - (a) Submittal Requirements. The Master Plan shall contain the following information:
 - (i) Name of the applicant and the name of the owner of record.
 - (ii) Legal description of the property.
 - (iii) North arrow, graphic scale, and date.
 - (iv) Existing conditions within the proposed zoning boundary and within 200 feet of the proposed zoning boundary: Project boundary; all internal property boundaries; public rights-of-way on and adjacent to the site, utilities; easements; existing structures; topography (contours at two-foot intervals); areas of different vegetation types; designated wetlands; flood plain and floodway boundaries; areas designated by the Ames Land Use Policy Plan as Greenways and Environmentally Sensitive Areas
 - (v) Proposed zoning boundary lines.
 - (vi) Outline and size in acres of areas to be protected from impacts of development
 - (vii) Outline and size in acres of areas proposed of each separate land use and for each residential unit type
 - (viii) Pattern of arterial streets and trails and off-site transportation connections
 - (ix) For proposed residential development provide the number of unit type for each area, expressed in a range of the minimum to maximum number to be developed in each area
 - (x) For proposed residential development provide a summary table describing all uses of the total site area, including the number of units per net acre for each unit type and each zoning area.



Brian D. Torresi
BrianTorresi@davisbrownlaw.com
phone: 515-246-7860
Ames Office

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APR 03 2014

**CITY OF AMES, IOWA
DEPT. OF PLANNING & HOUSING**

April 3, 2014

PERSONAL DELIVERY ONLY

City of Ames, Iowa
Department of Planning & Housing
515 Clark Ave.
Ames, IA 50010

Re: 205 S Wilmoth Avenue (the "Property") – Rezoning Application Packet

To Whom It May Concern:

Please find enclosed the Rezoning Application Packet (the "Packet") being submitted by Breckenridge Group Ames Iowa, LLC ("Breckenridge") with respect to the Property. Included with the Packet, in addition to this letter, are the following documents:

1. Rezoning Application Form;
2. Rezoning Checklist (the "Checklist");
3. Rezoning Permission to Place a "Zoning Action Pending" Sign on Private Property; and
4. Rezoning Plat.

In addition to the aforementioned items included with the Packet, Breckenridge hereby provides the following information as requested on the Checklist:

- a. The Property must be rezoned because it is currently zoned S-GA (Government/Airport District) and Breckenridge is not a governmental entity;
- b. The rezoning request referenced in the Packet for the rezoning of the Property from S-GA to RL (Residential Low Density) is consistent with the City of Ames Land Use Policy Plan (the "Plan") as the Plan provides that the Property should be zoned RL, and the government land overlay does not apply, if the Property is not owned by a governmental entity; and
- c. The Property shall be used for residential purposes and for any and all other uses and/or purposes consistent with applicable zoning ordinances.

DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

April 3, 2014
Page 2

Please review the Packet and this letter and forward these items to the Ames City Council as soon as possible for a determination as to whether a master plan will be required to accompany this request.

Feel free to call if you have any questions concerning this submittal.

Very truly yours,

DAVIS, BROWN, KOEHN, SHORS & ROBERTS, P.C.



Brian D. Torresi

Enclosures

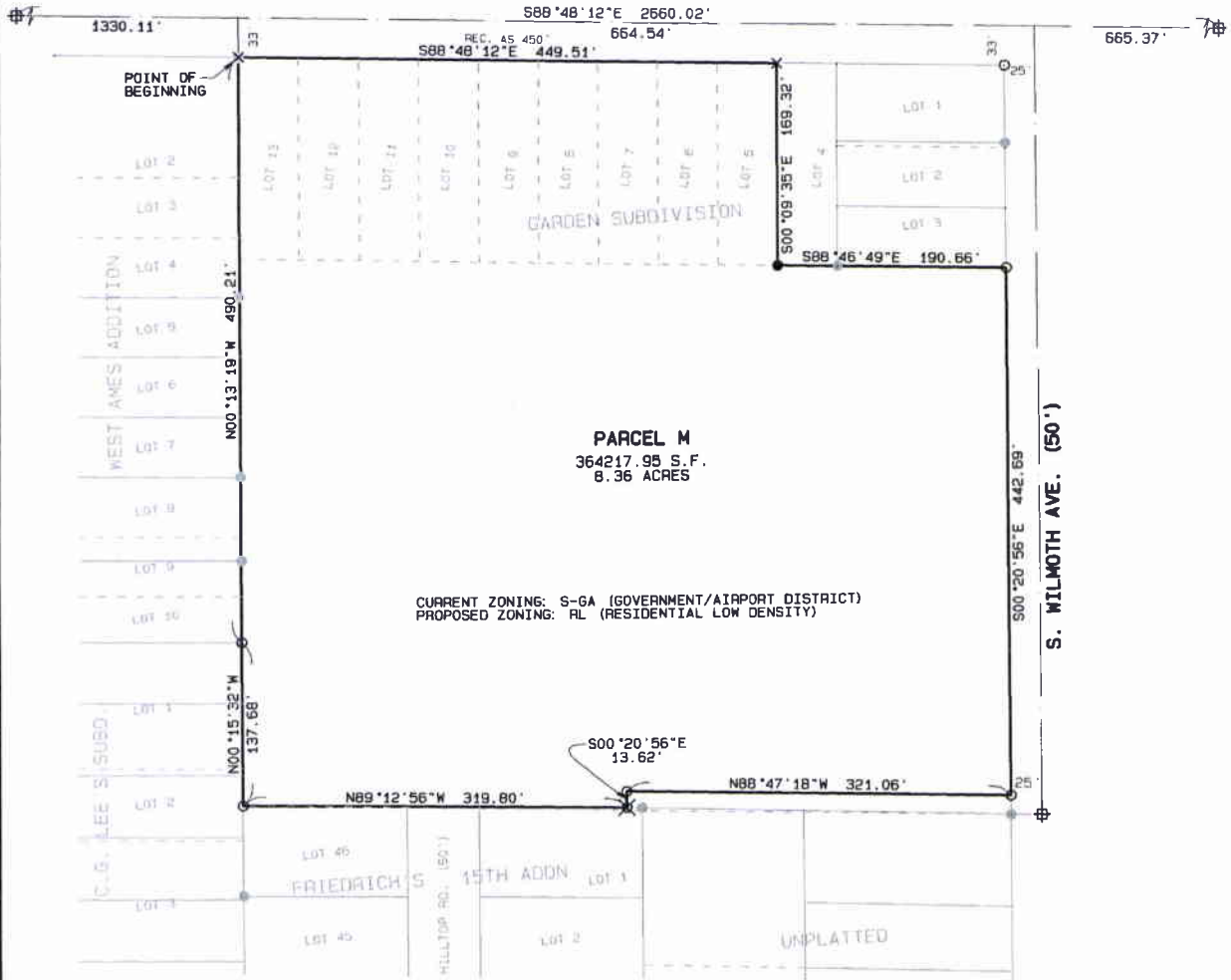
Cc: Charlie Vatterott
Scott Renaud
Brad Stumbo

Attachment 4

R. BRADLEY STUMBO P.O. BOX 1664 AMES, IOWA 50010 515-233-3689

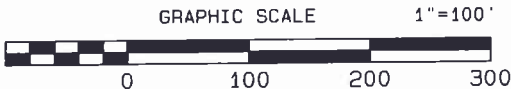
REZONING PLAT

LINCOLN WAY (66')



CURRENT ZONING: S-6A (GOVERNMENT/AIRPORT DISTRICT)
 PROPOSED ZONING: RL (RESIDENTIAL LOW DENSITY)

Survey Description-Area to be Rezoned:
 Parcel M in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 8, Township 83 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa, being Lots 5-13 of Block 1 in Garden Subdivision and part of said Northwest Quarter of the Northeast Quarter of the Northeast Quarter, 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 S. Wilmoth Avenue to a point on the North line of the South 15.00 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 15th 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.



PROPRIETOR:
 BRECKENRIDGE GROUP AMES IOWA, LLC
 1301 S. CAPITAL OF TEXAS HWY. SUITE B-201
 AUSTIN, TX 78746

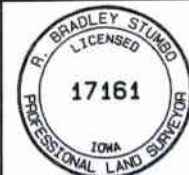
**STUMBO & ASSOCIATES
 LAND SURVEYING**

510 S. 11TH STREET, SUITE #102
 AMES, IOWA 50010
 PH. 515-233-3689 • FAX 515-233-4403

Certification: I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

R. Bradley Stumbo
 R. Bradley Stumbo License #17161 Date: 4-3-14
 My license renewal date is December 31, 2015

Job #16533RZ Date: 4/03/14 Page 1 of 1





Brian D. Torresi
BrianTorresi@davisbrownlaw.com
phone: 515-246-7860
Ames Office

April 3, 2014

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APR 03 2014

City of Ames, Iowa
Department of Planning & Housing
515 Clark Ave.
Ames, IA 50010

**CITY OF AMES, IOWA
DEPT. OF PLANNING & HOUSING**

Re: 601 State Avenue (the "Property") – Rezoning Application Packet

To Whom It May Concern:

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4. Rezoning Plat.

In addition to the aforementioned items included with the Packet, Breckenridge hereby provides the following information as requested on the Checklist:

- a. The Property must be rezoned because it is currently zoned S-GA (Government/Airport District) and Breckenridge is not a governmental entity;
- b. The rezoning request referenced in the Packet for the rezoning of that part of the Property south of the creek from S-GA to FS-RL (Suburban - Residential Low Density) and that part of the Property north of the creek from S-GA to RL (Residential Low Density) is consistent with the City of Ames Land Use Policy Plan (the "Plan") as the Plan provides that those portions of the Property should be zoned within the Village/Suburban Residential framework and RL, respectively, and the government land overlay does not apply, if the Property is not owned by a governmental entity; and

DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

April 3, 2014
Page 2

- c. The Property shall be used for residential purposes and for any and all other uses and/or purposes consistent with applicable zoning ordinances.

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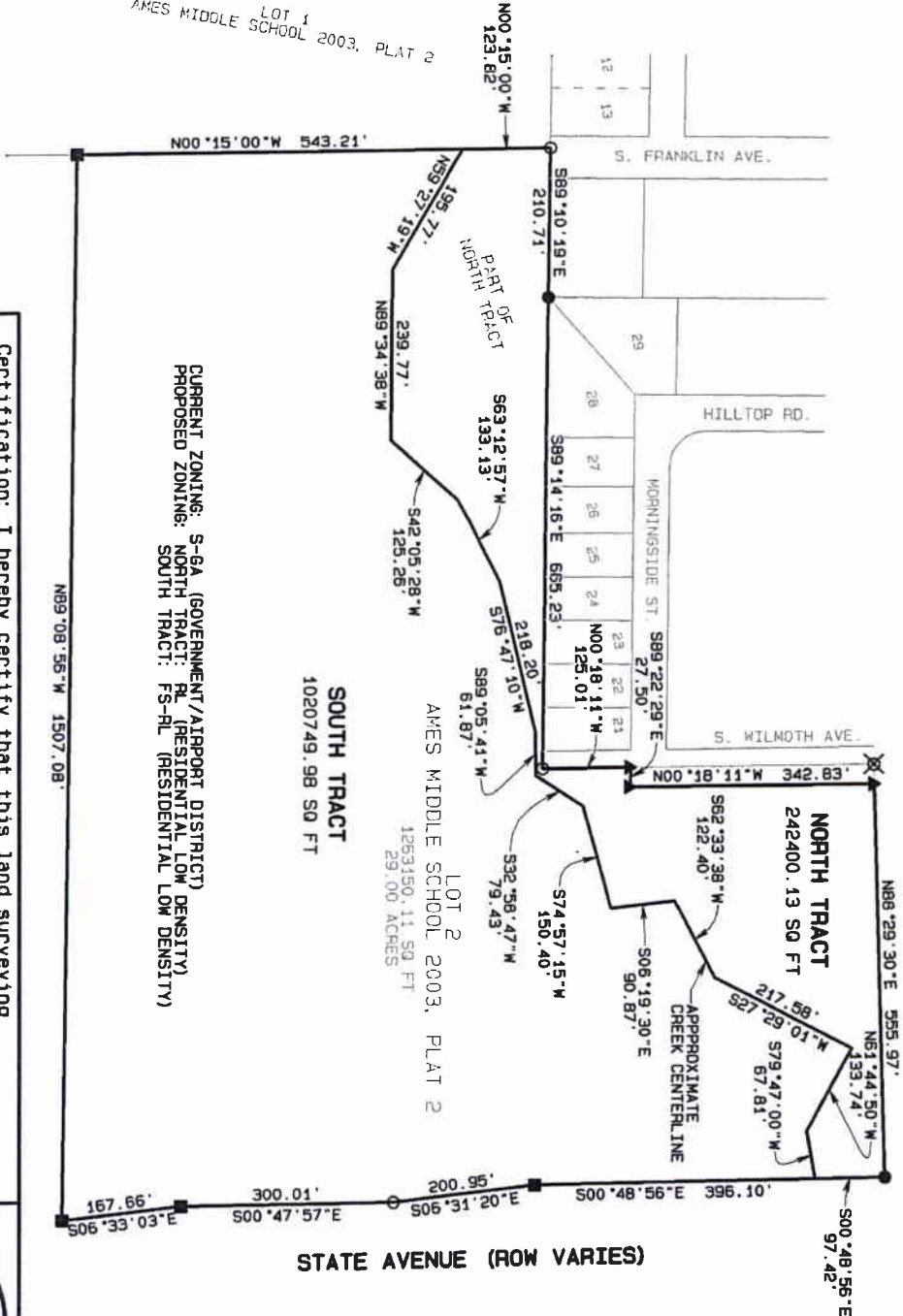
Cc: Charlie Vatterott
Scott Renaud
Brad Stumbo

R. BRADLEY STUMBO P.O. BOX 1664 AMES, IOWA 50010 515-233-3689

REZONING PLAT

PROPRIETOR:
BRECKENRIDGE GROUP AMES IOWA, LLC
1304 S. CAPITAL OF TEXAS HWY,
AUSTIN, TX 78746

LOT 1
AMES MIDDLE SCHOOL 2003, PLAT 2



CURRENT ZONING: S-6A (GOVERNMENT/AIRPORT DISTRICT)
PROPOSED ZONING: RL (RESIDENTIAL LOW DENSITY)
SOUTH TRACT: FS-RL (RESIDENTIAL LOW DENSITY)

SOUTH TRACT
1020749.98 SQ FT

NORTH TRACT
242400.13 SQ FT

Certification: I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

R. Bradley Stumbo License #17161
My license renewal date is December 31, 2015
Date: 4-03-14

JOB #16452RZ Date: 4/03/13 Page 1 of 2



STATE AVENUE (ROW VARIES)

GRAPHIC SCALE

1" = 200'

