

**COUNCIL ACTION FORM**

**SUBJECT: MAJOR SITE DEVELOPMENT PLAN FOR 3299 E. 13<sup>TH</sup> STREET  
(PROPOSED MARKETING SIGN)**

**BACKGROUND:**

Elwell-Rueter, LLC of Ankeny owns 136.78 acres of land on the north side of E. 13<sup>th</sup> Street, east of Interstate 35. They own an additional 149.32 acres of land on the south side of E. 13<sup>th</sup> Street. This land was once owned by Wolford Development, LLC and was the site of a proposed regional retail development for which the City approved a master plan in 2006. Elwell-Rueter acquired the property in 2011 and now seeks to market the site by installing a freeway oriented sign on the north side of 13<sup>th</sup> Street to advertise the site as available for development (see Attachment A). Attachment C shows the appearance and height of the sign.

**Project Description**

The proposed sign is a reconditioned sign that previously was used for a similar purpose in Ankeny. The sign is proposed for a limited term of up to five years. The proposed on-premises sign is 48 feet by 18 feet (863 square feet) per sign face (see Attachment C). The sign will be on the top of a steel pole that is set into the ground for a total height of 46 feet. The sign does not include lighting. The proposed sign location is 665 feet east of the Interstate 35 right-of-way, more than 2,000 feet from 13<sup>th</sup> Street, and approximately 600 feet south of the north property line, outside of the Kettleston Marsh buffer area to the north.

The site is zoned Planned Regional Commercial (PRC) with a Northeast Gateway Overlay (O-GNE). PRC requires on-premises signs to be part of an approved site development plan. The approved major site development plan included signage for the regional shopping center. The applicant's proposed major site development plan is shown in Attachment B and would be a supplement to the already approved shopping center plan.

The City's sign code is found in Chapter 21 of the Municipal Code and allows for on-premises signage based upon a property's frontage on a local street, which in this case is E. 13<sup>th</sup> Street. **The City distinguishes on-premises signage from billboards based upon the type of advertising. Billboards are a type of use regulated under provisions of the Zoning Code in Chapter 29.**

This proposal would meet the description of an on-premises type of sign rather than a billboard. The total area of the sign, at 1,726 square feet, is less than the maximum allowed signage total of 2,010 square feet. The proposed sign height exceeds the 35-foot maximum sign height in the O-GNE zoning district. **The applicant would need to seek a variance from the Zoning Board of Adjustment for the 46-foot tall sign, if the major site plan is approved at the requested height.** A full analysis of the sign and zoning code conformance is included in the addendum.

## **Brief History of Wolford Development**

Wolford Development proposed a large commercial development along E. 13<sup>th</sup> Street on the east side of Interstate 35. On the north side of E. 13<sup>th</sup> Street was a lifestyle retail center comprising 498,000 square feet of retail. It was to have a number of anchor stores and smaller shops on 23 separate lots. A “power center” was proposed for the south side of E. 13<sup>th</sup> Street.

In December, 2006, a master plan was approved for both sites. This conceptual plan is shown in Attachments D and E. The approval of this conceptual plan allowed the owner to move forward with the preliminary plat and major site development plan.

In October, 2007, the City Council approved the preliminary plat for the north site and a major site development plan a portion of the north site. The area designated for two of the large anchor stores was not included in that plan.

No preliminary plats or major site development plans for the land south of E. 13<sup>th</sup> Street were ever submitted by the owner or approved by the City.

In November, 2005, a development agreement was executed (but recorded in December, 2007) that, among other things, required the developer to provide evidence that the financing for the project has been secured and that leases for at least 329,000 square feet have been signed. The City has no obligation to approve any plans or permits without the owner having secured the financing and leases.

The Wolford site was conveyed to the bank in lieu of foreclosure and the current owner, Elwell-Rueter LLC, acquired the land by a deed recorded on September 22, 2011. The master plan for both sites, the preliminary plat for the north site, the major site development plan for the bulk of the north site, and the development agreement are all binding and in effect. The proposed major site plan for the on-premises sign does not supplant the prior approvals and developer agreements.

**Planning and Housing Department Recommendation:** The Department of Planning and Housing recommended to the Planning and Zoning Commission approval of the proposed sign with the requirement that the sign be no more than 35 feet in height. The Department believed that the size of the sign, while quite large, was ameliorated by the distance from the highway right-of-way (660 feet). In all other respects, it met the standards of the zoning and sign regulations even though it had the appearance of a billboard.

**Planning and Zoning Commission Recommendation.** The Planning and Zoning Commission considered the proposed major site development plan on June 4, 2014. **The Commission recommended denial of the major site development plan by a vote of 5 to 0.** Prior to the vote, members of the Commission discussed the size of the sign, the maximum signage allowed by the ordinance, the proposed height, and the proposed length of time that the sign would be installed. Members of the Commission generally believed the aesthetic of the proposal was that of a billboard that was not consistent with the area and that the marketing of the site could be met with a smaller sign, potentially closer to the freeway.

**Updated Development Agreement:** If the City Council chooses to allow the erection of a marketing sign, approval of the major site development plan should be contingent upon approval of a development agreement with Elwell-Rueter. This agreement would specify the terms under which the sign can be installed (length of time, message of the sign). This agreement would not abrogate the existing development agreement to which Elwell-Rueter (as a successor to Wolford) is bound. This agreement would be brought back at the subsequent City Council meeting.

**ALTERNATIVES:**

1. The City Council can deny the major site development plan for the on-premises marketing sign as recommended by the Planning and Zoning Commission.
2. The City Council can approve the 35-foot marketing sign as a major site development plan as a supplement to the original approved plans and development agreement. This approval would be conditioned upon the City Council approving a supplemental development agreement specifying the timeframe in which the sign and supports may remain on site and the content of the sign. This alternative will require the applicant to update the major site development plan, to the satisfaction of City staff, to show the sign at 35 feet. A development agreement will be brought back at a subsequent City Council meeting for approval.
3. The City Council can approve the 46-foot marketing sign as a major site development plan supplement to the original approvals. This option can be accomplished only if the applicant subsequently obtains a variance from the Zoning Board of Adjustment. If the owner fails to obtain a variance, then the owner can proceed with the 35-foot sign. A development agreement will be brought back at a subsequent City Council meeting for approval. (This alternative supports the applicant's request)
4. The City Council can conditionally approve the major site development plan for the on-premises marketing sign on changes in its design, size, location, etc. that the City Council wishes. This alternative will require the applicant to update the major site development plan, to the satisfaction of City staff, to meet these conditions. A development agreement will be brought back at a subsequent City Council meeting for approval.
5. Action on this request can be postponed and referred back to City staff and/or the applicant for additional information.

**CITY MANAGER'S RECOMMENDED ACTION:**

The applicant requests the proposed sign to help promote the availability and development of the site. The applicant would also likely market this property through other traditional means through a commercial broker, networking, and internet listings of available commercial property. The size and appearance of the proposed sign is consistent with that of a traditional billboard; however, the content of the sign would only be for marketing of the property allowing for it to be considered as an on-premises sign rather than a billboard.

The Planning and Housing Department recommended approval of the project to the Planning and Zoning Commission, considering the proposed sign to be consistent with the total size limit of signage for the site and that the sign's location 660 feet from I-35 with a height limit of 35 feet reduced its aesthetic impact.

The Planning and Zoning Commission found that the sign was oversized for its purpose, regardless of distance from the roadways. The Commission felt that it has the appearance of a billboard, which is not a use that Ames allows at the size proposed by the applicant. The Commission believed a smaller sign was more appropriate.

**The City Council should weigh this property owner's belief that in order to effectively market the property the sign must be of the size requested against the City requirements and past practices.**

If the Council agrees with the Planning and Zoning Commission that the sign is inconsistent with the City's requirements due to its size and appearance and that the purpose of marketing the property can be met with a smaller sign, Council should either deny the request as described in Alternative 1 or allow for a smaller sign size consistent with Alternative 4. If Alternative 4 is selected, staff would return with a development agreement regarding the terms of the sign's duration and content.

If the Council feels that the size and look of the sign is mitigated by its distance from the abutting roadways, Alternative 2 can be adopted to approve the sign at a 35-foot height limit. Staff would then return with a development agreement regarding the terms of the sign's duration and content.

## ADDENDUM

### CONFORMANCE WITH SIGN AND ZONING REGULATIONS

The Ames sign regulations are found in Chapter 21 of the Municipal Code. The proposed sign is considered to be an on-premises sign since it is marketing the site on which it is located. On-premises signs in the Planned Regional Commercial must be shown on an approved site plan. Billboards are defined use within the Chapter 29 Zoning Code and not regulated by the Sign Code of Chapter 21.

As noted above, each face of the sign is 864 square feet. Because the sign faces are separated by more than 30 inches, the total area of both sign faces are to be counted; thus the total sign area is 1,728 square feet. The total signage allowed for on-premises signs is 3 square feet per each linear foot of street frontage. This parcel has 670 feet of frontage on E. 13<sup>th</sup> Street, allowing for a total signage of 2,010 square feet. The interstate highway and adjacent on-ramp is not considered a “street.”

The O-GNE regulations limit the height of signs to 35 feet. The proposed sign is 46 feet, requiring it to be lowered to 35 feet or to be granted a variance for the excess height. The applicant may seek a variance for the height, although staff is recommending, in Alternative 1, compliance with the height limits of the zoning district. Alternative 2 allows the owner to seek a variance for the height from the Zoning Board of Adjustment. If that is unsuccessful, staff recommends, as part of Alternative 2, that the owner may then proceed with the construction of the sign at a 35-foot height without returning to the Commission or Council.

**The O-GNE regulations specifically disallow billboards in the district. It should be noted, however, that billboards in this location (if allowed by zoning) would be limited to 200 square feet, maximum height of 50 feet, and a minimum of a 250 feet setback from the I-35/E 13<sup>th</sup> Street on ramp.**

The O-GNE district includes a buffer for the Kettleson Marsh, which lies north of this parcel. That buffer is 600 feet wide along much of the west portion of the north property line, narrowing to 100 feet to the east portion. The proposed sign location lies outside that buffer zone.

The proposed sign would be interim signage until development of the site as it does not match the sign program approved for the shopping center. The owner, in a letter to the City Council, suggests that he “would agree to remove the marketing sign after 5 years or seek input from the council and city staff after 5 years, as well as agree the sign shall be used for marketing purposes only.”

This site received approval for a preliminary plat and major site development plan in 2007 when owned by Wolford Development. It is also governed by a development agreement. When this property is successfully marketed, it is anticipated that a new preliminary plat, major site development plan, and development agreement will be needed as the existing documents are specific to the proposed Wolford development. However, approval of this proposed major site development plan would in no way abrogate the existing approved plans and agreements. This major site development

plan is a temporary plan that allows only the proposed sign and will automatically rescind when the sign is removed. The terms of this major site development plan will be spelled out in a development agreement with the City Council.

#### **MAJOR SITE DEVELOPMENT PLAN CRITERIA**

Additional criteria and standards for review of all Major Site Development Plans are found in Ames *Municipal Code* Section 29.1502(4)(d) and include the following requirements.

***When acting upon an application for a Major Site Development Plan approval, the Planning and Zoning Commission and the City Council shall rely upon generally accepted site planning criteria and design standards. These criteria and standards are necessary to fulfill the intent of the Zoning Ordinance, the Land Use Policy Plan, and are the minimum necessary to safeguard the public health, safety, aesthetics, and general welfare.***

- 1. The design of the proposed development shall make adequate provisions for surface and subsurface drainage to limit the rate of increased runoff of surface water to adjacent and down stream property.***

The proposed sign will not impact storm water runoff.

- 2. The design of the proposed development shall make adequate provision for connection to water, sanitary sewer, electrical, and other utility lines within the capacity limits of those utility lines.***

The proposed sign will not have utilities and will not be lit.

- 3. The design of the proposed development shall make adequate provision for fire protection through building placement, acceptable location of flammable materials, and other measures to ensure fire safety.***

This criterion is not applicable as there is no building.

- 4. The design of the proposed development shall not increase the danger of erosion, flooding, landslide, or other endangerment to adjoining and surrounding property.***

It is not anticipated that this proposed sign will be a danger due to its location on the site.

- 5. Natural topographic and landscape features of the site shall be incorporated into the development design.***

No grading or other topographic disturbances will occur to install this proposed sign other than the setting of the pole into the ground.

- 6. The design of the interior vehicle and pedestrian circulation shall provide for convenient flow of vehicles and movement of pedestrians and shall prevent hazards to adjacent streets or property.***

This criterion is not applicable as there will be no access by pedestrians or vehicles, except to service the sign.

- 7. *The design of outdoor parking areas, storage yards, trash and dumpster areas, and other exterior features shall be adequately landscaped or screened to minimize potential nuisance and impairment to the use of adjoining property.***

This criterion is not applicable as there will be no parking, storage, or dumpster areas.

- 8. *The proposed development shall limit entrances and exits upon adjacent streets in order to prevent congestion on adjacent and surrounding streets and in order to provide for safe and orderly vehicle movement.***

No traffic will need to access the site except for the rare vehicle to service the sign.

- 9. *Exterior lighting shall relate to the scale and location of the development in order to maintain adequate security, while preventing a nuisance or hardship to adjacent property or streets.***

No lighting is proposed.

- 10. *The proposed development shall ensure that dust and other forms of air pollution, noise disturbances, odor, glare, and other nuisances will be limited to acceptable levels as prescribed in other applicable State and City regulations.***

The proposed sign will not generate dust, nose, glare or odors.

- 11. *Site coverage, building scale, setbacks, and open spaces shall be in proportion with the development property and with existing and planned development and structures, in adjacent and surrounding property.***

The sign will be the only structure on the site. It will be removed prior to construction of any new buildings on the site.

The Development Review Committee has reviewed the Major Site Development Plan and found that it complies with the other requirements of the Ames Municipal Code.

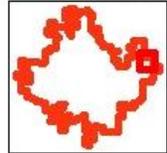
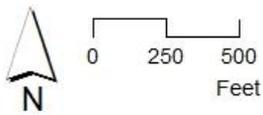
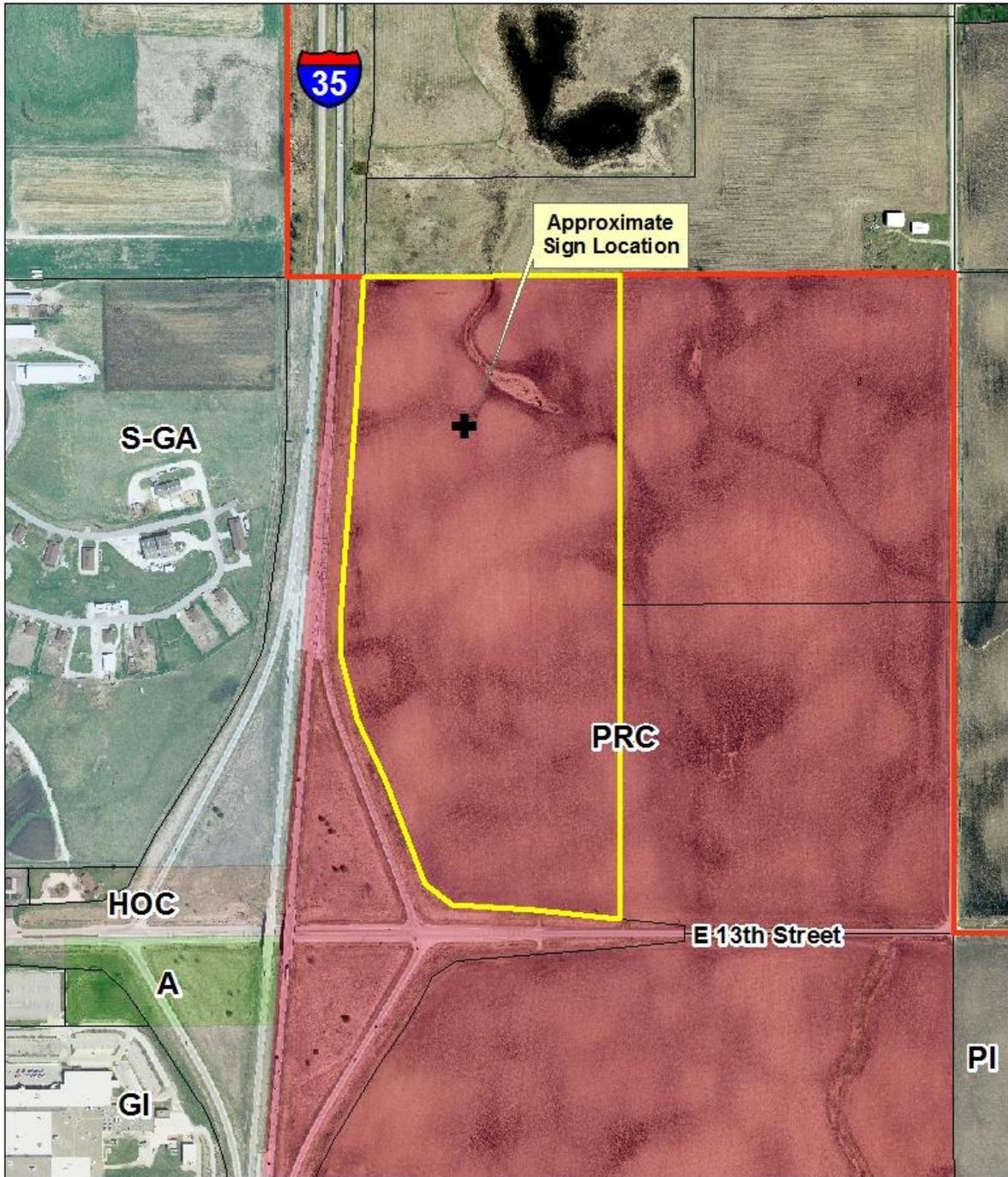
#### **OTHER CONSIDERATIONS**

The O-GNE overlay requires a master plan showing how the overall development will meet the design standards. It is a conceptual plan showing major development patterns. The City Council approved the master plan for this site in 2006 (see Attachment D). The master plan shows a parking area in the general location of the proposed sign. While this particular sign is not indicated on this conceptual plan, the plan does show this area as being heavily developed (not retained as a buffer or green space). The proposed sign is not inconsistent with the master plan, especially since the sign is to be removed prior to commercial development of the site.

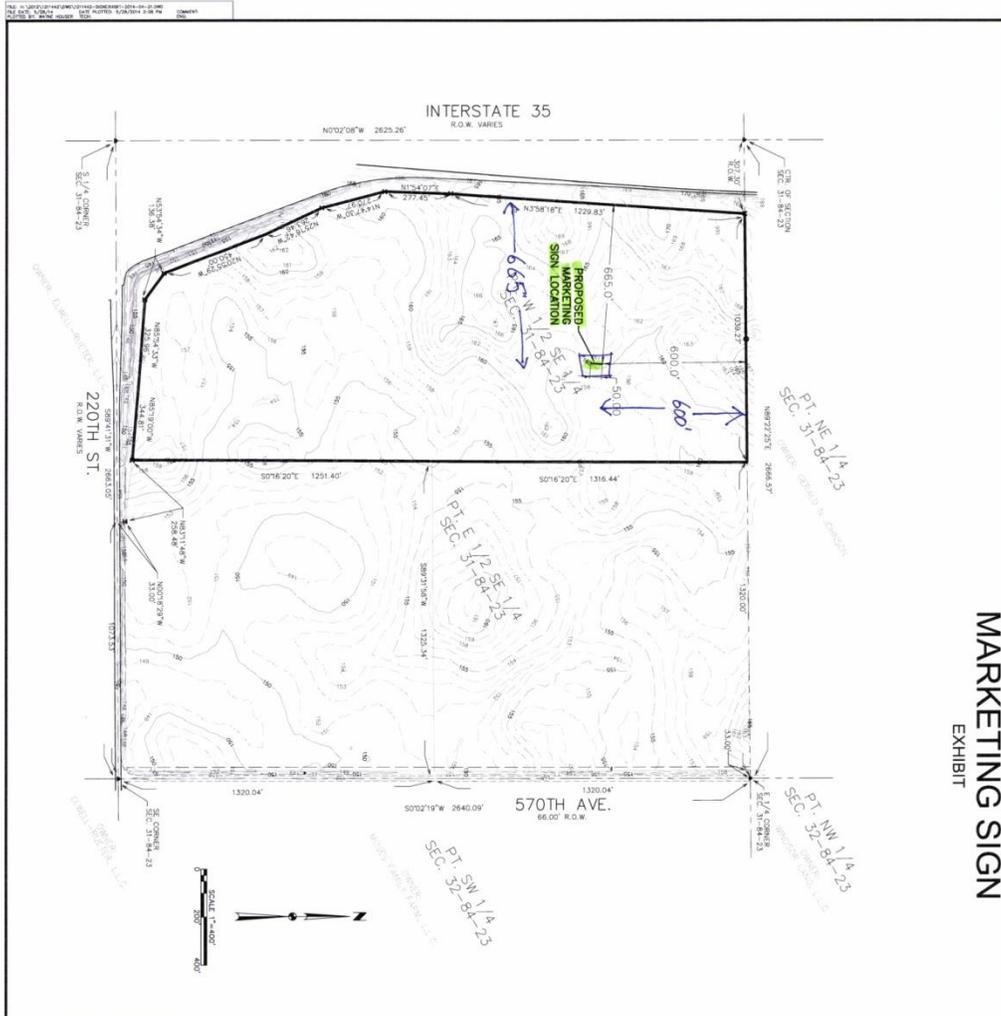
The site plan shows no road—neither is one needed. The construction of a paved road, or even a gravel driveway, to serve the site is unnecessary. Access to the site will be intermittent and only for sign maintenance.

The Iowa Department of Transportation was contacted and, because the sign is more than 660 feet from the right-of-way, no action is needed from IDOT.

ATTACHMENT A: LOCATION MAP



**ATTACHMENT B: MAJOR SITE DEVELOPMENT PLAN  
[HIGHLIGHTED AND EDITED FOR CLARITY]**



**MARKETING SIGN  
EXHIBIT**

**APPLICANT / OWNER:**

ELWELL-RUETER L.L.C.  
2401 SOUTH EAST TONES DRIVE, SUITE 17  
AMES, IOWA 50021

**SURVEYOR:**

CIVIL DESIGN ADVANTAGE  
3405 SE CROSSROADS DR, SUITE G  
AMES, IOWA 50111

**PROPERTY ADDRESS:**

3299 EAST 13TH STREET  
AMES, IOWA 50010

**DATE OF EXHIBIT:**

04-21-2014

**PLAT DESCRIPTION:**

AS RECORDED IN PART OF BOOK 2011, PAGE 09157  
OF THE STORY COUNTY RECORDER'S OFFICE.

THE WEST ONE-HALF (W $\frac{1}{2}$ ) OF THE SOUTHEAST  
QUARTER (SE $\frac{1}{4}$ ) OF SECTION THIRTY-ONE (31),  
TOWNSHIP EIGHTY-FOUR (84) NORTH, RANGE  
TWENTY-THREE (23) WEST OF THE 5TH P.M., STORY  
COUNTY, IOWA, EXCEPT THAT PART ACQUIRED FOR  
INTERSTATE 35

**ZONING:**

O-ONE - NE GATEWAY OVERLAY DISTRICT

**NOTES:**

- 1) PROPERTY IS VACANT.
- 2) THERE ARE NO UTILITIES PROPOSED TO SERVE  
THE PROPOSED MARKETING SIGN.



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS  
PREPARED AND THE INCLUDED SURVEY WORK WAS PERFORMED  
BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR  
UNDER THE LAWS OF THE STATE OF IOWA.

*Michael A. Brooker*  
MICHAEL A. BROOKER, P.L.S. DATE: 5-28-2014

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2014  
PAGES 1-2 SHEETS COVERED BY THIS SEAL  
THIS SHEET

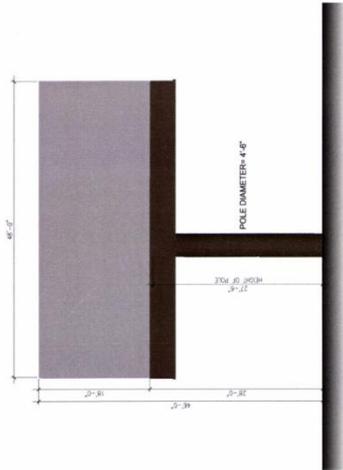
	3405 S.E. CROSSROADS DRIVE, SUITE G GRIMES, IOWA 50111 PHONE: (515) 369-4400 FAX: (515) 369-4410	ENGINEER:	TECH:
	MARKETNG SIGN EXHIBIT	REVISIONS:	DATE:

ATTACHMENT C: SIGN DETAILS

RECEIVED  
 MAY 09 2014  
 CITY OF AMES, IOWA  
 DEPT. OF PLANNING & HOUSING



② AERIAL VIEW  
 1/8" = 1'-0" @ 11x17" SHEET



① FRONT ELEVATION  
 1/8" = 1'-0" @ 11x17" SHEET



③ PERSPECTIVE VIEW

I-35 BILLBOARD  
 AMES, IOWA  
 5-7-2014

**simonson**  
 SIMONSON & ASSOCIATES ARCHITECTS LLC  
 1372 Highway 168, Ames, IA 50010  
 515-261-3438 www.simonsonarch.com

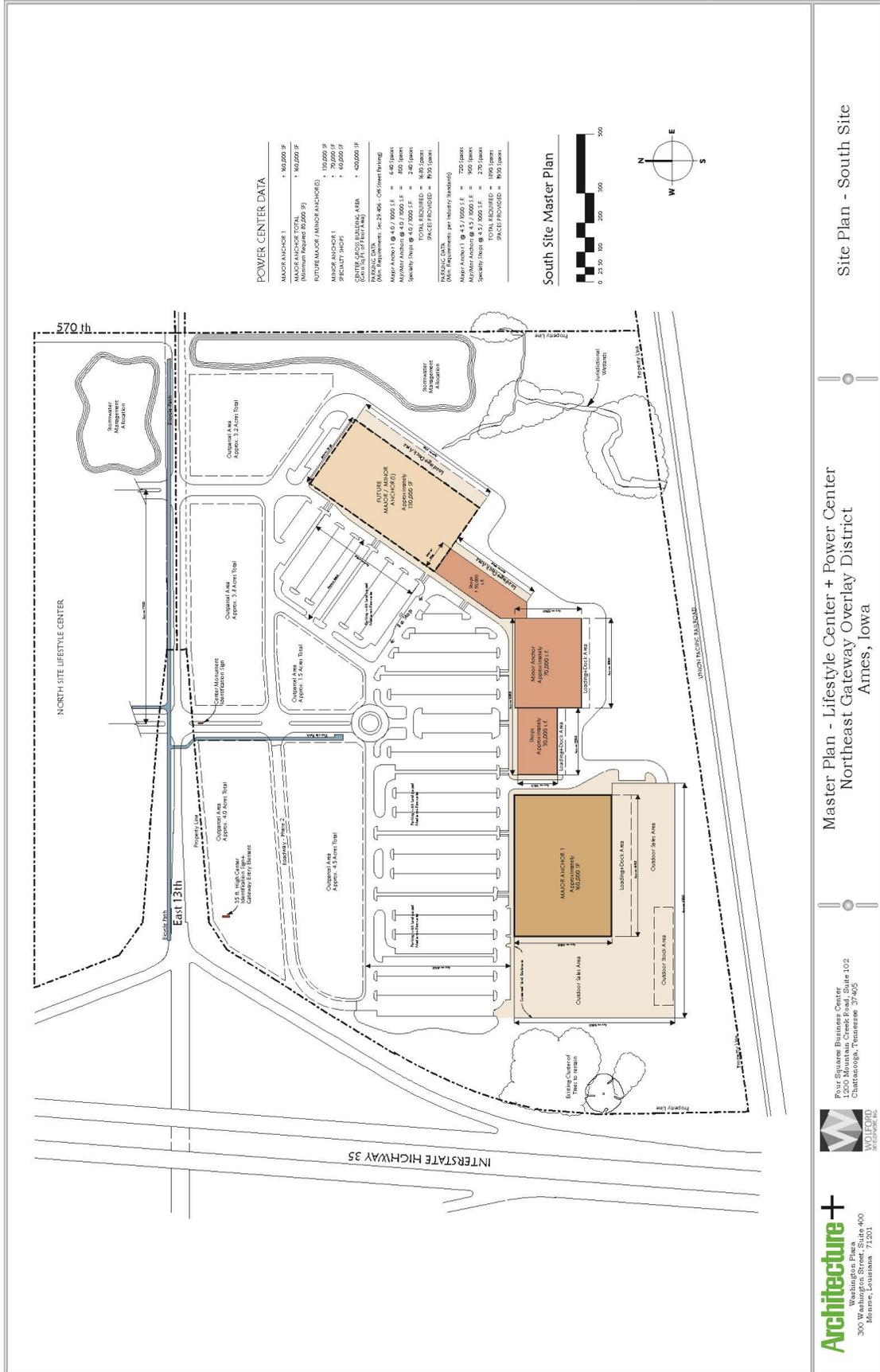
The City of Ames, Iowa, is a sign user. The sign is a structure that is used to convey information to the public. The sign is a structure that is used to convey information to the public. The sign is a structure that is used to convey information to the public.

SAMP 12026





# ATTACHMENT E: APPROVED MASTER PLAN (SOUTH)



Site Plan - South Site

Master Plan - Lifestyle Center + Power Center  
Northeast Gateway Overlay District  
Ames, Iowa

Plan: Charles, Pauline, Charles  
1200 Mountain Creek Road, Suite 102  
Chattanooga, Tennessee 37405



**Architecture+**  
Washington, Pierce, and  
300 Washington, Suite 400  
Monroe, Louisiana 71101