

**COUNCIL ACTION FORM**

**SUBJECT: FINAL COMPLETION OF NEW WATER TREATMENT PLANT –  
CONTRACT 1 - UTILITIES**

**BACKGROUND:**

The new Water Treatment Plant project is budgeted to wrap up in the current fiscal year, with final completion of the work anticipated during FY 2017/18. Table 1 below shows the entire project budget from 2008 through the final budget amendment approved by Council.

**Table 1: Total Project Budget**

	Water Fund	SRF Loan
All Prior Years	\$ 813,792	\$ 39,728,135
Current Year	756,002	29,667,686
Subtotal	\$ 1,569,794	\$ 69,395,821
<b>Total</b>		<b>\$ 70,965,615</b>

On February 24, 2015, the City Council awarded a construction contract to S. M. Hentges & Sons of Jordan, Minnesota, for the interconnecting piping between the old and new water treatment plant locations. This contract, along with all other project expenses, is summarized in Table 2.

**Table 2: Total Project Costs To Date**

Contract	Amount	Total
FOX Engineering		
Original Contract	\$ 8,240,000	
Change Orders 1-11	763,986	\$ 9,003,986
<b>Contract 1: Utilities – S.M. Hentges &amp; Sons</b>		
<b>Original Contract</b>	<b>\$ 3,197,273</b>	
<b>Change Orders 1-4</b>	<b>54,566</b>	<b>\$ 3,251,839</b>
Contract 2: Treatment Plant – Knutson Construction		
Original Contract	\$ 52,497,000	
Change Orders 1-21	1,124,694	\$ 53,621,694
All Other Expenses		\$ 3,163,437
(e.g., land acquisition, lime sludge disposal, environmental investigations, etc.)		
Subtotal		\$ 69,040,956
Contingency		\$ 1,924,659
<b>Total</b>		<b>\$ 70,965,615</b>

**The City Council is being asked to take the following three actions to close out Contract 1 – Utilities.**

**Action A: Damage Claim Settlement.**

During the execution of the project, S.M. Hentges’ work resulted in additional costs to the City, which staff presented to Hentges as a series of claims against the contract.

**Summary of Claims Asserted by City of Ames**

Claim for damages resulting from a contractor-caused water main break; and, damaged cables serving an electrical substation.	\$ 61,301.63
Water used for flushing and disinfecting beyond the first round.	66,813.32
City labor and equipment used for flushing and disinfecting beyond the first round.	24,537.62
Liquidated damages for failure to achieve the specified substantial and final completion milestone dates.	87,200.00
<b>TOTAL CLAIM BY OWNER</b>	<b>\$ 239,852.57</b>

As of July 10, 2017, the Contractor had been paid \$2,989,449.37, and the City is retaining \$255,742.66.

The Contractor agreed that the damage claims were their responsibility, but disputed the legitimacy of portions of the claim. In addition, City staff and the Contractor were not in agreement on the cause of the extensive flushing and disinfection required. As a result of the disagreement about the cause of the extra flushing and resulting additional time required to complete the work, the Contractor also disputed that they were liable for the full amount of the liquidated damages.

It is important to note that there is a difference between the damages that the contractor is contractually liable for, versus the City’s actual out-of-pocket expenses. For example, the cost of water used in the calculation above is the City’s winter rate that is published in the *Municipal Code*, which includes both the fixed costs and the variable costs to produce water. However, the actual out-of-pocket costs for the water are only the variable costs – those expenses that vary directly with the amount of water treated. When considering only variable costs (electricity, chemicals lime sludge disposal, etc.),

the out-of-pocket cost for the water amounts to approximately \$13,400. Similarly, some of the labor expenses occurred during regular business hours when City employees would have been paid regardless of whether they were working on this Contract 1 or performing some other duty. **When subtracting out the fixed costs and considering only the variable costs, staff estimates that the actual out-of-pocket loss to the City totals \$127,305.87.**

The contract calls for dispute resolution to be by mediation followed by litigation. Before proceeding with the formal dispute resolution process, City staff made a settlement offer to the contractor in the form of a \$175,000 credit to the City, in an attempt to avoid the time and expense of mediation. The Contractor countered with an offer of a \$135,000 credit and the elimination of all warranty obligations. The City declined that counter-offer, and the parties moved to mediation.

The mediation session was held on July 10, 2017, at the law offices of an independent third-party mediator. After six hours of negotiation, the parties reached the following settlement agreement.

*Parties S.M. Hentges and City of Ames, subject to City Council approval and resolution, agree to execute a settlement agreement that will provide a credit to be given to the City of Ames by Change Order in the amount of one hundred fifty five thousand and 00/100 dollars (\$155,000.00), with the remainder of contract balance to be paid to S.M. Hentges by August 1, 2017; warranty to begin July 25, 2017; mutual release of parties respective claims and final acceptance of the Water Treatment Plant – Contract 1 – Utilities Project.*

**It is the opinion of staff that this settlement is in the best interest of the City and the water utility's rate payers. When entering litigation, both parties are at risk of not receiving everything they believe they are entitled to, and it is possible that the City would not have received its entire \$239,852 claim. That fact, coupled with the anticipated cost of litigating the claim, lead staff to the conclusion that the settlement is within the reasonable range of the final net dollar amount after litigation. Additionally, this amount covers all of the City's actual out-of-pocket expenses and provides some nominal reimbursement towards staff's lost productivity.**

**Action B: Approve Change Order No.'s 5, 6, and 7.**

The net impact of these three change orders is a \$178,192.25 credit to the City. All three have been signed by the Contractor and Engineer.

Change Order No. 5 makes final quantity adjustments to Contract 1 in a deduct amount (credit to the City) of \$48,860.92. The contract was bid using unit pricing and estimated quantities for much of the work. Because the quantities were estimated, it is necessary to have a final change order that adjusts the final quantities.

Change Order No. 6 compensates the Contractor for additional work directed by the City (removal of abandoned pipe, modifications to a pipe crossing to avoid conflicts with existing infrastructure, and additional testing of tracer wire to confirm continuity) in the amount of \$25,668.67.

Change Order No. 7 incorporates the \$155,000 credit provided by the settlement agreement. The Contractor has signed the agreement, and City staff gave their concurrence subject to approval by the City Council.

**Action C: Final Acceptance of Contract 1.**

The Engineer determined that the work was fully completed as of July 15, 2016. The only item holding up acceptance of the work has been the lack of agreement on the final contract price. With the execution of the above Change Orders, all parties are now in agreement on the price and the work is ready for acceptance. The warranty on the project will begin effective with Council's acceptance on July 25, 2017.

The settlement agreement calls for the City to remit the final payment to the Contractor by August 1. Typically, the final payment is not released until 30 days after Council's acceptance of the work to allow any suppliers or subcontractors to make a claim to the City that they have not been paid by the Contractor. In this case, since the work has been completed for over a year, the likelihood of any claim is minimal. Staff recommends that the final payment of \$84,197.53 be released to Hentges no later than August 1 as called for in the settlement agreement.

**ALTERNATIVES:**

1. The City Council can take the following actions to close out New Water Treatment Plant – Contract No. 1 – Utilities.
  - A. Approve the Mediation Settlement Agreement dated July 10, 2017.
  - B. Approve Change Order Nos. 5, 6, and 7.
  - C. Accept completion of Contract 1 in the final amount of \$3,073,646.90; and authorize release of the final payment to the contractor no later than August 1.
2. The City Council can decide to approve Change Order's 5 and 6, but not approve the mediation agreement and the corresponding Change Order 7. If Council chooses this option, staff would need direction regarding the disputed claims. That direction could be to pursue the full amount of the claim in District Court; or another alternative desired by Council.

**MANAGER'S RECOMMENDED ACTION:**

City staff and S.M Hentges & Sons (the contractor) have negotiated a mutually acceptable settlement to resolve the City's claims for damages and costs incurred



during the execution of the agreement. That settlement agreement is now ready for Council approval.

To finalize the contract, three change orders need to be approved by Council (#5 – to adjust final quantities; #6 – to compensate the contractor for additional work performed; #7 – to incorporate the settlement agreement). All three have been signed by the Engineer and the Contractor.

The Engineer has provided a Statement of Completion. With Council's acceptance of the settlement agreement and approval of the three change orders, Contract 1 is ready for final acceptance.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative 1 as described above.

**New Water Treatment Plant  
Summary of Change Orders to Construction Contracts**

**Contract 1: S.M. Hentges & Sons (Pipeline)**

Description	Net Change
Contract 1, Change Order #1 Raw water realignment, site work, communication structure	\$ 9,256.45
Contract 1, Change Order #2 Piping changes, bypass structure changes, hydrant valves	\$ 21,687.60
Contract 1, Change Order #3 Air relief hydrants, pedestrian ramp, thrust block removal and replacement	\$ 16,974.83
Contract 1, Change Order #4 Road stone, replace lime sludge line laterals, repaint hydrants	\$ 6,647.12
<b>Contract 1, Change Order #5 Adjust final material quantities</b>	<b>(\$48,860.92)</b>
<b>Contract 1, Change Order #6 Abandoned pipe removal, pipe crossing modification, tracer wire testing</b>	<b>\$25,668.67</b>
<b>Contract 1, Change Order #7 Settlement Agreement</b>	<b>(\$155,000)</b>
<b>Total Approved Changes to Contract 1, including this action</b>	<b>(\$123,626.25)</b>

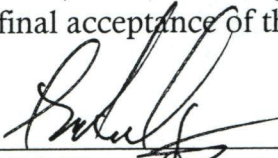
**Contract 2: Knutson Construction (Treatment Plant)**

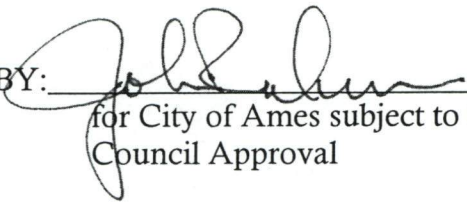
Description	Net Change
Contract 2, Change Order #1 Sanitary Sewer Realignment	\$ 127,023.00
Contract 2, Change Order #2 Second water service line; additional gate valve; change in pipe material; manhole waterproofing.	\$ 55,634.00
Contract 2, Change Order #3 Minor plumbing changes, tree removal, minor electrical change to elevator, process valve simplification	\$ 5,457.00
Contract 2, Change Order #4 Clearwell access hatches	\$ 6,192.00
Contract 2, Change Order #5 Debris removal, analyzers, access doors, lime pond gates, structural clarifications	\$ 21,790.00
Contract 2, Change Order #6 Electrical modifications, valve floor stand, tracer wire, loss of work time	\$ 22,624.00

Contract 2, Change order #7 Piping modifications to eliminate maintenance in a confined space	\$ 8,985.00
Contract 2, Change order #8 Flooring changes, plumbing modifications, concrete construction changes, valves, concrete pad	\$ 19,341.00
Contract 2, Change order #9 Miscellaneous construction modifications and process piping adjustments	\$ 3,659.00
Contract 2, Change order #10 Service water piping rerouting	\$ 6,027.00
Contract 2, Change order #11 Glass revisions	(\$ 2,360.00)
Contract 2, Change order #12 Natural gas pressure reducing valve and concrete pad	\$ 5,211.00
Contract 2, Change order #13 Lime pond work, water service lines, interior finish selections, hose bib modifications	\$ 21,136.00
Contract 2, Change order #14 Technology revisions, building modifications, equipment relocation, hardware revisions, code requirements	\$ 564,932.00
Contract 2, Change order #15 Finished water sample system, flooring, cabinet modifications	\$ 36,671.00
Contract 2, Change order #16 Low voltage modifications	\$ 130,298.00
Contract 2, Change order #17 Glass modifications and telephone system modifications	\$ 39,825.00
Contract 2, Change order #18 Framing, driveway deletion, painting changes, light fixtures, seeding changes, door lintel	(\$ 10,900)
Contract 2, Change order #19 Elevator safety requirements	\$ 4,153
Contract 2, Change order #20 Minor piping changes, computer monitors, HVAC equipment and safety switches, electric disconnect switch	\$ 29,903
Contract 2, Change order #21 Piping modifications, electrical additions, geogrid, pressure transducer, sample lines	\$ 29,093
<b>Total Approved Changes to Contract 2</b>	<b>\$ 1,124,694.00</b>

MEDIATION SETTLEMENT

Parties S.M. Hentges and City of Ames, subject to city council approval and resolution, agree to execute a settlement agreement that will provide a credit to be given to the City of Ames by Change Order in the amount of one hundred fifty five thousand and 00/100 dollars (\$155,000.00), with the remainder of contract balance to be paid to S.M. Hentges by August 1, 2017; warranty to begin July 25, 2017; mutual release of parties respective claims and final acceptance of the Water Treatment Plant – Contract 1 – Utilities Project.

BY:  7/10/17  
S.M. Hentges

BY:  7-10-17  
for City of Ames subject to City  
Council Approval

BY:  7/10/17  
Roger W. Stone

# Change Order No. 5

Project: <b>Ames Water Treatment Plant - Contract 1 Utilities</b>	Date of Contract: <b>March 24, 2015</b>
Owner: <b>City of Ames</b>	Owner's Contract No.: <b>2015-118</b>
Engineer: <b>FOX Engineering</b>	Engineer's Project No.: <b>3338-12C</b>
Contractor: <b>S.M. Hentges</b>	Date of Issuance: <b>July 25, 2016</b>

**The Contract Documents are modified as follows upon execution of this Change Order:**

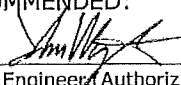
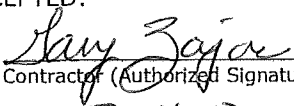
## **DESCRIPTIONS:**

Additional Work:

- Item 1 Adjustment of Quantity (Bid Item 1.03) - decrease by 23 HR @ \$375.00 = \$8,625.00 **Deduct**
- Item 2 Adjustment of Quantity (Bid Item 2.02) - decrease by 43 SY @ \$1.00 = \$43.00 **Deduct**
- Item 3 Adjustment of Quantity (Bid Item 2.03) - decrease by 340 CY @ \$12.00 = \$4,080.00 **Deduct**
- Item 4 Adjustment of Quantity (Bid Item 2.04) - increase by 131.66 TON @ \$13.50 = \$1,777.41 **Add**
- Item 5 Adjustment of Quantity (Bid Item 3.01) - decrease by 413.16 TON @\$23.00=\$9,502.68 **Deduct**
- Item 6 Adjustment of Quantity (Bid Item 3.02) - decrease by 310 CY @ \$34.00 = \$10,540.00 **Deduct**
- Item 7 Adjustment of Quantity (Bid Item 4.02) - decrease by 118 LF @ \$23.00 = \$2,714.00 **Deduct**
- Item 8 Adjustment of Quantity (Bid Item 4.03) - decrease by 200 LF @ \$35.00 = \$7,000.00 **Deduct**
- Item 9 Adjustment of Quantity (Bid Item 4.04) - decrease by 200 LF @ \$79.00 = \$15,800.00 **Deduct**
- Item 10 Adjustment of Quantity (Bid Item 5.06) - increase by 9 LF @ \$223.00 = \$2,007.00 **Add**
- Item 11 Adjustment of Quantity (Bid Item 5.09) - increase by 5 LF @ \$130.00 = \$650.00 **Add**
- Item 12 Adjustment of Quantity (Bid Item 7.01) - increase by 282 SY @ \$81.00 = \$22,842.00 **Add**
- Item 13 Adjustment of Quantity (Bid Item 9.03) - decrease by 7.75AC @\$1,989.00=\$15,414.75 **Deduct**
- Item 14 Adjustment of Quantity (Bid Item 9.04) - decrease by 2,025 LF @ \$1.78 = \$3,604.50 **Deduct**
- Item 15 Adjustment of Quantity (Bid Item 9.05) - decrease by 2,025 LF @ \$0.26 = \$526.50 **Deduct**
- Item 16 Adjustment of Quantity (Bid Item 9.06) - increase by 850 LF @ \$1.78 = \$1,513.00 **Add**
- Item 17 Adjustment of Quantity (Bid Item 9.07) - increase by 29 LF @ \$6.90 = \$200.10 **Add**

Attachments: None

<u>CHANGE IN CONTRACT PRICE:</u>	<u>CHANGE IN CONTRACT TIMES:</u>
Original Contract Price: \$3,197,273.15	Original Contract <input type="checkbox"/> Working <input checked="" type="checkbox"/> Calendar Substantial completion: March 25, 2016 Ready for final payment: May 25, 2016
<input checked="" type="checkbox"/> Increase <input type="checkbox"/> Decrease from previously approved Change Orders: \$54,566.00	<input type="checkbox"/> Increase <input type="checkbox"/> Decrease from previously approved Change Orders: Substantial completion (days): Ready for final payment (days):
Contract Price prior to this Change Order: \$3,251,839.15	Contract Times prior to this Change Order: Substantial completion: March 25, 2016 Ready for final payment: May 25, 2016
<input type="checkbox"/> Increase <input checked="" type="checkbox"/> Decrease of this Change Order: \$48,860.92	<input type="checkbox"/> Increase <input type="checkbox"/> Decrease of this Change Order: Substantial completion (days): Ready for final payment (days):
Contract Price incorporating this Change Order: \$3,202,978.23	Contract Times with all approved Change Orders: Substantial completion: March 25, 2016 Ready for final payment: May 25, 2016

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u></u> Engineer (Authorized Signature)	By: _____ Owner (Authorized Signature)	By: <u></u> Contractor (Authorized Signature)
Date: <u>7/25/16</u>	Date: _____	Date: <u>7-11-17</u>

# Change Order No. 6

Project: <b>Ames Water Treatment Plant - Contract 1 Utilities</b>	Date of Contract: <b>March 24, 2015</b>
Owner: <b>City of Ames</b>	Owner's Contract No.: <b>2015-118</b>
Engineer: <b>FOX Engineering</b>	Engineer's Project No.: <b>3338-12C</b>
Contractor: <b>S.M. Hentges</b>	Date of Issuance: <b>August 11, 2016</b>

**The Contract Documents are modified as follows upon execution of this Change Order:**

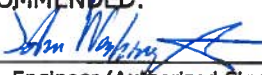

**DESCRIPTIONS:**

Additional Work:

- Item 1 CO Req. 15, Remove abandoned 18" CMP and Intakes = \$1,950.32 **Add**
- Item 2 CO Req. 16, Crossing under existing lime sludge line = \$11,673.53 **Add**
- Item 3 CO Req. 17A, Excavating and checking tracer wire near east gate = \$6,714.23 **Add**
- Item 4 CO Req. 18A, Excavating and checking tracer wire near 5 MG reservoir = \$5,330.59 **Add**

Attachments: S.M Hentges CO Requests: 15, 16, 17A, 18A

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
<p>Original Contract Price: \$3,197,273.15</p> <p><input checked="" type="checkbox"/> Increase <input type="checkbox"/> Decrease from previously approved Change Orders: \$5,705.08</p> <p>Contract Price prior to this Change Order: \$3,202,978.23</p> <p><input checked="" type="checkbox"/> Increase <input type="checkbox"/> Decrease of this Change Order: \$25,668.67</p> <p>Contract Price incorporating this Change Order: \$3,228,646.90</p>	<p>Original Contract <input type="checkbox"/> Working <input checked="" type="checkbox"/> Calendar Substantial completion: March 25, 2016 Ready for final payment: May 25, 2016</p> <p><input type="checkbox"/> Increase <input type="checkbox"/> Decrease from previously approved Change Orders: Substantial completion (days): Ready for final payment (days):</p> <p>Contract Times prior to this Change Order: Substantial completion: March 25, 2016 Ready for final payment: May 25, 2016</p> <p><input type="checkbox"/> Increase <input type="checkbox"/> Decrease of this Change Order: Substantial completion (days): Ready for final payment (days):</p> <p>Contract Times with all approved Change Orders: Substantial completion: March 25, 2016 Ready for final payment: May 25, 2016</p>

<p><b>RECOMMENDED:</b></p> <p>By: <u></u> Engineer (Authorized Signature)</p> <p>Date: <u>8/26/16</u></p>	<p><b>ACCEPTED:</b></p> <p>By: _____ Owner (Authorized Signature)</p> <p>Date: _____</p>	<p><b>ACCEPTED:</b></p> <p>By: <u></u> Contractor (Authorized Signature)</p> <p>Date: <u>8/31/16</u></p>
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**S.M. Hentges & Sons Inc.**  
 650 Quaker Avenue Jordan, MN 55352  
 952.492.5700 Fax 952.492.5705

To: Fox Engineering  
 John Washington  
 Aspen Business Park  
 414 South 17th Street  
 Suite 107  
 Ames, IA 50010

C/O Req #	15
Date of Req	3.31.16
W/O #	1236

Job No.	Job Description	Job Location
15-871	Ames Water Treatment Contract 1	Ames, Iowa

**DESCRIPTION OF WORK PERFORMED: Work Done 12/7/15**

Following are costs to rip out old 18" CMP old lime sludge pipe from STA 13+40 to 13+70 and STA 14+13 to 15+35 for a total of 152LF of pipe. Took out 2 existing intakes that were tied into old existing 18" CMP that were abandoned. Cemented abandoned 10" and hauled away all materials.

Date	QTY	U/M	Description	Unit Price	Amount
	2	HR	Foreman w/ Pickup & tools	\$136.00	\$272.00
	2	HR	345 Cat Backhoe & Operator	\$252.00	\$504.00
	2	HR	950 Cat Loader & Operator	\$178.00	\$356.00
	2	HR	Tri Axle Dump Truck & Driver	\$99.00	\$198.00
	4	HR	Pipelayers (2ea)	\$82.00	\$328.00
	2	EA	Sand crete	\$5.50	\$11.00
	1	LS	Dump fee	\$100.00	\$100.00

**Total** \$1,769.00  
**5% Profit** \$88.45  
**5% Overhead** \$92.87  
**Total Due** \$1,950.32

Please issue a change order for the above amount

Sincerely,

Gary Zajac  
 VP of Operations



15

14-871

#1236 12/7/15

Bryant



Ripped out 18" cmp old lime sludge line pipe from STA 13+40 to 13+70 and STA 14+13 to 15+35 for a total of 152 ft of pipe that was taken out because it was on top of our line . Took out 2 existing intakes that were tied into the 18" cmp at STA 14+13 and 15+35 that were abandoned . Plugged abandoned 10" line that was coming out of structure at STA 14+35 and east . Tim smashed all the cmp and loaded it out on 1 load .



**S.M. Hentges & Sons Inc.**  
 650 Quaker Avenue Jordan, MN 55352  
 952.492.5700 Fax 952.492.5705

To: Fox Engineering  
 John Washington  
 Aspen Business Park  
 414 South 17th Street  
 Suite 107  
 Ames, IA 50010

C/O Req #	16
Date of Req	3.31.16
W/O #	1235

Job No.	Job Description	Job Location
15-871	Ames Water Treatment Contract 1	Ames, Iowa

**DESCRIPTION OF WORK PERFORMED:**

At station 17+79 we had to cross the existing old lime sludge line. We used 4 - 24" Bends to get under. There was an existing communication cable that was in conflict with the proposed grade of 24" watermain. We had to lower watermain 2" to go under existing communication cable. Following are costs to do this work.

Date	QTY	U/M	Description	Unit Price	Amount
	6	HR	Foreman w/ Pickup & tools	\$136.00	\$816.00
	6	HR	345 Cat Backhoe & Operator	\$252.00	\$1,512.00
	6	HR	950 Cat Loader & Operator	\$178.00	\$1,068.00
	12	HR	Pipelayers (2ea)	\$82.00	\$984.00
	4	HR	24" DIP MJ Bends	\$735.00	\$2,940.00
	8	EA	24" Megalugs	\$285.00	\$2,280.00
	8	LS	Concrete	\$123.53	\$988.24

**Total** \$10,588.24  
**5% Profit** \$529.41  
**5% Overhead** \$555.88  
**Total Due** \$11,673.53

Please issue a change order for the above amount

Sincerely,

Gary Zajac  
 VP of Operations

# HDSUPPLY WATERWORKS

*gary*  
JAN 08 2016  
**INVOICE**

Invoice # **E934247**  
 Invoice Date **12/31/15**  
 Account # **133817**  
 Sales Rep **WADE SCHERER**  
 Phone # **515-986-4000**  
 Branch # **223**  
 Total Amount Due **\$4,920.00**

1830 Craig Park Court  
 St. Louis, MO 63146

Remit To:  
 HD SUPPLY WATERWORKS, LTD.  
 PO BOX 28330  
 ST. LOUIS, MO 63146

469 1 MB 0.439 E0459X I0629 D1587409173 P3033427 0001:0004



S M HENTGES & SONS INC  
 650 QUAKER AVE  
 JORDAN MN 55352-4562

Shipped to:  
 710 EAST 13TH STREET  
 Jim 612.919.4673  
 AMES, IA

*118*  
*Jemaccini*

CUSTOMER JOB- 15-871 AMES NEW WTP 1

Thank you for the opportunity to serve you! We appreciate your prompt payment.

Date Ordered	Date Shipped	Customer PO #	Job Name	Job #	Bill of Lading	Shipped Via
12/17/15	12/30/15	15-871	AMES NEW WTP 1	15-871		OUR TRUCK

Product Code	Description	Quantity		B/O	Price	UM	Extended Price
		Ordered	Shipped				
21AMF8242024PV	24 MEGALUG F/C900/IPS 2024PV EBAA BID SEQ# 200	8	8	<i>OK</i>	285.00000	EA	2,280.00
21I241M	24 MJ 11-1/4 BEND(I)CP DI C153 BID SEQ# 1770	4	4	<i>W</i>	660.00000	EA	2,640.00
21AMG124	24 MJ REGULAR GASKET F/DI BID SEQ# 2900	20	20	<i>W</i>	N/C	EA	
21AMB10750CTB	3/4X5 T-HEAD B&N COR BLUE BID SEQ# 2950	128	128	<i>W</i>	N/C	EA	

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- Save trees.
- Go paperless.

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Sign up under the Online Services menu option and find out about a host of other online advantages!

Local Knowledge  
Local Experience  
Local Service, Nationwide®

Freight      Delivery      Handling      Restock      Misc.

Subtotal: **4,920.00**  
 Other: **0.00**  
 Tax: **0.00**  
**Invoice Total: \$4,920.00**

Terms: NET 30

Ordered By: JIM

This transaction is governed by and subject to HD Supply Waterworks' standard terms and conditions, which are incorporated by reference and accepted. To review these terms and conditions, please visit: [www.waterworks.hdsupply.com/TandC](http://www.waterworks.hdsupply.com/TandC).



# HD SUPPLY WATERWORKS

## INVOICE

1830 Craig Park Court  
St. Louis, MO 63146

SEP 29 2015

Invoice # **E507528**  
 Invoice Date **9/23/15**  
 Account # **133817**  
 Sales Rep **WADE SCHERER**  
 Phone # **515-986-4000**  
 Branch # **223 Grimes, IA**  
 Total Amount Due **\$43,917.51**

**HOLD**  
 Date 9/30/15 Sign GZ  
 Reason PERMITS  
 Release Date \_\_\_\_\_ Sign \_\_\_\_\_  
 Ref Invoice \_\_\_\_\_

Remit To:  
 HD SUPPLY WATERWORKS, LTD.  
 PO BOX 28330  
 ST LOUIS, MO 63146



S M HENTGES & SONS INC  
 650 QUAKER AVE  
 JORDAN MN 55352-4562

Shipped to:  
 1800 EAST 13TH STREET  
 MERLE E. 612.919.2777  
 AMES, IA

**CUSTOMER JOB- 15-871 AMES NEW WTP 1**

Thank you for the opportunity to serve you! We appreciate your prompt payment.

Date Ordered	Date Shipped	Customer PO #	Job Name	Job #	Bill of Lading	Shipped Via
9/15/15	9/21/15	15-871	AMES NEW WTP 1	15-871		OUR TRUCK

Product Code	Description	Quantity		B/O	Price	UM	Extended Price
		Ordered	Shipped				
/19213903775	24" X 4'-6" FLG X PE DIP	2		2	1275.00000	EA	.00
24I24FB	24 BLIND FLANGE (I) DI C110	2		2	665.00000	EA	.00
24AFGFR24A	24X1/8 FLG FF RR GASKET	2		2	25.00000	EA	.00
/21013903776	24" ZINC N/B SET BFV X FLG	4		4	70.00000	EA	.00
96PW2454220	24" POLYWRAP 54"X220' LAYFLAT	880	880 ✓		.85000	FT	748.00
96PW0824	8" POLYWRAP 24 LAYFLAT 440'	440	440 ✓		.39000	FT	171.60
96POLYWRAP36X	36" POLYWRAP 81"X110' LAYFLAT	550	550 ✓		1.45000	FT	797.50
96PW3067154	30" POLYWRAP 67"X154' LAYFLAT	220	220 ✓		1.10000	FT	242.00
21I24CT	24 MJ CAP (I) CP DI C153	4	4 ✓		350.00000	EA	1,400.00
21I244M	24 MJ 45 BEND(I) CP DI C153	4	4 ✓		735.00000	EA	2,940.00
21AMG124	24 MJ REGULAR GASKET F/DI	15	15 ✓		N/C	EA	
21AMB11060CTB	1X6 T-HEAD B&N COR BLUE	632	632 ✓		N/C	EA	
21AMB10750CTB	3/4X5 T-HEAD B&N COR BLUE	240	240 ✓		N/C	EA	
FAOC	FAOC	1		1	.02000	EA	.00

Freight      Delivery      Handling      Restock      Misc.

Subtotal: **43,917.51**  
 Other: **0.00**  
 Tax: **0.00**  
**Invoice Total: \$43,917.51**

Terms: NET 30

Ordered By: GARY ZAJAC

This transaction is governed by and subject to HD Supply Waterworks' standard terms and conditions, which are incorporated by reference and accepted. To review these terms and conditions, please visit: [www.waterworks.hdsupply.com/TandC](http://www.waterworks.hdsupply.com/TandC).



P.O. Box 69  
 Jordan, MN 55352-0069  
 (952) 492-5700

1235

**FIELD WORK ORDER**

(FOR EXTRA WORK, TIME & MATERIAL WORK AND BACKCHARGES)

Clear Entire Form

Date 12/10/15  
 Bill to Ames water treatment plant  
 Address \_\_\_\_\_  
 Project No. 15-871 Project Name Ames water treatment plant  
 Location/Station of Work Performed 17+59 to 17+79  
 Reason for Work Performed \_\_\_\_\_

Installed 4 - 45 degree bends to get under the electric that was into our flow line of pipe by 6 tenths .  
*Ex. Communications cable*

**LABORERS & SUPERVISION**

EMPLOYEE	TRADE	M	T	W	T	F	S	S	TOTAL HRS	RATE	TOTAL
Jason Bryant	Foreman				6				6		0
Rich Freeman	Labor				6				6		0
Geoff Anderson	Labor				6				6		0
									0		0
									0		0
									0		0
									0		0

LABOR SUB TOTAL \$ 0.00

**EQUIPMENT**

EMPLOYEE	EQUIP. NO.	DESCRIPTION	M	T	W	T	F	S	S	TOTAL HRS	RATE	TOTAL
Richard Anderson	20-093	Cat 345 track hoe					6			6		0
Tim Rastou	30-089	cat 950 H wheel loader					6			6		0
										0		0
										0		0
										0		0
										0		0
										0		0
										0		0
										0		0
										0		0

EQUIPMENT SUB TOTOAL \$ 0.00

**MATERIAL & OTHER CHARGES**

DESCRIPTION	Where did you get it?	QUANTITY	UNIT COST	TOTAL
45 degree bends	HD supply	4		0
mega lugs and accessories	HD supply	8		0
concrete	Manatts	8 yrds		0
				0
				0

MATERIAL SUB TOTAL \$ 0.00  
 LABOR SUB TOTAL \$ 0.00  
 EQUIPMENT SUB TOTAL \$ 0.00  
 PROFIT AT 0% & O.H. AT 0% \$ 0.00  
 TOTAL BILLED \$ 0.00

REQUESTED BY (Signature)  
Jason Bryant  
 WORK ORDER PREPARED BY \_\_\_\_\_





**S.M. Hentges & Sons Inc.**  
 650 Quaker Avenue Jordan, MN 55352  
 952.492.5700 Fax 952.492.5705

To: Fox Engineering  
 John Washington  
 Aspen Business Park  
 414 South 17th Street  
 Suite 107  
 Ames, IA 50010

C/O Req #	17A
Date of Req	3.31.16
W/O #	1378

Job No.	Job Description	Job Location
15-871	Ames Water Treatment Contract 1	Ames, Iowa

**DESCRIPTION OF WORK PERFORMED: (Work Done - 4/18/16)**

City would not accept new Tracer wire as their Tracer machine would not trace by East gate. S.M. Hentges dug up wire by East gate. We could trace with our machine, city could not with theirs. Existing electronic voltage interfered with Cities locator machine. City accepted what was there. Following are costs to dig up and back fill this area.

Date	QTY	U/M	Description	Unit Price	Amount
	12.5	HR	Superintendent w/ Pickup & tools	\$136.00	\$1,700.00
	12.5	HR	321 Cat Backhoe & Operator	\$176.00	\$2,200.00
	12.5	HR	277 Cat Skidsteer	\$72.00	\$900.00
	12.5	HR	Pipelayer	\$82.00	\$1,025.00
	20	TON	CL A Roadstone	\$13.25	\$265.00

**Total** \$6,090.00  
**5% Profit** \$304.50  
**5% Overhead** \$319.73  
**Total Due** \$6,714.23

Please issue a change order for the above amount

Accepting this change order will add \_\_\_\_\_ additional days to the contract.

Sincerely,

Gary Zajac  
 VP of Operations



P.O. Box 69  
 Jordan, MN 55352-0069  
 (952) 492-5700

1378

*Handwritten notes:*  
 Logged  
 6/23/16

**FIELD WORK ORDER**

(FOR EXTRA WORK, TIME & MATERIAL WORK AND BACKCHARGES)

Clear Entire Form

Date 4/18/16

Bill to Ames water treatment plant

Address Ames Iowa

Project No. 15-871 Project Name Ames Treatment Plant

Location/Station of Work Performed Sta A5+36

Reason for Work Performed \_\_\_\_\_

Spent all day digging up tracer wire that they could not locate by the east gate . Hand dug and located the 2 conduits and the loop for the gate . Removed the loop so we could dig up the tracer wire . Then started digging for the tracer wire where the ground rod is . Found the

**LABORERS & SUPERVISION**

EMPLOYEE	TRADE	M	T	W	T	F	S	S	TOTAL HRS	RATE	TOTAL
Geoff Anderson	Labor	12.5							12.5		0
Jim Larson	Superintendant	12.5							12.5		0
									0		0
									0		0
									0		0
									0		0
									0		0

LABOR SUB TOTAL \$ 0.00

**EQUIPMENT**

EMPLOYEE	EQUIP. NO.	DESCRIPTION	M	T	W	T	F	S	S	TOTAL HRS	RATE	TOTAL
Jason Bryant	20-080	321 cat track hoe	12.5							12.5		0
	45-158	259b track skid loader	12.5							12.5		0
	70-067	Ford pick-up	12.5							12.5		0
										0		0
										0		0
										0		0
										0		0
										0		0
										0		0
										0		0

EQUIPMENT SUB TOTOAL \$ 0.00

**MATERIAL & OTHER CHARGES**

DESCRIPTION	Where did you get it?	QUANTITY	UNIT COST	TOTAL
Class a roadstone	martin marietta	20 ton		0
				0
				0
				0

MATERIAL SUB TOTAL \$ 0.00  
 LABOR SUB TOTAL \$ 0.00  
 EQUIPMENT SUB TOTAL \$ 0.00  
 PROFIT AT 0% & O.H. AT 0% \$ 0.00  
 TOTAL BILLED \$ 0.00

REQUESTED BY (Signature)  
Jason Bryant  
 WORK ORDER PREPARED BY \_\_\_\_\_



**S.M. Hentges & Sons Inc.**  
 650 Quaker Avenue Jordan, MN 55352  
 952.492.5700 Fax 952.492.5705

To: Fox Engineering  
 John Washington  
 Aspen Business Park  
 414 South 17th Street  
 Suite 107  
 Ames, IA 50010

C/O Req #	18A
Date of Req	6.29.16
W/O #	1379

Job No.	Job Description	Job Location
15-871	Ames Water Treatment Contract 1	Ames, Iowa

**DESCRIPTION OF WORK PERFORMED: (Work Done - 6/3/16)**

City would not accept Tracer wire test on Hyd lead (10') at B2 to 8. S.M. Hentges could trace with our machine. Sawcut concrete road, removed concrete and excavated dirt. Tracer wire was fine. Found stray voltage reading that over road new pipe tracer wire reading. City accepted, following is cost for this work.

Date	QTY	U/M	Description	Unit Price	Amount
	1	LS	Iowa Concrete Cutting	\$300.00	\$300.00
	1	LS	Manatts Concrete Replacement	\$500.00	\$500.00
	1	LS	Rented Concrete Breaker	\$217.00	\$217.00
	1	LS	Rented Mini Excavator	\$160.00	\$160.00
	15.5	HR	259 Cat Bobcat & Operator	\$154.00	\$2,387.00
	15.5	HR	Laborer	\$82.00	\$1,271.00

**Total** \$4,835.00  
**5% Profit** \$241.75  
**5% Overhead** \$253.84  
**Total Due** \$5,330.59

Please issue a change order for the above amount

Accepting this change order will add \_\_\_\_\_ additional days to the contract.

Sincerely,

Gary Zajac  
 VP of Operations





P.O. Box 69  
 Jordan, MN 55352-0069  
 (952) 492-5700

1379

**FIELD WORK ORDER**

(FOR EXTRA WORK, TIME & MATERIAL WORK AND BACKCHARGES)

Clear Entire Form

Date 6/3/16  
 Bill to Ames water treatment plant  
 Address Ames Iowa  
 Project No. 15-871 Project Name Ames water treatment plant  
 Location/Station of Work Performed B2+08  
 Reason for Work Performed \_\_\_\_\_

Tracer wire could not be located .  
6/1/16 Iowa concrete cutting cut out concrete . 300 dollar min charge  
6/3/16 Rented concrete breaker for skid loader and rented mini excavator for digging it up .

**LABORERS & SUPERVISION**

EMPLOYEE	TRADE	M	T	W	T	F	S	S	TOTAL HRS	RATE	TOTAL
Jason Bryant	Foreman	15.5							15.5		0
Tim Pills	Labor	15.5							15.5		0
									0		0
									0		0
									0		0
									0		0
									0		0

LABOR SUB TOTAL \$ 0.00

**EQUIPMENT**

EMPLOYEE	EQUIP. NO.	DESCRIPTION	M	T	W	T	F	S	S	TOTAL HRS	RATE	TOTAL
Jason Bryant	45-158	259 b track skid loader	15.5							15.5		0
										0		0
										0		0
										0		0
										0		0
										0		0
										0		0
										0		0
										0		0
										0		0

EQUIPMENT SUB TOTOAL \$ 0.00

**MATERIAL & OTHER CHARGES**

DESCRIPTION	Where did you get it?	QUANTITY	UNIT COST	TOTAL
Mini Excavator for 2 days and concrete breaker for 1 day	Star equipment Ames		547.00 total rent	0
Iowa concrete cutting			300.00 min	0
Manatts concrete		.67 of a yard	?	0
				0
				0

MATERIAL SUB TOTAL \$ 0.00  
 LABOR SUB TOTAL \$ 0.00  
 EQUIPMENT SUB TOTAL \$ 0.00  
 PROFIT AT 0% & O.H. AT 0% \$ 0.00  
 TOTAL BILLED \$ 0.00

REQUESTED BY (Signature)  
 Jason Bryant  
 WORK ORDER PREPARED BY

1379 Bryant 15-871 6/1/16

Tracer wire could not be located .

6/1/16 Iowa concrete cutting cut out concrete . 300 dollar min charge

6/3/16 Rented concrete breaker for skid loader and rented mini excavator for digging it up . Went and picked both up from star equipment . Rental on that for the day was 382.00.

We ripped out concrete and threw it away in our dumpster . Dug down and exposed the 2" copper and tracer wire . Hooked up to the tracer wire and was getting a very strong signal on it but there was another strong signal that we kept locating and have no idea what . This is the signal that we keep getting from the tracer box and cant locate our line from it because this signal is stronger . Could not get anybody from the city to verify it being it was 2:30 in the afternoon on a friday . Was told to leave hole open and finish it monday . Quit there fenced off hole and returned equipment to

X star .. 9.5 hrs

X 6/10/16 Got permission to backfill hole . Rented Mini excavator from star . Used it to backfill and bucket pack the soil . Plus used the jumping jack . Put 6" of gravel that we dug out to put back for

X the base .4.5 hrs

6/14/16 Manatts came and poured the concrete on the removal . Do not know what they charged .

X 6/16/16 we put black dirt down and raked it out for soil-tec to reseed it . 1.5 hrs

# Change Order No. 7

Project: <b>Ames Water Treatment Plant - Contract 1 Utilities</b>	Date of Contract: <b>March 24, 2015</b>
Owner: <b>City of Ames</b>	Owner's Contract No.: <b>2015-118</b>
Engineer: <b>FOX Engineering</b>	Engineer's Project No.: <b>3338-12C</b>
Contractor: <b>S.M. Hentges</b>	Date of Issuance: <b>July 11, 2017</b>

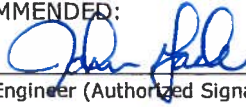
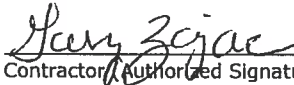
**The Contract Documents are modified as follows upon execution of this Change Order:**

**DESCRIPTIONS:**

Item 1    Mediation Settlement = \$155,000.00    **Deduct**

Attachments: None

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$3,197,273.15	Original Contract <input type="checkbox"/> Working <input checked="" type="checkbox"/> Calendar Substantial completion: March 25, 2016 Ready for final payment: May 25, 2016
<input checked="" type="checkbox"/> Increase <input type="checkbox"/> Decrease from previously approved Change Orders: \$31,373.75	<input type="checkbox"/> Increase <input type="checkbox"/> Decrease from previously approved Change Orders: Substantial completion (days): Ready for final payment (days):
Contract Price prior to this Change Order: \$3,228,646.90	Contract Times prior to this Change Order: Substantial completion: March 25, 2016 Ready for final payment: May 25, 2016
<input type="checkbox"/> Increase <input checked="" type="checkbox"/> Decrease of this Change Order: \$155,000.00	<input type="checkbox"/> Increase <input type="checkbox"/> Decrease of this Change Order: Substantial completion (days): Ready for final payment (days):
Contract Price incorporating this Change Order: \$3,073,646.90	Contract Times with all approved Change Orders: Substantial completion: March 25, 2016 Ready for final payment: May 25, 2016

<p>RECOMMENDED:</p> <p>By: <u></u> Engineer (Authorized Signature)</p> <p>Date: <u>7.11.2017</u></p>	<p>ACCEPTED:</p> <p>By: _____ Owner (Authorized Signature)</p> <p>Date: _____</p>	<p>ACCEPTED:</p> <p>By: <u></u> Contractor (Authorized Signature)</p> <p>Date: <u>7-11-17</u></p>
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# Engineer's Statement of Completion

Project: <b>Ames Water Treatment Plant-Contract 1 Utilities</b>	Date of Contract: <b>March 24, 2015</b>
Owner: <b>Ames, Iowa</b>	Owner's Contract No.: <b>2015-118</b>
Engineer: <b>FOX Engineering</b>	Engineer's Project No.: <b>3338-12C</b>
Contractor: <b>S.M. Hentges</b>	

I hereby state that the construction of the Ames Water Treatment Plant – Contract 1 Utilities project dated March 24, 2015 has been satisfactorily completed in general compliance with the terms, conditions, and stipulations of said Contract. The work was completed on July 13, 2016. The Contract Final Completion date was May 25, 2016.

The Contractor exceeded the substantial completion date of March 25, 2016 by 81 days with an actual substantial completion date of June 15, 2016.

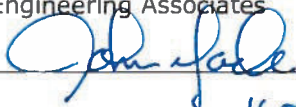
The Contractor exceeded the final completion date of May 25, 2016 by 28 days with an actual final completion date of July 13, 2016.

I further state that the total amount due to the Contractor for the fulfillment of said Contract is \$3,073,646.90. The derivation of this total amount is tabulated below. Total amount paid to the Contractor to date is \$2,989,449.37. \$84,197.53 remains to be paid as indicated in Pay Application No. 9.

Original Contract	\$ 3,197,273.15
Change Order No. 1	\$ 9,256.45
Change Order No. 2	\$ 21,687.60
Change Order No. 3	\$ 16,974.83
Change Order No. 4	\$ 6,647.12
Change Order No. 5	\$ (48,860.92)
Change Order No. 6	\$ 25,668.67
Change Order No. 7	<u>\$ (155,000.00)</u>
Final Contract	\$ 3,073,646.90

Per the attached Mediation Settlement, final payment shall be made to the contractor no later than August 1, 2017.

**Signed:**

FOX Engineering Associates  
 By:   
 Iowa Registration No.: 16015  
 Date: 7.11.2017  
 FOX PN: 3338-12C.680

Distribution:  
 Engineer  
 Contractor  
 Owner  
 IDNR

**Accepted by:**

Owner: \_\_\_\_\_  
 Resolution: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Signed: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Attest: \_\_\_\_\_

ITEM#: 27a&b  
DATE: 07/25/17

## COUNCIL ACTION FORM

**REQUEST: BRICK TOWNE REZONE TO PLANNED RESIDENCE DISTRICT (F-PRD) AND HIGHWAY-ORIENTED COMMERCIAL (HOC) WITH A MASTER PLAN AND AMENDED REZONING CONTRACT**

### **BACKGROUND INFORMATION:**

The property owners, Dickson and Luann Jensen, request rezoning of six parcels comprising a total of 45.92 gross acres. The parcels are addressed as 3115, 3119, 3301, 3325, 3409, and 3413 South Duff Avenue. This site was the subject of a Land Use Policy Plan Amendment in May, 2016 designating the western portions of the site as High Density Residential Development while retaining Highway-Oriented Commercial for the highway frontage north of the cemetery. The City Council approved a contract rezoning of much of the site to RH (High-Density Residential) in October, 2016. See Attachment A for current zoning and location.

The owners are now seeking to change the zoning to Planned Residence District (F-PRD) to allow for flexibility in development of the apartments on individual lots and to retain HOC zoning along the north frontage of the site. The applicant has submitted a rezoning request for 40.62 acres as Planned Residence District (F-PRD) with 5.29 acres remaining as HOC. A master plan was also submitted with the application indicating approximately 500-700 apartment units in the F-PRD with commercial to be located at the new intersection with Crystal Street. The Master Plan relates directly to the commercial development by identifying the access and denoting that the required commercial landscape buffer will be provided on the F-PRD property to the west. **The major site development plan that accompanies the rezoning is the controlling plan for development within the F-PRD and specifies 572 dwelling units in the project, of which 416 are one bedroom, 136 are two bedroom, and 20 are 3 bedroom units.** The overall development intensity is consistent with the previously approved conceptual plan and with the rezoning contract approved last fall that limited development to no more than 750 units with a mix of bedrooms.

The proposed changes will require an addendum to the contract rezoning agreement signed by the owners and approved by the City Council last fall. The addendum will recognize that F-PRD zoning is now being sought, that the boundaries of the zoning districts will slightly change (Attachment B), and that the concept plan is being replaced with a master plan (Attachment C).

The subject properties lie along the west side of South Duff Avenue (also referred to as US Highway 69). The subject site has two separate frontages on South Duff Avenue wrapping around the north, west, and south sides of Story Memorial Gardens, a private cemetery at 3215 South Duff Avenue. The north boundary of the site lies near the Crystal Street intersection with South Duff Avenue. The south boundary of the site lies

immediately north of the New Life Church at 3505 South Duff Avenue. The property extends westward to the Ames Municipal Airport property.

The F-PRD rezoning request requires the simultaneous approval of a major site development plan described in a separate Council Action Form. Approval of a F-PRD rezoning must be evaluated against the design principles of a F-PRD. That evaluation is found in the major site development plan staff report.

The proposed rezoning boundaries do not follow the current property lines. Rather, they are described by metes and bounds irrespective of property lines. An accompanying preliminary plat proposes lot lines that will follow the proposed zoning boundaries.

The City and the developer signed a rezoning contract at the time of rezoning to RH last fall to identify what specific infrastructure projects must take place, the timing of the completion of those projects, and the party responsible for paying for those projects. In short, the City is responsible for improvements to the highway, including lane additions to US 69 and a traffic signal at Crystal Street. The developer is responsible for all on-site utilities and for construction of regional stormwater improvements for the Tea Garden area. The developer must construct the stormwater improvements by 2018 and the City is in the process of designing the Highway 69 road widening with a target for construction in 2018.

**An addendum to the contract rezoning agreement is submitted and recognizes the proposed changes of the F-PRD and HOC rezoning. All other requirements of that agreement will remain in effect, including the need to have a fully executed avigation easement prior to site plan approval. No changes to the terms of development intensity or improvement obligations are proposed with the rezoning.**

**Planning and Zoning Commission:** At its meeting on July 5, 2017, the Ames Planning and Zoning Commission voted 4-1 to recommend approval of the proposed rezoning. Other than the applicant's representative, no one spoke during the public hearing.

**ALTERNATIVES:**

1. The City Council can approve:
  - A. The addendum to the contract zoning agreement and
  - B. The request for rezoning to Planned Residence District and Highway-Oriented Commercial with a master plan.

*Development of the site is subject to approval of a final plat, compliance with the conditions of the accompanying preliminary plat, and approval of the major site development plan that is on this agenda.*

2. The City Council can deny the request for rezoning to Planned Residence District and Highway-Oriented Commercial.

3. The City Council can defer action on this request and refer it back to City staff and/or the applicant for additional information.

### **CITY MANAGER'S RECOMMENDATION:**

This high-density residential development was approved with the rezoning of the site to RH last year. However, the owner seeks to create a Planned Residence District which offers greater flexibility on design, including the use of private streets and creating marketable lots without frontage on a public street (although all lots will have access via easements). Without approval of the F-PRD the layout of the development would be similar, but the site could not be divided into multiple lots without public street frontage. Alternatively a public street would need to be constructed through the entire site to create lot frontage. A private street can meet the circulation needs of the site and of the City.

Development within a Planned Residence District requires the submittal of a major site development plan for the approval of the City Council rather than through staff approval. That site plan is a separate item on this agenda.

**Last fall's contract rezoning agreement addressed the issues of the timing of the installation of the storm water features and the cost-sharing arrangement between the City and the developer. As part of this rezoning request, the rezoning contract will need to be amended by the City Council but no changes to these issues are anticipated—only the specific references to the master plan and the allowed zoning designations.**

Overall, the development provides a housing type with principally one and two bedroom units that meet multiple housing market needs for the community. The commercial zoning retained along US 69 will provide retail and office space to serve the development, the nearby neighborhood, and the commuting public.

Therefore, it is the City Manager's recommendation that the City Council act in accordance with Alternative #1, which is to approve the addendum to the contract rezoning agreement and the request to rezone to Planned Residence District and Highway-Oriented Commercial with a master plan.

**As noted in the accompanying preliminary plat report, no work can be done on site until the City approves the storm water management plan, approves a maintenance and mitigation plan for the site's wet ponds, and receives approval of the proposed grading on airport property. Also, no construction can begin until a final plat is approved.**



## ADDENDUM

**Existing Land Use Policy Plan.** The Land Use Policy Plan future land use map was recently amended to designate much of this area as High-Density Residential from Highway-Oriented Commercial. The South Duff Avenue frontage lying north of the Story Memorial Gardens cemetery remains as Highway-Oriented Commercial. See Attachment D for an excerpt of the LUPP future land use map. The proposed rezoning is consistent with the LUPP designation.

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

<b>Direction from Subject Property</b>	<b>Existing Land Uses</b>
Subject Property	Farmland, three homes
North	Commercial
East	Residential
South	Church, rural homes
West	Ames Municipal Airport

**Existing Zoning.** The current zoning of this property is HOC and RH. See Attachment A for a zoning map. The site is subject to a rezoning contract. An addendum has been prepared and will need approval by the City Council.

**Master Plan.** A master plan is intended to provide a general description of the development of a property. A master plan must address natural areas, buildable areas, building types, range of uses and basic access points, as described in zoning requirements of Section 29.1507(4) (see Attachment E). The master plan is included as an Exhibit in the addendum to the rezoning contract.

The submitted master plan proposes areas for residential development on 40.62 acres of the property and commercial development of 5.29 acres. The master plan proposes between 500 and 700 apartment units, resulting in a density of between 11.63 and 17.50 dwelling units per acre. This is consistent with RH zoning, which is the density standard that will be allowed with the F-PRD designation. The proposed master plan is intended to maintain consistency with the prior approval and to include the commercial zoning area. The F-PRD will be governed by the standards of the major site development plan and the major and minor amendment processes of the Zoning Ordinance (see accompanying council action form for the major site development plan).

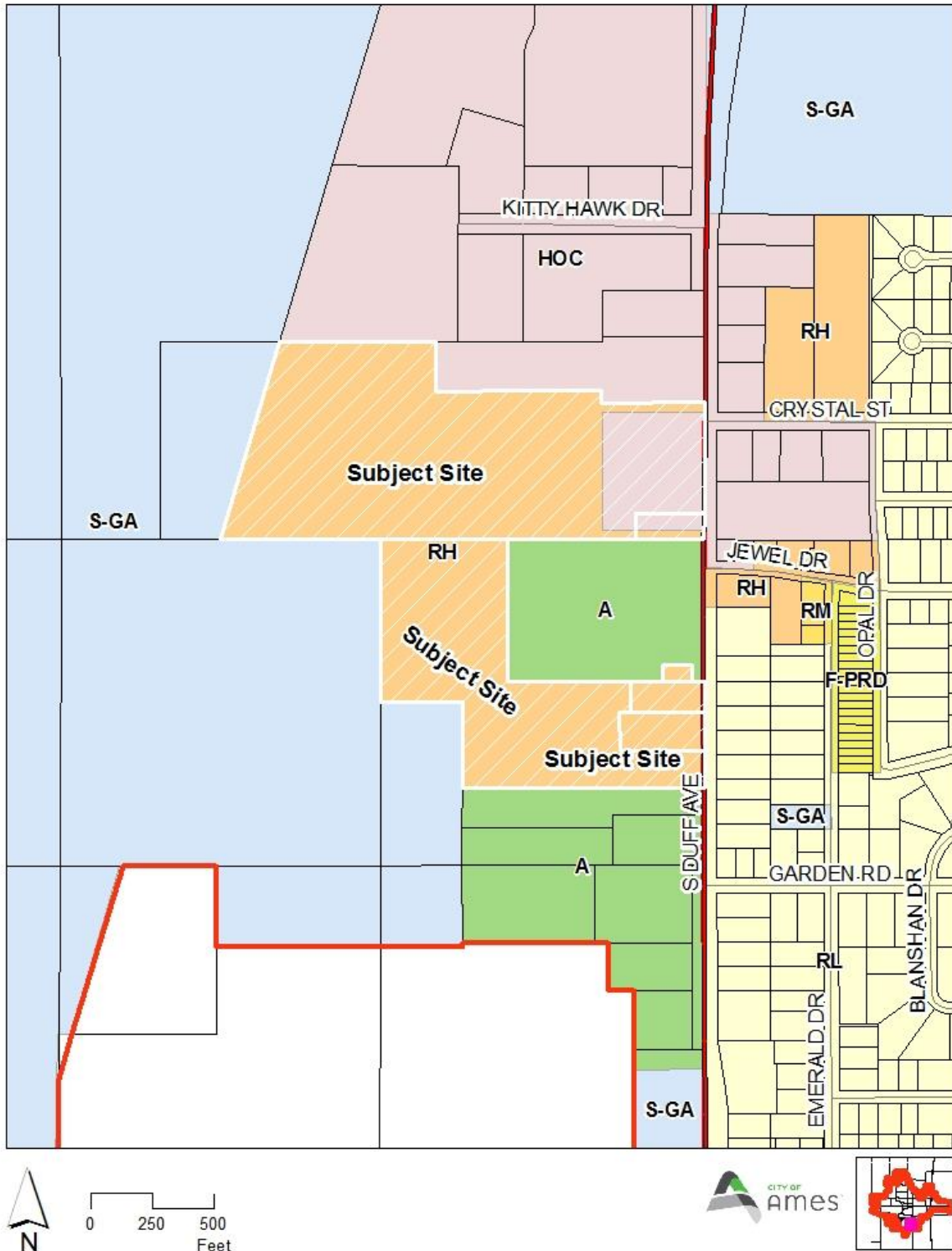
The master plan also addresses the interface between the commercial and residential zones of the development. Usually, a commercial development is required to buffer between two disparate zones. In this instance, because the residential structures are a greater distance from the property line, the master plan notes that the buffer will be on the F-PRD major site development plan. The commercial site is still responsible for



meeting the other landscaping and screening requirements of the zoning ordinance and will be reviewed by staff when a minor site development plan approval is sought.

The master plan includes two access points along South Duff Avenue (US Highway 69). The northern access will be at a signalized intersection in alignment with Crystal Street. This will be the main entrance into the site serving the proposed commercial lots and the residential development. The southern access will not be signalized. It will be located south of the cemetery, about midway between Jewel Drive and Garden Road. All access to US Highway 69 is subject to Iowa Department of Transportation approval.

ATTACHMENT A: CURRENT ZONING AND LOCATION

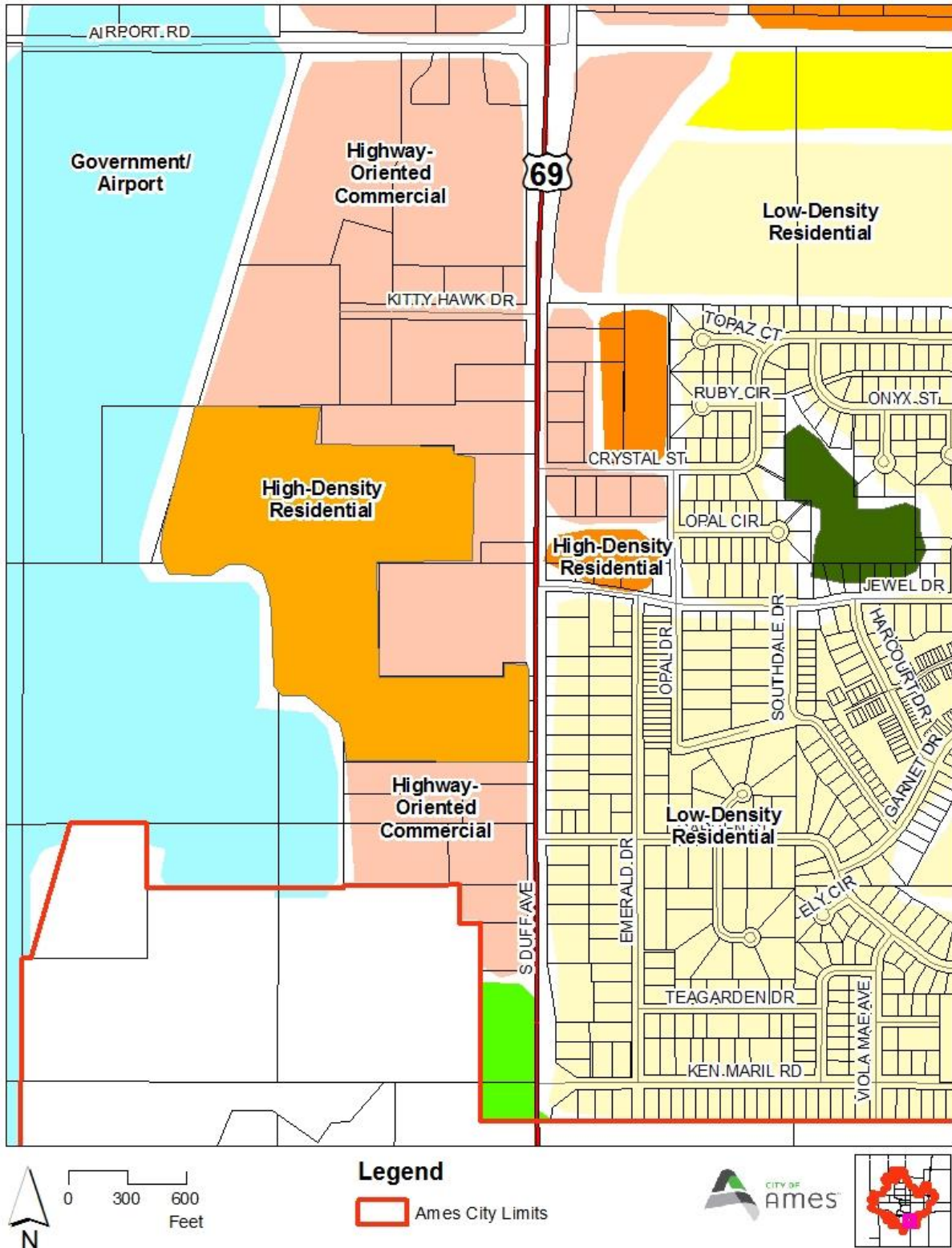








# ATTACHMENT D: LUPP MAP [EXCERPT]



## ATTACHMENT E: APPLICABLE REGULATIONS

### **Per Section 29.1507 (4): Master Plan Submittal Requirements:**

- 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.
- xi. For proposed commercial development: placement, size in square feet and approximate dimensions for all buildings, locations and approximate dimensions of all parking areas; areas of landscape, screening, buffer, plaza and open space; circulation pattern for all modes of transportation on the site.

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**DO NOT WRITE IN THE SPACE ABOVE THIS LINE, RESERVED FOR RECORDER**

Prepared by: Mark O. Lambert, Interim Ames City Attorney, PO Box 811, Ames, IA 50010 (Phone: 515-239-5146)

Return to: Ames City Clerk, PO Box 811, Ames, IA 50010

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**ADDENDUM TO THE CONTRACT ZONING AGREEMENT  
BETWEEN DICKSON JENSEN AND LUANN JENSEN AND THE  
CITY OF AMES FOR THE BRICK TOWNE DEVELOPMENT  
AT 3115-3413 SOUTH DUFF AVENUE**

**THIS AGREEMENT** is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between the CITY OF AMES, IOWA (hereinafter called “City”), and Dickson D. Jensen and Luann C. Jensen (hereinafter called “the Developer”) their successors and assigns,

**WITNESSETH THAT:**

**WHEREAS**, the parties entered into an agreement dated the 14<sup>th</sup> of November, 2016, recorded as instrument number 2016-00011643 in the office of the Story County Recorder, and captioned “CONTRACT ZONING AGREEMENT BETWEEN DICKSON JENSEN AND LUANN JENSEN AND THE CITY OF AMES FOR THE BRICK TOWNE DEVELOPMENT AT 3115-3413 SOUTH DUFF DRIVE” (“FIRST AGREEMENT”); and,

**WHEREAS**, the FIRST AGREEMENT agreed to rezone the property from existing designations as HOC (Highway Oriented Commercial) and A (Agricultural) to HOC (Highway Oriented Commercial) and RH (Residential High Density); and the parties now wish to rezone the property to HOC (Highway Oriented Commercial) and F-PRD (Floating Planned Residence District); and,

**WHEREAS**, the FIRST AGREEMENT included a “Concept Plan” from the Developer, which is now being replaced by a “Master Plan”;

**NOW, THEREFORE**, the parties hereto have agreed and do agree to amend the FIRST AGREEMENT as follows:

I. AMENDMENTS TO THE FIRST AGREEMENT

- A. Exhibits “B” and “C” of the FIRST AGREEMENT are stricken and

replaced with Exhibits “1” and “2” attached to this Addendum.

B. The second recital of the FIRST AGREEMENT is stricken and replaced with: “WHEREAS, the Developer has applied to the City for rezoning of the Site from the present designations as HOC (Highway Oriented Commercial) and RH (Residential High Density) to HOC (Highway Oriented Commercial) and F-PRD (Floating Planned Residence District), consistent with the Land Use Policy Plan as depicted in the ‘Rezoning Plat’ attached hereto and made a part of this agreement as set forth in Exhibit ‘1’; and”

C. The third recital of the FIRST AGREEMENT is stricken and replaced with: “The Developer has proposed a “Master Plan” to guide the general layout, design, and intensity of future development attached hereto and made a part of this Agreement as set forth in Exhibit ‘2.’ The Development shall generally constitute workforce housing; and,”

D. In Section IV “DESIGN” of the FIRST AGREEMENT, the words “Concept Plan” are stricken and replaced with “Master Plan.”

**ALL OTHER** provisions of the FIRST AGREEMENT shall remain in effect.

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

<p><b>CITY OF AMES, IOWA</b></p> <p>By _____ Ann H. Campbell, Mayor</p> <p>Attest _____ Diane R. Voss, City Clerk</p> <p>STATE OF IOWA, STORY COUNTY ss:</p> <p>On this ____ day of _____, 2017, before me, a Notary Public in and for the State of Iowa, personally appeared Ann H. Campbell and Diane R. Voss, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Ames, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation by authority of its City Council, as contained in Resolution No. _____ adopted by the City Council on the ____ day of _____, 2017, and that Ann H. Campbell and Diane R. Voss acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.</p> <p>_____ Notary Public in and for the State of Iowa</p>	<p>_____ <b>DICKSON D. JENSEN</b></p> <p>STATE OF IOWA, COUNTY OF _____, ss:</p> <p>This instrument was acknowledged before me on this ____ day of _____, 2017, by Dickson D. Jensen.</p> <p>_____ Notary Public in and for the State of Iowa</p> <p>_____ <b>LUANN C. JENSEN</b></p> <p>STATE OF IOWA, COUNTY OF _____, ss:</p> <p>This instrument was acknowledged before me on this ____ day of _____, 2017, by Luann C. Jensen.</p> <p>_____ Notary Public in and for the State of Iowa</p>
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DO NOT WRITE IN THE SPACE ABOVE THIS LINE, RESERVED FOR RECORDER  
Prepared by: City Clerk's Office, 515 Clark Avenue, Ames, IA 50010 Phone: 515-239-5105  
Return to: Ames City Clerk, P.O. Box 811, Ames, IA 50010

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

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

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

Section 1: The Official Zoning Map of the City of Ames, Iowa, as provided for in Section 29.301 of the *Municipal Code* of the City of Ames, Iowa, is amended by changing the boundaries of the districts established and shown on said Map in the manner authorized by Section 29.1507 of the *Municipal Code* of the City of Ames, Iowa, as follows: That the real estate, generally located at 3115, 3119, 3301, 3325, 3409, and 3413 South Duff Avenue, is rezoned, with Master Plan, from Highway-Oriented Commercial (HOC) and High-Density Residential (RH) to Planned Residence District (F-PRD) and Highway-Oriented Commercial (HOC).

**Real Estate Description:**

**HOC PARCEL**

BEGINNING AT THE SOUTHEAST CORNER OF PARCEL 'M' IN SECTION 14, TOWNSHIP 83, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M. IN THE CITY OF AMES, STORY COUNTY, IOWA; THENCE S89°13'34"W, 420.08 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 'M'; THENCE S00°17'23"W, 546.40 FEET TO THE SOUTH LINE OF PARCEL 'J' IN THE SOUTHWEST QUARTER OF SAID SECTION 14; THENCE N89°52'21"E, 140.29 FEET ALONG THE SOUTH LINE OF SAID PARCEL 'J'; THENCE S 89°58'25"E, 229.96 FEET TO THE WEST RIGHT-OF-WAY LINE OF SOUTH DUFF AVENUE, ALSO KNOWN AS HIGHWAY #69; THENCE N89°39'04"E, 49.91 FEET TO THE EAST LINE OF SAID SECTION 14; THENCE N00°13'53"E, 551.57 FEET ALONG THE EAST LINE OF SAID PARCEL 'J', AND ALSO ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14 TO THE POINT OF BEGINNING.

**PRD PARCEL**

BEGINNING AT THE SOUTHEAST CORNER OF PARCEL 'A' IN SECTION 23, TOWNSHIP 83, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M. IN THE CITY OF AMES, STORY COUNTY, IOWA; THENCE S89°51'54"W, 986.44 FEET ALONG THE SOUTH LINE OF SAID PARCEL 'A'; THENCE N00°00'00"E, 350.06 FEET ALONG THE WEST LINE OF SAID PARCEL 'A'; THENCE N89°53'54"W, 329.99 FEET ALONG THE SOUTH LINE OF SAID PARCEL 'A'; THENCE N00°12'00"W, 664.84 FEET ALONG THE WEST LINE OF SAID PARCEL 'A' TO THE NW CORNER OF PARCEL 'A' AND THE NW CORNER OF NE1/4-NW1/4 IN SAID SECTION 23, AND ALSO BEING ON THE SOUTH LINE OF PARCEL 'J' IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 83, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M. IN THE CITY OF AMES, STORY COUNTY, IOWA; THENCE S89°51'50"W, 650.95 FEET ALONG THE SOUTH LINE OF PARCEL 'J' AND THE SOUTH LINE OF THE SW1/4-SW1/4 TO THE SOUTHWEST CORNER OF SAID PARCEL 'J'; THENCE N16°34'15"E, 834.78 FEET ALONG THE WEST LINE OF SAID PARCEL 'J'; THENCE N89°52'17"E, 411.15 FEET ALONG THE NORTH LINE OF SAID PARCEL 'J'; THENCE N89°52'17"E, 224.80 FEET ALONG THE NORTH LINE OF SAID PARCEL 'J'; THENCE S00°20'51"W, 201.97 FEET ALONG THE EAST LINE OF PARCEL 'J'; THENCE N89°52'20"E, 379.10 FEET ALONG THE NORTH LINE OF SAID PARCEL 'J'; THENCE N89°53'15"E, 296.11 FEET ALONG THE NORTH LINE OF SAID PARCEL 'J'; THENCE S00°08'41"W, 15.83 FEET ALONG THE WEST LINE OF PARCEL 'M' IN SECTION 14, TOWNSHIP 83, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M. IN THE CITY OF AMES, STORY COUNTY, IOWA; THENCE S00°17'23"W, 35.60 FEET ALONG THE WEST LINE OF SAID PARCEL 'M'; THENCE CONTINUING S00°17'23"W, 546.40 FEET TO THE SOUTH LINE OF SAID PARCEL 'J'; THENCE S89°52'21"W, 381.91 FEET ALONG THE SOUTH LINE OF SAID PARCEL 'J' AND ALSO ALONG THE NORTH LINE OF THE NE1/4-NW1/4 TO THE NORTHEAST CORNER OF PARCEL 'A' IN SAID SECTION 23; THENCE S00°18'46"E, 578.72 FEET ALONG THE EAST LINE OF SAID PARCEL 'A'; THENCE N89°56'45"E, 501.78 FEET ALONG THE NORTH LINE OF SAID PARCEL 'A'; THENCE N89°58'11"E, 131.96 FEET; THENCE N00°23'45"W, 68.04 FEET; THENCE N89°56'36"E, 118.15 FEET TO THE WEST RIGHT-OF-WAY LINE OF US HIGHWAY #69; THENCE S00°12'09"E, 68.01 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF US HIGHWAY #69; THENCE N89°55'43"E, 50.00 FEET TO THE EAST LINE OF THE NW1/4 OF SAID SECTION 23; THENCE S00°13'50"E, 435.98 FEET ALONG THE EAST LINE OF THE NW1/4 OF SAID SECTION 23 TO THE POINT OF BEGINNING.

\*THE EAST LINE OF PARCEL 'J', 'M', AND THE EAST LINE OF THE SW1/4 OF SECTION 14-83-24 IS ALSO THE CENTER LINE OF US HIGHWAY #69.

\*THE EAST LINE OF PARCEL 'A' AND THE EAST LINE OF THE NW1/4 OF SECTION 23-83-24 IS ALSO THE CENTERLINE OF US HIGHWAY #69.

Section 2: The real estate, as rezoned to F-PRD and HOC, is subject to the limitations described with the Contract Rezoning Agreement as provided for in *Iowa Code* Section 414.5.

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

Section 4: This ordinance is in full force and effect from and after its adoption and publication as provided by law.

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

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

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

ITEM #: 27c  
DATE: 07-25-17

**COUNCIL ACTION FORM**

**REQUEST: BRICK TOWNE PRELIMINARY PLAT**

**BACKGROUND:**

The property owners, Dickson and Luann Jensen, request approval of a preliminary plat creating 14 lots for a residential and commercial development to be known as Brick Towne. Concurrent with this preliminary plat is a request for rezoning of the bulk of the site from High-density Residential (RH) to a Planned Residence District (F-PRD). The proposed development consists of six parcels comprising a total of 45.92 gross acres. The parcels are addressed as 3115, 3119, 3301, 3325, 3409, and 3413 South Duff Avenue. This site was the subject of a Land Use Policy Plan Amendment in May, 2016 designating the western portions of the site as High Density Residential Development while retaining Highway-Oriented Commercial for the highway frontage north of the cemetery. The City Council approved the rezoning to RH and Highway Oriented Commercial (HOC) in October of 2016. See Attachment A for current zoning and location.

Lots 1 through 11 will be a residential development of 572 units in a mix of one-, two-, and three-bedroom units in apartment blocks and townhome style units. Lots 12, 13 and 14 will be zoned Highway-Oriented Commercial (HOC).

A more detailed analysis is found in the Appendix. In summary, the developer is installing public water and public sanitary sewer to serve the development. The roads will be private which, as a matter of practice, are allowed only in a F-PRD zone and are used here to allow for site and design flexibility. Most of the lots will not have frontage on a public street, but will obtain legal access through easements filed with the final plat. Street frontage for lots is not a subdivision requirement but, rather, a zoning requirement. Under the proposed F-PRD zoning, the lots would comply.

**Stormwater improvements are consistent with the contract rezoning approved in November, 2016. The agreement requires that the developer accommodate the existing storm water runoff from the airport property based on the Teagarden study in addition to the storm water needs of this development. To that end, a series of on- and off-site detention ponds are proposed. Water will be released in accordance with the design standards of the City. Under the terms of the contract, the storm water improvements for the entire site must be completed prior to occupancy of any structure on the site or no later than October, 2018.**

**The stormwater improvements still require approval from the Army Corps of Engineers and the Iowa Department of Natural Resources. In addition, City Public Works needs to approve the grading to be done on airport property. With these outstanding issues, staff is recommending approval with a number of conditions.**

Traffic improvements are also spelled out in the rezoning contract. The developer is responsible for dedicating up to 60 feet of right-of-way that is currently a roadway easement. Those street lots are identified on this preliminary plat and will be dedicated at the time of final plat approval. The developer is also responsible for a five-foot sidewalk along his frontage and along the frontage of the cemetery. The City is responsible for roadway improvements and the new traffic signal at the intersection of Crystal Street and South Duff Avenue. The City will also construct other pedestrian and shared use infrastructure near the site in order to improve connectivity of the site to the immediate neighborhood. The developer has provided an easement for potential future access to the north (Kitty Hawk Drive) at the northwest corner of the site.

**Planning and Zoning Commission:** At its meeting on July 5, 2017, the Ames Planning and Zoning Commission voted 4-1 to recommend Alternative #1. Other than the applicant's representative, no one spoke during the public hearing.

**ALTERNATIVES:**

1. The City Council can approve the Preliminary Plat for Brick Towne. As noted in the Appendix, additional details regarding stormwater remain to be reviewed and approved but are not anticipated to have an impact on the overall layout of the development. Staff recommends the following conditions be placed on the approval.
  - A. Prior to any grading or earthwork, approval of the storm water management plan is required.
  - B. Prior to any grading or earthwork, the owner will need to prepare a maintenance and mitigation plan to ensure that a permanent wet pool will not impact airport operations. This plan will be recorded with the Story County Recorder.
  - C. Prior to any grading or earthwork, the owner will need City of Ames approval for the proposed grading on airport property.
2. The City Council can deny the Preliminary Plat for Brick Towne, by finding that the Preliminary Plat does not meet the requirements of Section 23.302(3)(b) or Section 23.603 of the Ames Municipal Code and by setting forth its reasons to disprove or modify the proposed preliminary plat as required by Section 23.302(4) of the Ames Municipal Code. Code sections are found in Attachment C.
3. The City Council can defer action on this request to the next regular meeting and refer it back to City staff and/or the applicant for additional information.

**CITY MANAGER'S RECOMMENDATION:**

Approval of the Preliminary Plat cannot occur without the approval of the concurrent request to rezone to Planned Residence District since the design allowances, such as no street frontage and private streets, can be done only in F-PRD. The proposed preliminary plat provides all infrastructure necessary for the residential and commercial

development. The applicant understands that no grading or earthwork can begin until the storm water management plan is approved. The wet pool mitigation plan and FAA approvals for grading on the airport property are also needed prior to any field operations. The recommended conditions of approval are the safeguards to ensure compliance.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, approving the Preliminary Plat of Brick Towne.

## APPENDIX

### *Lots*

The proposed Preliminary Plat includes 11 lots for residential development (including one lot containing apartment amenities) and 3 lots for commercial development. Two additional lots dedicate US Highway 69 (South Duff Avenue) as right-of-way.

Four lots (Lots 1, 12, 13, and 14) have frontage on South Duff Avenue. The other lots do not. This arrangement is allowed only in Planned Residence Districts since most other zoning districts require a minimum street frontage for a lot.

### *Streets*

The development abuts South Duff Avenue. The City is responsible for improvements to South Duff Avenue to accommodate development and will generally follow the recommendations of a traffic study requested and reviewed by the City as part of the initial rezoning to RH last fall. In general, the improvements will include a traffic light at the intersection of Crystal Street and South Duff Avenue and additional lanes on South Duff Avenue.

Internal streets serving the various lots will be private streets, not within a dedicated right-of-way. Easements will be created at the time of final plat to provide legal access to all lots. Access to the development from South Duff Avenue will be at two locations. The northern location will be at the intersection with Crystal Street. This intersection will be signalized and will be a primary entrance to the residential and commercial development. A southern access will be located about midway between the cemetery and New Life Church. It will not be signalized.

A stub street will extend from the townhouse units at the northwest portion of the site to the north property line. This will provide a secondary fire access to Kitty Hawk Drive.

### *Water*

The site will be served by public water mains placed within easements to the City. Hydrant locations have been established. No off-site water improvements were needed.

### *Sewer*

The site will be served by public sanitary sewer mains placed within easements to the City. No downstream capacity issues were identified in the city's sewer model.

### *Sidewalks and Trails*

The developer will install a five-foot sidewalk along the South Duff Avenue frontage of Brick Towne. In addition, the developer will install a sidewalk across the cemetery frontage. Internal sidewalks will serve all the buildings and a future shared-use extension will extend to the northwest corner of the site for a future extension to Kitty Hawk Drive and, eventually, to Airport Road.

The City has identified a shared use path to be installed on the east side of South Duff Avenue from its current terminus at Kitty Hawk Drive to, at least Crystal Street. The

rezoning contract places financial obligation on the City to install that, although no timetable is specified.

### *Storm Water Management*

The City has identified storm water management deficiencies that currently exist on the site and had a Teagarden drainage study prepared. As required by the rezoning contract, the developer has addressed the existing deficiencies as well as the expected storm water management from his own development.

The developer is proposing a series of wet ponds (retention basins that will have a permanent pool) and dry ponds (detention basins that will drain to a dry condition within a short time following a rain event). The dry pond will be located on airport property near the southwest corner of the site. Wet ponds will be found along the north and south perimeter of the site and near the northwest corner of the site. These ponds will retain a permanent pool of water due to the proximity to the surface of ground water.

There is an existing 15-inch drainage district field tile which carries water across the site. The tile line will be rerouted to ensure tile water will not impact the permanent pools.

The proposed storm water management plan has recently been updated and submitted for staff review. It has been reviewed by the Public Works staff which still is awaiting resolution of additional issues. These are:

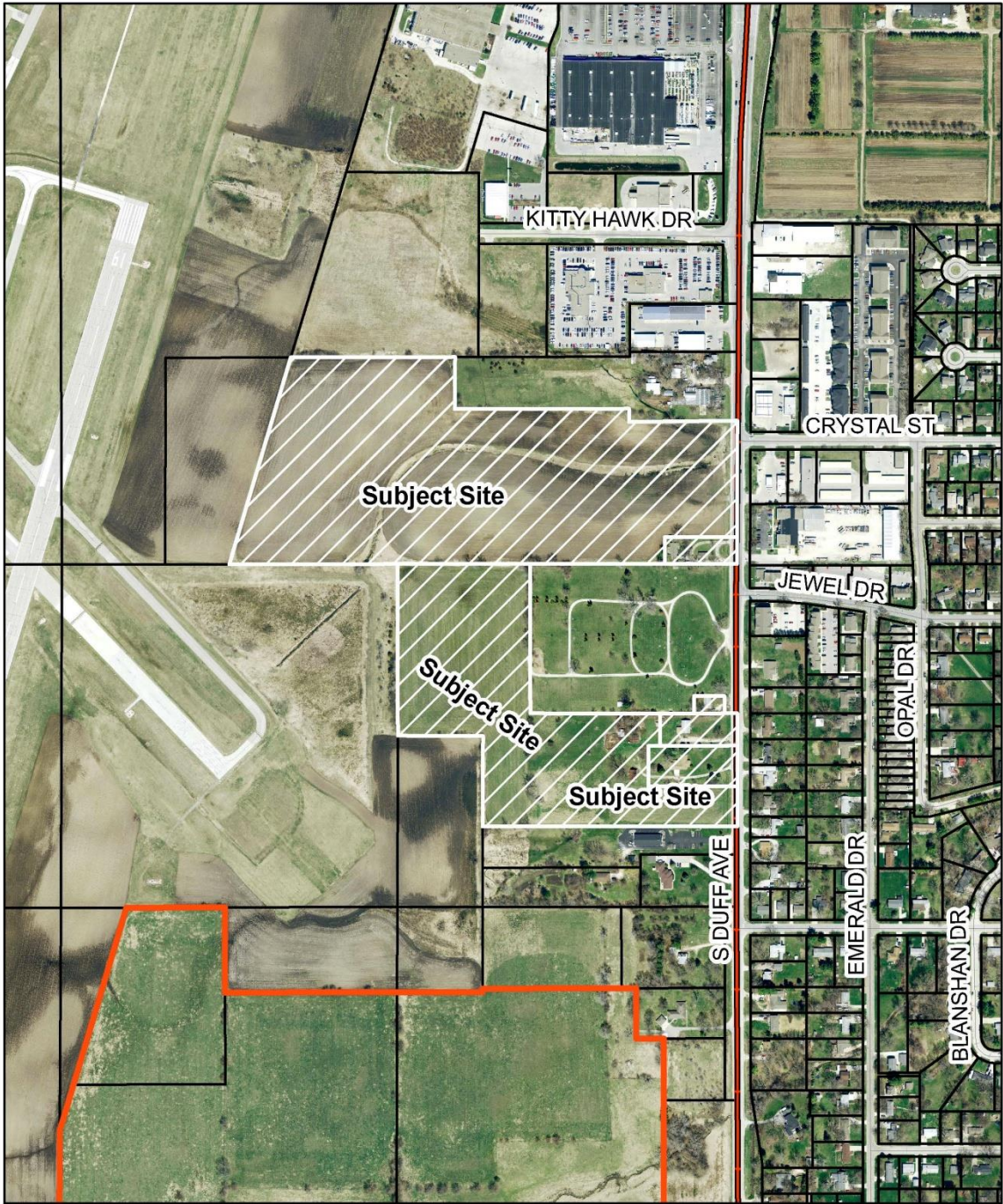
- The owner needs to obtain a 404 Permit from the Army Corps of Engineers (USACE) for the proposed modifications to the existing stream channel before the city can approve the storm water management plan.
- The owner needs to obtain a 401 permit from the Army Corps of Engineers and the Iowa Department of Natural Resources for the proposed wetland mitigation before the city can approve the storm water management plan.
- The owner needs IDNR approval for construction in the hydraulic shadow of the existing detention pond on airport property before the city can approve the storm water management plan.
- The owner needs to show that the design of the drainage improvements meet the requirements of the contract rezoning agreement, including detention volumes and discharges before the city can approve the storm water management plan.
- The owner needs to prepare a maintenance and mitigation plan to ensure that a permanent wet pool will not impact airport operations. This agreement will be recorded.
- The owner needs City of Ames airport manager for the proposed grading on airport property.

These issues will likely not require any design changes to the preliminary plat or to the accompanying major site development plan. If, however, they do, it would require a reevaluation of approval and may require a resubmittal and review by the Commission and Council.



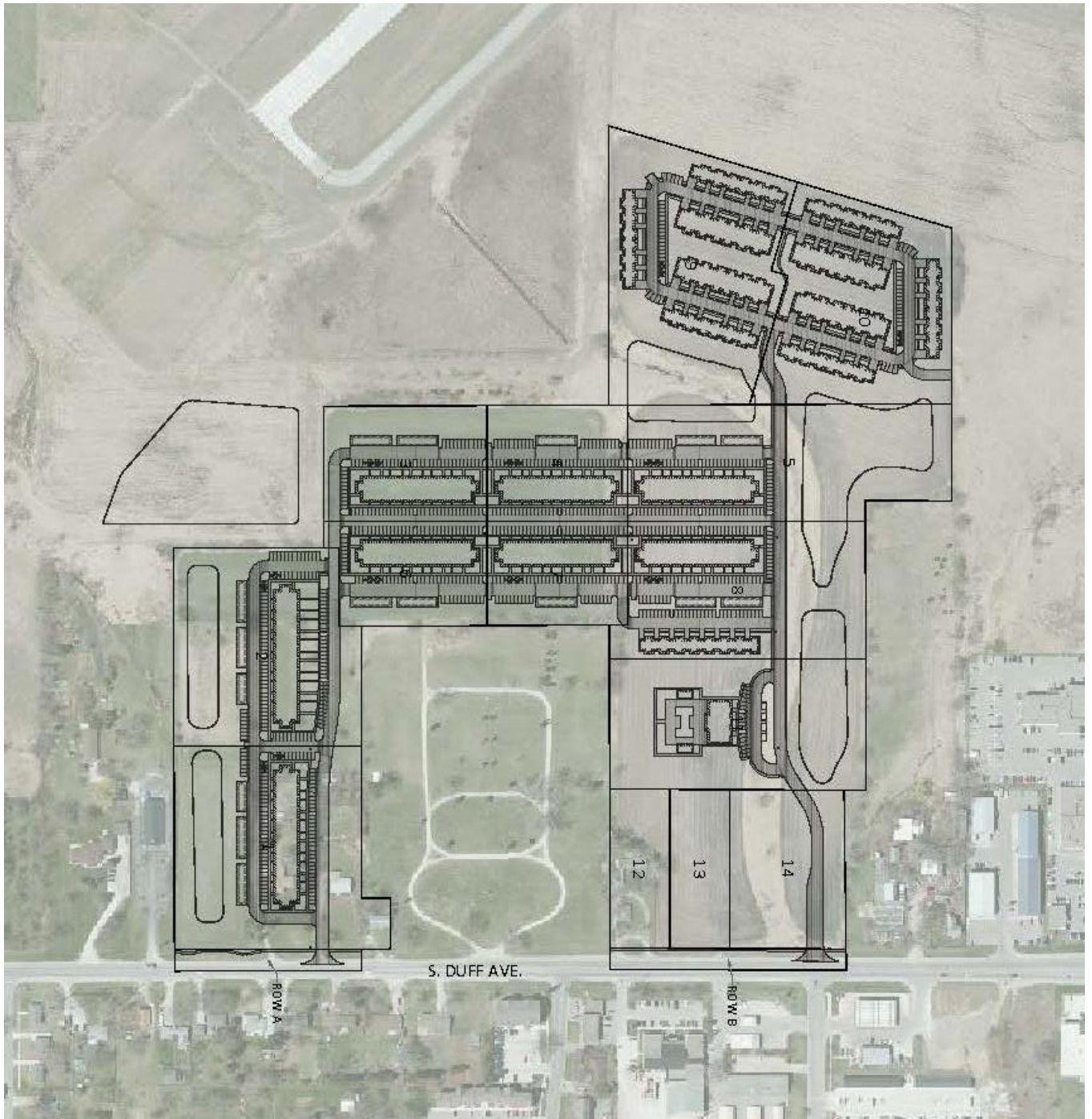
Staff believes approval of the Preliminary Plat can go forward with conditions requiring the rectification of these outstanding issues prior to any grading or field work commencing.

ATTACHMENT A: LOCATION MAP-1





**ATTACHMENT B: BRICK TOWNE LOT LAYOUT [NORTH TO RIGHT]**



## ATTACHMENT C: APPLICABLE SUBDIVISION LAW

The laws applicable to this Preliminary Plat Subdivision include, but are not limited to, the following: (verbatim language is shown in *italics*, other references are paraphrased):

Code of Iowa Chapter 354, Section 8 requires that the governing body shall determine whether the subdivision conforms to its Land Use Policy Plan.

Ames Municipal Code Chapter 23, Subdivisions, Division I, outlines the general provisions for subdivisions within the City limits and within two miles of the City limits of Ames.

Ames Municipal Code Section 23.302(3):

(3) *Planning and Zoning Commission Review:*

- (a) *The Planning and Zoning Commission shall examine the Preliminary Plat, any comments, recommendations or reports assembled or made by the Department of Planning and Housing, and such other information as it deems necessary or desirable to consider.*
- (b) *Based upon such examination, the Planning and Zoning Commission shall ascertain whether the Preliminary Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan, and to the City's other duly adopted Plans.*

Ames Municipal Code Section 23.302(4):

- (4) *Planning and Zoning Commission Recommendation: Following such examination and within 30 days of the regular meeting of the Planning and Zoning Commission at which a complete Application is first formally received for consideration, the Planning and Zoning Commission shall forward a report including its recommendation to the City Council. The Planning and Zoning Commission shall set forth its reasons for any recommendation to disapprove or to modify any Preliminary Plat in its report to the City Council and shall provide a written copy of such reasons to the developer.*



# JENSEN DEVELOPMENT BRICKTOWNE

2017

## PRELIMINARY PLAT

### GOVERNING SPECIFICATIONS

THE 2017 EDITION OF THE "IOWA STATEWIDE URBAN SPECIFICATIONS FOR PUBLIC IMPROVEMENTS" AND "THE CITY OF AMES SUPPLEMENTAL SPECIFICATIONS" SHALL GOVERN.

IOWA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR HIGHWAY AND BRIDGE CONSTRUCTION", SERIES 2015 AND ALL CURRENT GENERAL SUPPLEMENTAL SPECIFICATIONS AND MATERIALS INSTRUCTIONAL MEMORANDUM SHALL GOVERN AS REFERENCED.

MUTCD 2009 AS ADOPTED BY IOWA DEPARTMENT OF TRANSPORTATION.

### OWNER

DICKSON D AND LUANN C JENSEN  
4611 MORTENSEN RD STE 106  
AMES, IA 50014

### DEVELOPER

JENSEN GROUP  
4611 MORTENSEN RD STE 106  
AMES, IA 50014

### PREPARED BY

BOLTON AND MENK  
2730 FORD STREET  
AMES, IA 50010

### LEGAL DESCRIPTIONS

#### 3301 S. DUFF

A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 23, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE 5TH P.M. IN THE CITY OF AMES, STORY COUNTY, IOWA DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WESTERLY RIGHT OF WAY OF DUFF AVENUE AND U.S. HIGHWAY #69 WHICH IS 50 FEET WEST AND 511.1 FEET SOUTH OF THE NE CORNER OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼), THENCE CONTINUING SOUTH ALONG SAID RIGHT OF WAY 68 FEET, THENCE NORTH 89°50' W 118 FEET, THENCE NORTH 68 FEET, THENCE S 89°50' E 118 FEET TO THE POINT OF BEGINNING.

#### 3325 S. DUFF

BEGINNING AT A POINT 579.1 FEET SOUTH OF THE NE CORNER OF THE NORTHWEST QUARTER (NW ¼) OF SECTION TWENTY-THREE (23), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TWENTY-FOUR (24) WEST OF THE 5TH P.M., AMES, STORY COUNTY, IOWA, THENCE SOUTH 125 FEET, THENCE WEST 300 FEET, THENCE NORTH 125 FEET, THENCE EAST 300 FEET TO THE POINT OF BEGINNING; LOCALLY KNOWN AS 3325 SOUTH DUFF AVENUE, AMES, IOWA.

#### 3115 S. DUFF

PARCEL "J" A PART OF THE SOUTHWEST ¼ OF SECTION 14, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE 5TH P.M., AMES, STORY COUNTY, IOWA, AS SHOWN ON THE "PLAT OF SURVEY" FILED IN THE OFFICE OF THE RECORDER OF STORY COUNTY, IOWA, ON OCTOBER 6, 1998, AS INST. NO. 98-13885, SLIDE 2, PAGE 4, (SAID PARCEL "J" INCLUDES REAL ESTATE DESCRIBED AS PARCEL "L" A PART OF THE SW ¼ OF SEC. 14-T83N-R24W OF THE 5TH P.M., STORY COUNTY, IOWA, AS SHOWN ON THE "PLAT OF SURVEY" FILED IN THE OFFICE OF THE RECORDER OF STORY COUNTY, IOWA, MARCH 28, 2000, AS INST. NO. 00-03130, SLIDE 62, PAGE 4), EXCEPT THE FOLLOWING DESCRIBED REAL ESTATE: PARCEL "M" A PART OF THE SW ¼ OF SEC. 14-T83N-R24W OF THE 5TH P.M., STORY COUNTY, IOWA, AS SHOWN ON THE "PLAT OF SURVEY" FILED IN THE OFFICE OF THE RECORDER OF STORY COUNTY, IOWA, APRIL 27, 2000, AS INST. NO. 00-04315, SLIDE 66, PAGE 1.

#### 3409 & 3413 S. DUFF

PARCELS "A" AND "B" A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION TWENTY-THREE (23), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TWENTY-FOUR (24) WEST OF THE 5TH P.M., AMES, STORY COUNTY, IOWA, AS SHOWN ON THE "PLAT OF SURVEY" FILED IN THE OFFICE OF THE RECORDER OF STORY COUNTY, IOWA, ON JUNE 7, 1995, AS INST. NO. 95-04494, BOOK 13, PAGE 70.

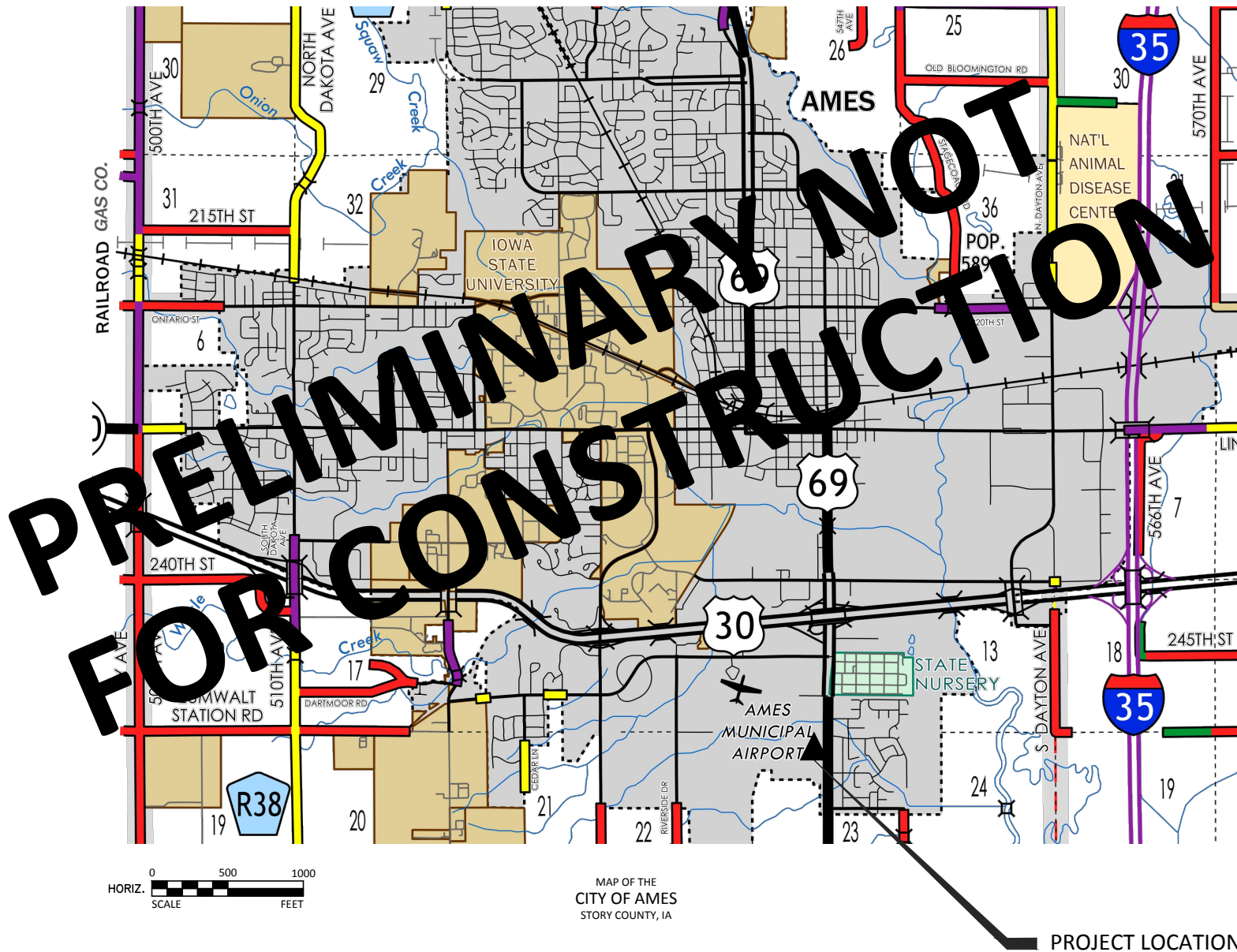
#### 3119 S. DUFF

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION FOURTEEN (14), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TWENTY-FOUR (24) WEST OF THE 5TH P.M., IOWA, THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION FOURTEEN (14) TWO HUNDRED EIGHTY (280) FEET TO A POINT, THENCE NORTH PARALLEL WITH THE CENTER LINE OF SAID SECTION FOURTEEN (14), ONE HUNDRED (100) FEET, THENCE EAST PARALLEL TO THE SOUTH LINE OF SAID SECTION FOURTEEN (14), TWO HUNDRED EIGHTY (280) FEET, THENCE SOUTH ALONG THE CENTER LINE OF SAID SECTION FOURTEEN (14) TO THE PLACE OF BEGINNING, SUBJECT TO HIGHWAY EASEMENTS OF RECORD.

### ZONING

EXISTING: RESIDENTIAL - HIGH DENSITY AND COMMERCIAL

PROPOSED: PLANNED RESIDENTIAL DEVELOPMENT AND COMMERCIAL



### MAP LEGEND

▲ PROJECT LOCATION



NOTE: EXISTING UTILITY INFORMATION SHOWN ON THIS PLAN HAS BEEN PROVIDED BY THE UTILITY OWNERS. THE CONTRACTOR SHALL FIELD VERIFY EXACT LOCATIONS PRIOR TO COMMENCING CONSTRUCTION AS REQUIRED BY STATE LAW, NOTIFY IOWA ONE CALL 1-800-292-8989

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."

PLAN REVISIONS		
REV	ISSUED FOR	DATE
0	CITY SUBMITTAL	2017-04-21
1	CITY RE-SUBMITTAL	2017-06-14
2	CITY RE-SUBMITTAL	2017-06-27

I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.

REG. NO. \_\_\_\_\_ DATE: \_\_\_\_\_

MY LICENSE RENEWAL DATE IS \_\_\_\_\_

PAGES OR SHEETS COVERED BY THIS SEAL: \_\_\_\_\_

ALL SHEETS \_\_\_\_\_

**PRELIMINARY**



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Phone: (515) 233-6100  
Email: Ames@bolton-menk.com  
www.bolton-menk.com

REV	ISSUED FOR	DATE

DESIGNED	DRAWN	CHECKED	TITLE SHEET
DJM	DJM	GAB	JENSEN GROUP BRICKTOWNE - SOUTH AMES

**GENERAL NOTES:**

1. ALL PRIVATE UTILITIES WILL BE LOCATED WITHIN PUBLIC UTILITY EASEMENTS SHOWN, OR LOCATED WITHIN UTILITY CORRIDORS PROVIDED FOR BY THE CITY'S 'USE OF CITY
2. ALL CONSTRUCTION MATERIALS, DUMPSTERS, DETACHED TRAILERS, OR SIMILAR ITEMS ARE PROHIBITED ON PUBLIC STREETS OR WITHIN THE PUBLIC RIGHT-OF-WAY.

LOT DATA			
LOT	AREA (SF)	AREA (AC)	ADDRESS
1	214,505	4.92	120 JADE STREET
2	192,714	4.42	214 JADE STREET
3	102,235	2.35	3321 PERIDOT AVENUE
4	88,289	2.03	3215 PERIDOT AVENUE
5	196,093	4.50	3115 PERIDOT AVENUE
6	86,484	1.99	3320 PERIDOT AVENUE
7	79,353	1.82	3214 PERIDOT AVENUE
8	181,768	4.17	3100 PERIDOT AVENUE
9	230,369	5.29	500 WEST CRYSTAL LOOP
10	193,792	4.45	400 WEST CRYSTAL LOOP
11	182,012	4.18	200 WEST CRYSTAL STREET
12	51,777	1.19	3117 S. DUFF AVENUE
13	51,816	1.19	3111 S. DUFF AVENUE
14	99,477	2.28	3105 S. DUFF AVENUE

LOT DATA		
LOT	AREA (SF)	AREA (AC)
ROW A	21,800	0.50
ROW B	27,558	0.63

LAND USE		
Planned Residential Development (PRD)	40.62	Acres
Commercial (HOC)	5.29	Acres
<b>Total</b>	<b>45.91</b>	<b>Acres</b>

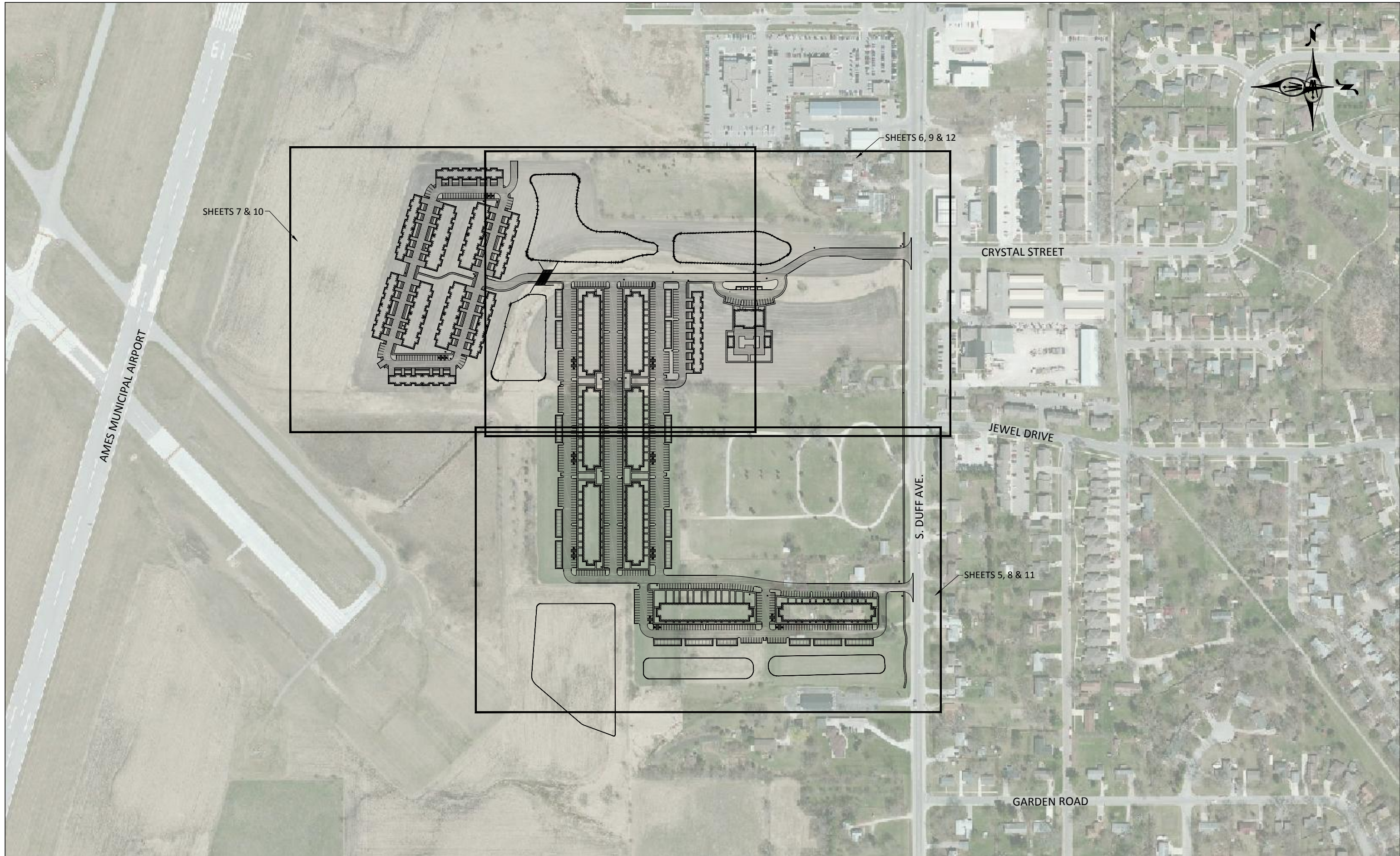
RESIDENTIAL DENSITY CALCULATIONS					
	Units	Size (Acres)	Storm Easement	Net Area (Acres)	Density
Lot 1	72	4.92	1.37	3.55	20.28
Lot 2	72	4.42	1.40	3.02	23.84
Lot 3	60	2.35	0.52	1.83	2.35
Lot 4	60	2.03	0.46	1.57	38.22
Lot 5	60	4.50	2.73	1.77	33.90
Lot 6	60	1.99	0	1.99	30.15
Lot 7	60	1.82	0	1.82	32.97
Lot 8	68	4.17	1.37	2.80	24.29
Lot 9	30	5.29	1.30	3.99	7.52
Lot 10	30	4.45	0.51	3.94	7.61
Lot 11	0	4.18	1.25	2.93	0.00
<b>Total Residential</b>	<b>572</b>	<b>40.12</b>	<b>10.91</b>	<b>29.21</b>	<b>14.26</b>

RESIDENTIAL OPEN SPACE CALCULATIONS		
Total Space	40.12	Acres
Open Space Required	14.04	Acres (35%)
Open Space Provided	15.43	Acres (38%)

**LEGEND**

EXISTING		PROPOSED	
	CENTERLINE		ALIGNMENT/CENTERLINE
	PROPERTY / LOT LINE		RIGHT-OF-WAY LINE
	EASEMENT LINE		WATERMAIN
	ROAD RIGHT-OF-WAY LINE		STORM SEWER
	WATER SYSTEM		SANITARY SEWER
	STORM SEWER		SANITARY MANHOLE NUMBER
	SANITARY SEWER		MANHOLE
	TILE LINE		STORM INLET
	OVERHEAD ELECTRIC LINE		APRON
	UNDERGROUND ELECTRIC LINE		WATER SYSTEM MANHOLE
	GAS LINE		HYDRANT
	FIBER OPTIC LINE		VALVE
	UNDERGROUND COMMUNICATIONS LINE		BEND
	OVERHEAD UTILITY LINE		TEE
	FENCE LINE		SANITARY SEWER EASEMENT
	CITY LIMITS		WATERMAIN EASEMENT
	TREE LINE EDGE		STORM WATER EASEMENT
	GRAVEL EDGE		SHARED PEDESTRIAN ACCESS EASEMENT
	BITUMINOUS EDGE		PEDESTRIAN ACCESS EASEMENT
	CONCRETE EDGE		PUBLIC UTILITY & STORM SEWER EASEMENT
	CURB & GUTTER		





AMES MUNICIPAL AIRPORT

SHEETS 7 & 10

SHEETS 6, 9 & 12

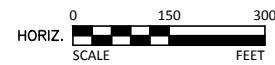
CRYSTAL STREET

JEWEL DRIVE

S. DUFF AVE.

SHEETS 5, 8 & 11

GARDEN ROAD



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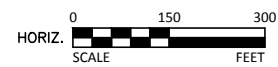
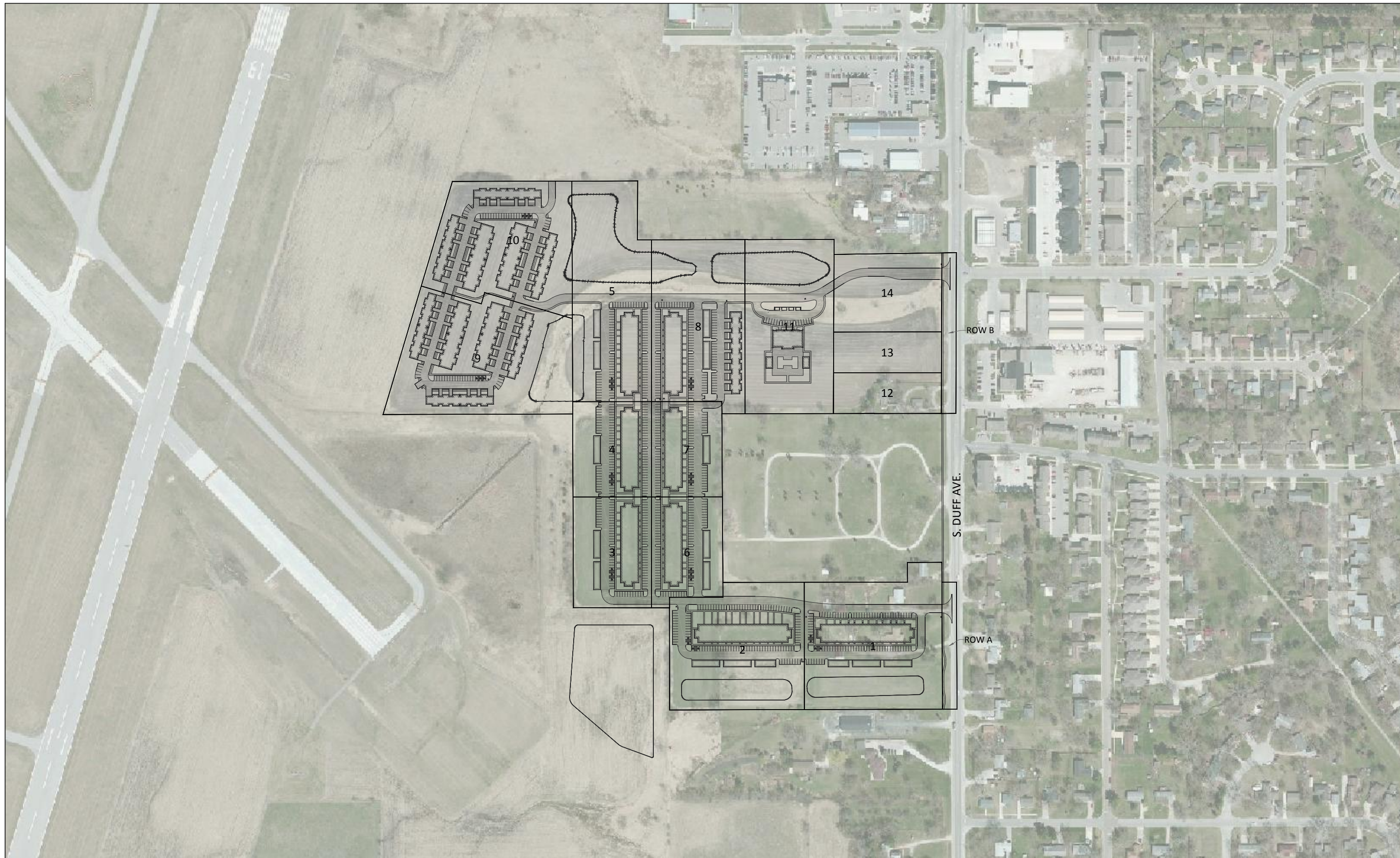
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 AMES, IOWA 50010  
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			DJM
			CHECKED
			GAB

<b>JENSEN GROUP</b>	
BRICKTOWNE - SOUTH AMES	
OVERALL LAYOUT & SHEET INDEX	

SHEET  
**3**  
 OF  
**12**





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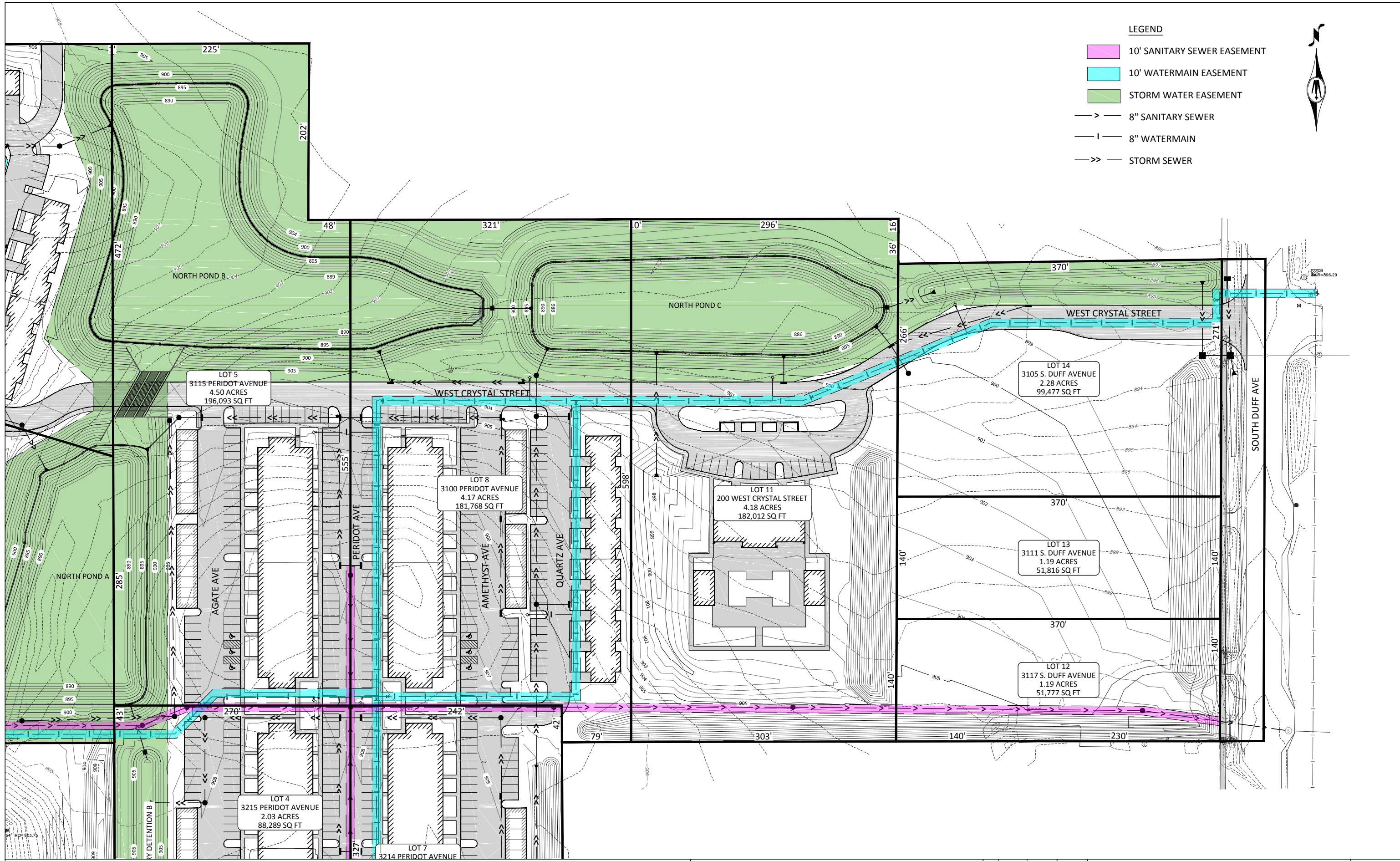


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			DJM
			CHECKED
			GAB

JENSEN GROUP	
BRICKTOWNE - SOUTH AMES	
LOT LAYOUT	





**LEGEND**

- 10' SANITARY SEWER EASEMENT
- 10' WATERMAIN EASEMENT
- STORM WATER EASEMENT
- 8" SANITARY SEWER
- 8" WATERMAIN
- STORM SEWER



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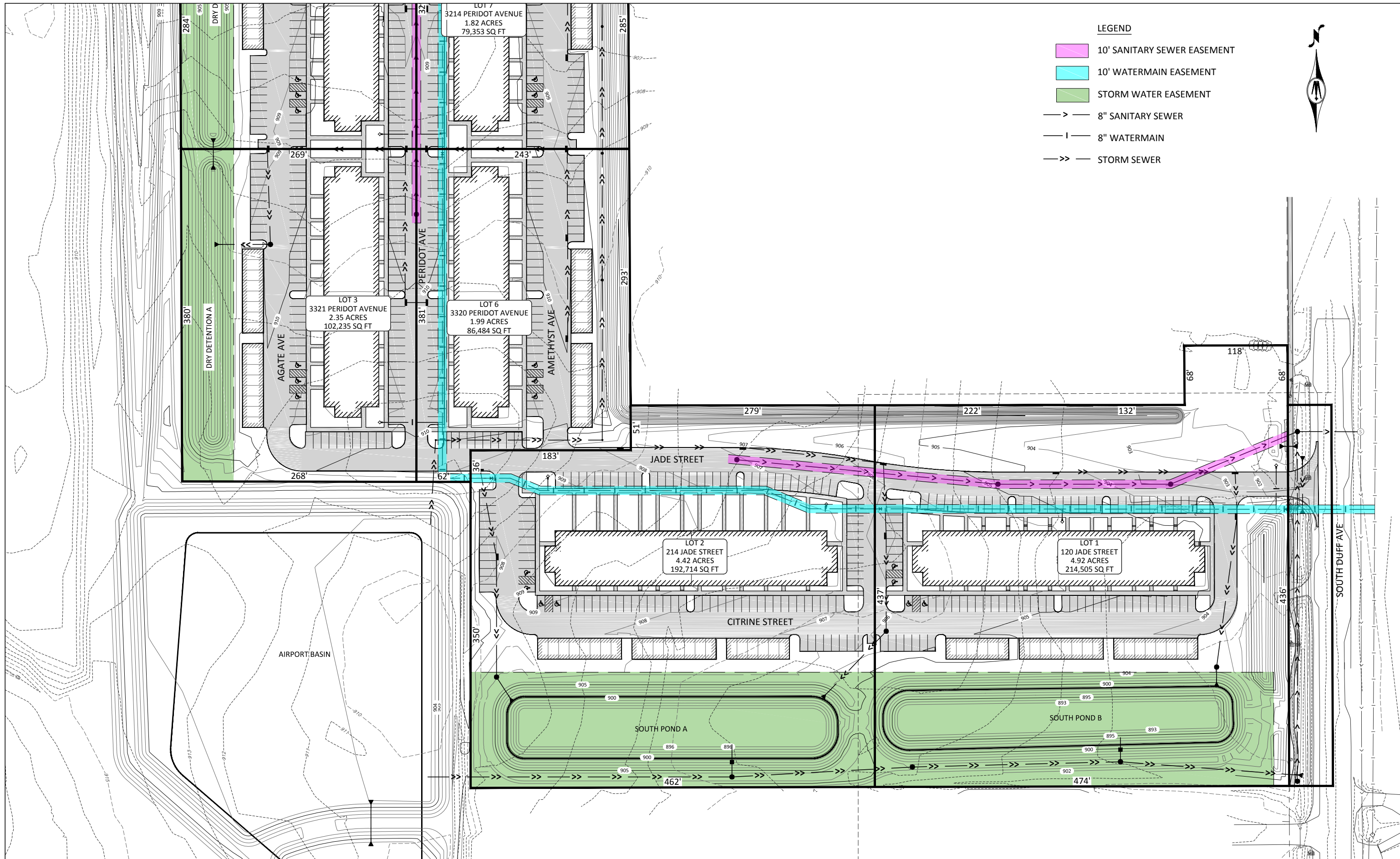


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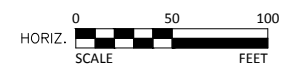
**JENSEN GROUP**  
 BRICKTOWNE - SOUTH AMES  
 PROPOSED IMPROVEMENTS





**LEGEND**

- 10' SANITARY SEWER EASEMENT
- 10' WATERMAIN EASEMENT
- STORM WATER EASEMENT
- > 8" SANITARY SEWER
- | 8" WATERMAIN
- >> STORM SEWER



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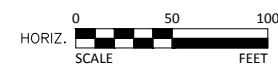
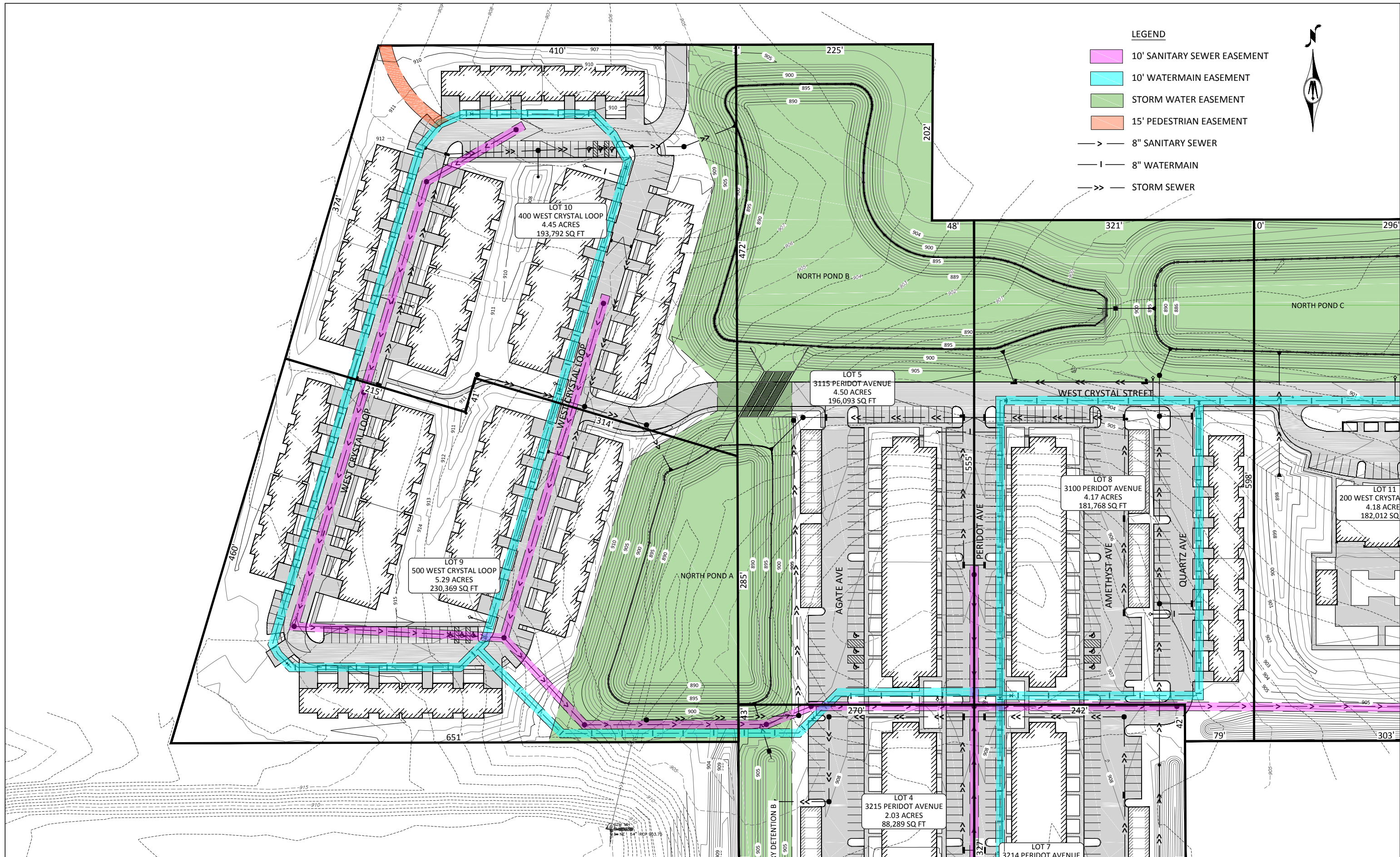
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			DJM
			CHECKED
			GAB

**JENSEN GROUP**  
 BRICKTOWNE - SOUTH AMES  
 PROPOSED IMPROVEMENTS



LEGEND

- 10' SANITARY SEWER EASEMENT
- 10' WATERMAIN EASEMENT
- STORM WATER EASEMENT
- 15' PEDESTRIAN EASEMENT
- 8" SANITARY SEWER
- 8" WATERMAIN
- STORM SEWER



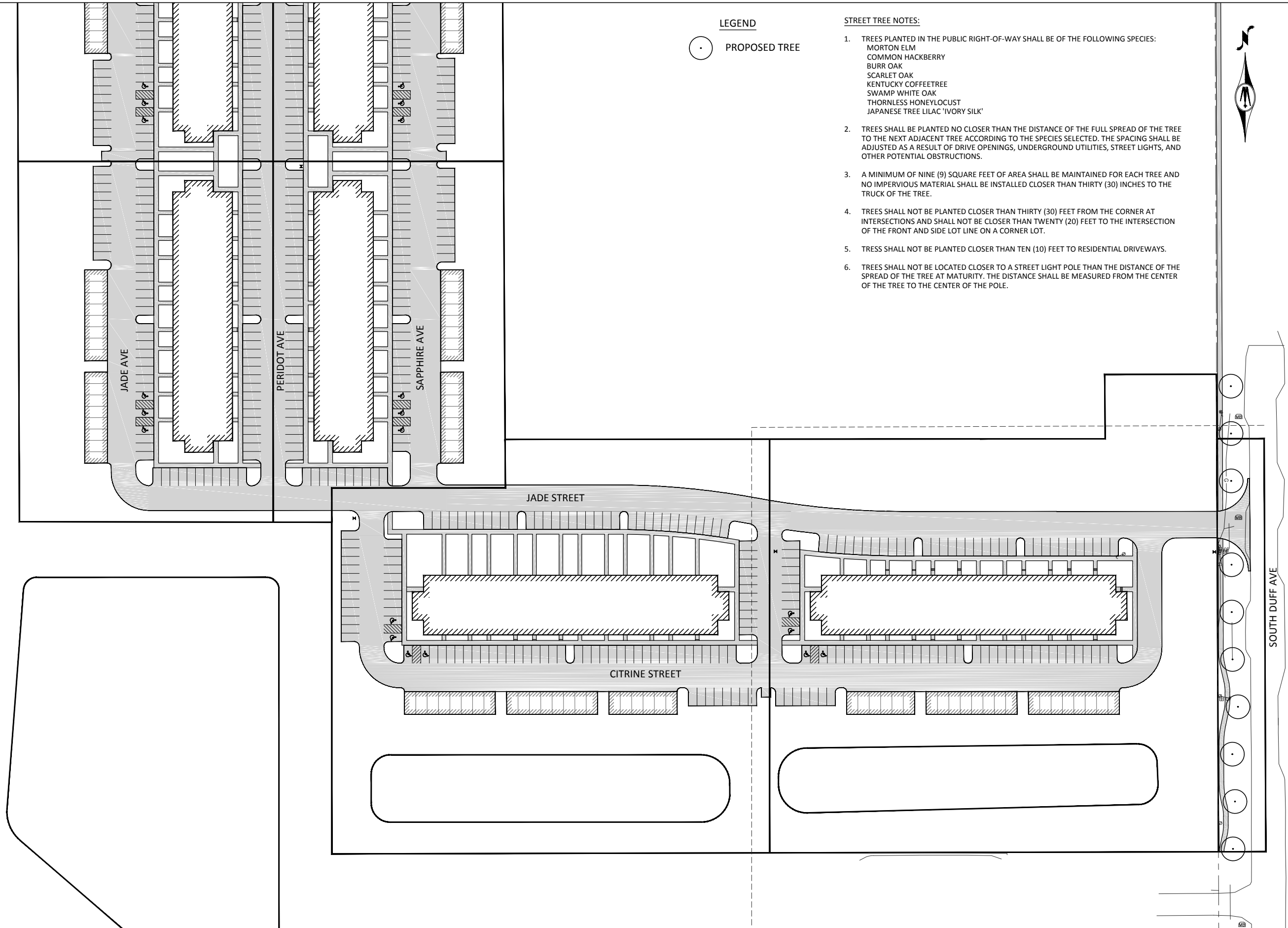
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JENSEN GROUP  
 BRICKTOWNE - SOUTH AMES  
 PROPOSED IMPROVEMENTS



**LEGEND**  
 PROPOSED TREE

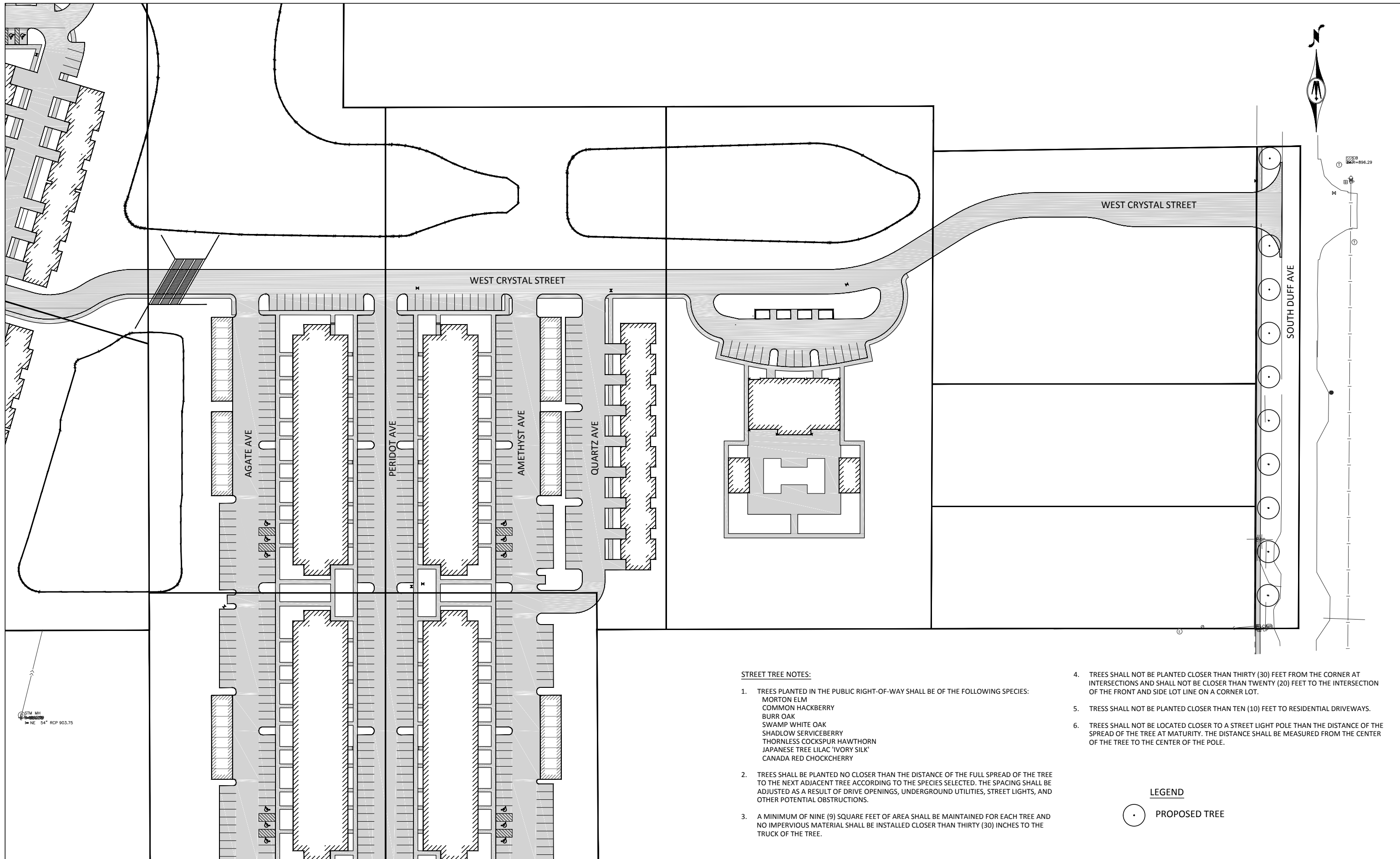
- STREET TREE NOTES:**
1. TREES PLANTED IN THE PUBLIC RIGHT-OF-WAY SHALL BE OF THE FOLLOWING SPECIES:  
 MORTON ELM  
 COMMON HACKBERRY  
 BURR OAK  
 SCARLET OAK  
 KENTUCKY COFFEETREE  
 SWAMP WHITE OAK  
 THORNLESS HONEYLOCUST  
 JAPANESE TREE LILAC 'IVORY SILK'
  2. TREES SHALL BE PLANTED NO CLOSER THAN THE DISTANCE OF THE FULL SPREAD OF THE TREE TO THE NEXT ADJACENT TREE ACCORDING TO THE SPECIES SELECTED. THE SPACING SHALL BE ADJUSTED AS A RESULT OF DRIVE OPENINGS, UNDERGROUND UTILITIES, STREET LIGHTS, AND OTHER POTENTIAL OBSTRUCTIONS.
  3. A MINIMUM OF NINE (9) SQUARE FEET OF AREA SHALL BE MAINTAINED FOR EACH TREE AND NO IMPERVIOUS MATERIAL SHALL BE INSTALLED CLOSER THAN THIRTY (30) INCHES TO THE TRUNK OF THE TREE.
  4. TREES SHALL NOT BE PLANTED CLOSER THAN THIRTY (30) FEET FROM THE CORNER AT INTERSECTIONS AND SHALL NOT BE CLOSER THAN TWENTY (20) FEET TO THE INTERSECTION OF THE FRONT AND SIDE LOT LINE ON A CORNER LOT.
  5. TREES SHALL NOT BE PLANTED CLOSER THAN TEN (10) FEET TO RESIDENTIAL DRIVEWAYS.
  6. TREES SHALL NOT BE LOCATED CLOSER TO A STREET LIGHT POLE THAN THE DISTANCE OF THE SPREAD OF THE TREE AT MATURITY. THE DISTANCE SHALL BE MEASURED FROM THE CENTER OF THE TREE TO THE CENTER OF THE POLE.



2730 FORD ST, P.O. BOX 668  
 AMES, IOWA 50010  
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			GAB

<b>JENSEN GROUP</b>	
BRICKTOWNE - SOUTH AMES	
<b>STREET TREE PLAN</b>	



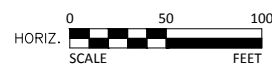
**STREET TREE NOTES:**

1. TREES PLANTED IN THE PUBLIC RIGHT-OF-WAY SHALL BE OF THE FOLLOWING SPECIES:  
 MORTON ELM  
 COMMON HACKBERRY  
 BURR OAK  
 SWAMP WHITE OAK  
 SHADLOW SERVICEBERRY  
 THORNLESS COCKSPUR HAWTHORN  
 JAPANESE TREE LILAC 'IVORY SILK'  
 CANADA RED CHOCKCHERRY
2. TREES SHALL BE PLANTED NO CLOSER THAN THE DISTANCE OF THE FULL SPREAD OF THE TREE TO THE NEXT ADJACENT TREE ACCORDING TO THE SPECIES SELECTED. THE SPACING SHALL BE ADJUSTED AS A RESULT OF DRIVE OPENINGS, UNDERGROUND UTILITIES, STREET LIGHTS, AND OTHER POTENTIAL OBSTRUCTIONS.
3. A MINIMUM OF NINE (9) SQUARE FEET OF AREA SHALL BE MAINTAINED FOR EACH TREE AND NO IMPERVIOUS MATERIAL SHALL BE INSTALLED CLOSER THAN THIRTY (30) INCHES TO THE TRUNK OF THE TREE.

4. TREES SHALL NOT BE PLANTED CLOSER THAN THIRTY (30) FEET FROM THE CORNER AT INTERSECTIONS AND SHALL NOT BE CLOSER THAN TWENTY (20) FEET TO THE INTERSECTION OF THE FRONT AND SIDE LOT LINE ON A CORNER LOT.
5. TREES SHALL NOT BE PLANTED CLOSER THAN TEN (10) FEET TO RESIDENTIAL DRIVEWAYS.
6. TREES SHALL NOT BE LOCATED CLOSER TO A STREET LIGHT POLE THAN THE DISTANCE OF THE SPREAD OF THE TREE AT MATURITY. THE DISTANCE SHALL BE MEASURED FROM THE CENTER OF THE TREE TO THE CENTER OF THE POLE.

**LEGEND**

 PROPOSED TREE



2730 FORD ST, P.O. BOX 668  
 AMES, IOWA 50010  
 Phone: (515) 233-6100  
 Email: Ames@bolton-menk.com  
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<b>JENSEN GROUP</b>	
BRICKTOWNE - SOUTH AMES	
<b>STREET TREE PLAN</b>	

**COUNCIL ACTION FORM**

**REQUEST:**            **BRICK TOWNE MAJOR SITE DEVELOPMENT PLAN**

**BACKGROUND:**

The property owners, Dickson and Luann Jensen, request approval of a major site development plan for the Brick Towne development. The major site development plan is a requirement of development within a Planned Residence District (F-PRD). See Attachment A for current zoning and location.

The major site development plan is the controlling plan for development within an F-PRD zoning district and requires City Council approval. This site plan specifies 572 dwelling units in the project of which 416 are one bedrooms, 136 are two bedrooms, and 20 are three bedrooms. The overall development intensity is consistent with the master plan accompanying the rezoning request and with the rezoning contract approved last fall that limited development to no more than 750 units with no more than 10 percent having three bedrooms.

The proposed Brick Towne development comprises multiple lots served by private streets with some lots not having frontage on a public right-of-way. The developer has also taken advantage of landscaping flexibility allowed through the major site development plan review to focus on berms and grasses around the perimeter of the site in lieu of traditional foundation plantings and shrub-based screening requirements. The development also includes a large recreational amenity area and clubhouse along the north side of the development. The recreational amenities and clubhouse is expected to be developed concurrently with the homes as part of the phasing of the development. Approval of a F-PRD rezoning must be evaluated against the design principles of a F-PRD and meet the major site development criteria.

The developer intends to rely upon the F-PRD open space and landscaping features to meet the commercial development buffering requirements along the residential development. Front yard and parking landscaping requirements for the commercial area will be reviewed at the time of minor site development plan submittal.

**Planning and Zoning Commission:** At its meeting on July 5, 2017, the Ames Planning and Zoning Commission voted 4-1 to recommend approval of the proposed major site development plan. Other than the applicant's representative, no one spoke during the public hearing.

**ALTERNATIVES:**

1. The City Council can approve the major site development plan for Brick Towne.

*Development of the site is subject to approval of a final plat and compliance with the conditions of the accompanying preliminary plat that is on this agenda.*

2. The City Council can deny the approval of the major site development plan for Brick Towne.
3. The City Council can defer action on this request and refer it back to City staff and/or the applicant for additional information.

**CITY MANAGER'S RECOMMENDATION:**

Overall, the development provides a housing type with principally one and two bedroom units that meet multiple housing market needs for the community. The requirements of the F-PRD standards have been met and the innovative approach to landscaping has been reviewed and accepted by staff.

The apartments and townhome units offer a range of choices for workforce housing. Although students are not excluded from the development, recent construction of three- and four-bedroom apartments elsewhere has been absorbed mostly by university renters. The configuration of Brick Towne may be more attractive to young professionals and workers not immediately seeking a home purchase.

Therefore, it is the City Manager's recommendation that the City Council act in accordance with Alternative #1, which is to approve the major site development plan for Brick Towne.



## ADDENDUM

**Major Site Development Plan.** The F-PRD rezoning requires an accompanying major site development plan. This plan describes all aspects of the site including building floor plans and elevation drawings.

The development consists of two 72-unit buildings of one- and two-bedrooms; six 60-unit buildings of one- and two-bedrooms; and sixty-eight townhome style apartments of one-, two-, and three-bedrooms. (Townhome “style” because, although they look like traditional townhome units, each unit is not on a separate lot.) There are a total of 572 dwelling units, consisting of 416 one-bedroom units, 136 two-bedroom units, and 20 three-bedroom units. The density is approximately 14 units per acre.

To accommodate these units, 956 parking spaces are required. A total of 996 spaces are provided, of which 212 are in garages—the remainder are surface parking.

There is also a clubhouse with a leasing office and recreational amenities, a swimming pool, a pool house, and a building with a bicycle repair area and pet wash station.

The landscape plan relies more on over-story trees and native grasses. This approach deemphasizes screening with bushes and ornamental trees. This approach is acceptable because of the much greater distances from parking areas to adjacent property lines, making shrubs a less attractive and noticeable feature. This alternative approach is allowed through approval of a major site development plan if the City Council determines it meets the intent of the landscaping ordinance. In addition, the approach is consistent with the intent of the newly adopted Landscape Ordinance update. The site include 38 percent of open space (not including the storm water ponds) where a minimum of 35 percent is required.

Features of the landscaping plan are:

- Overstory trees line the major private streets as if they were public streets.
- Berms, overstory and ornamental trees, and ornamental grasses provide a multi-level buffer to the commercial lots along South Duff Avenue.
- Berms, overstory and ornamental trees, and ornamental grasses provide a multi-level screening of the apartments from the South Duff Avenue right-of-way.
- Overstory trees adjacent to the parking areas provide shade.
- Ornamental grasses serve as mechanical unit screening and foundation plantings.
- Turf grasses adjacent to buildings.
- Prairie seed mix around the storm water features and on the periphery of the site.

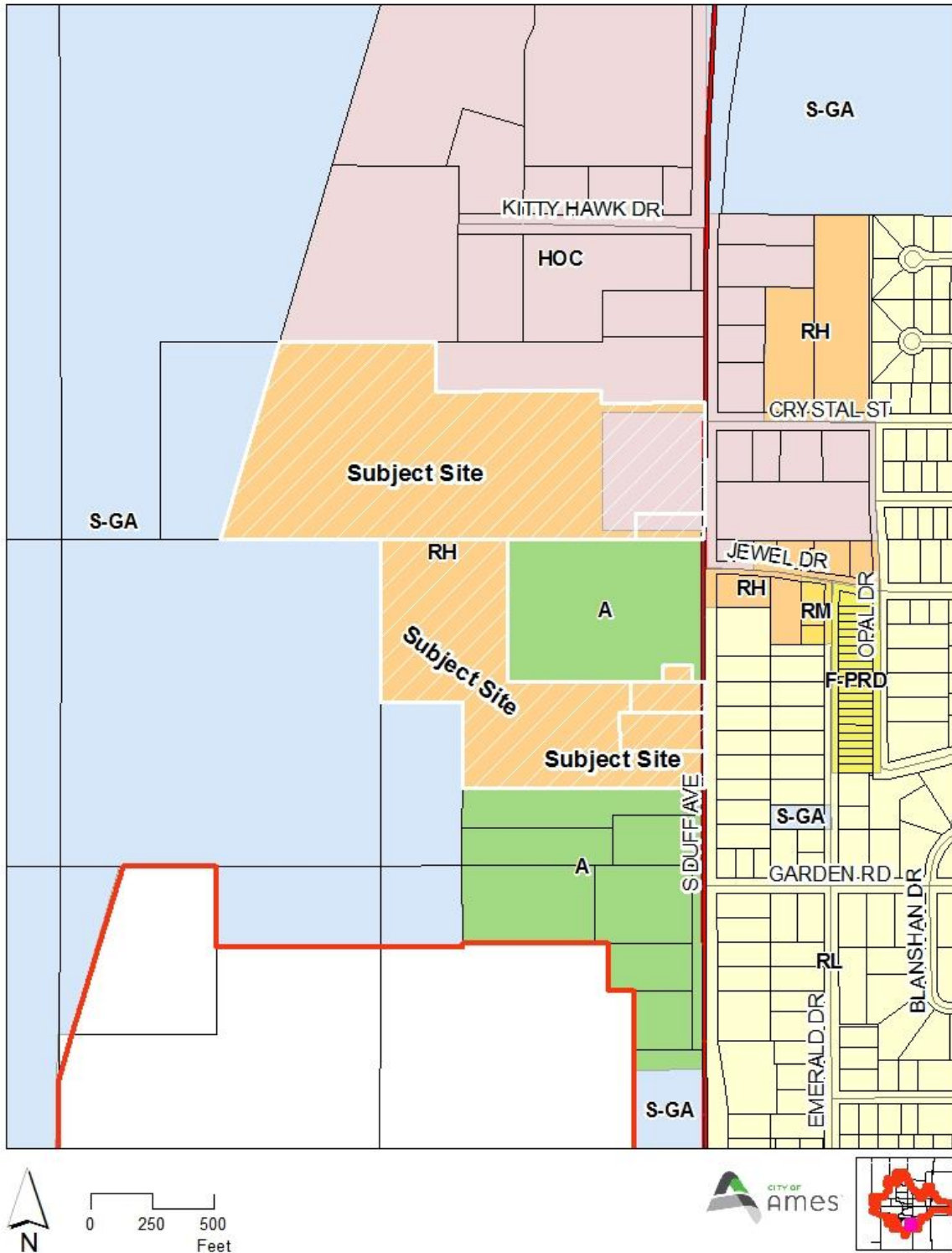
The major site development plan and elevation drawings are consistent with the design components of the developer’s agreement signed last fall. That agreement, among other things, mandated that:



- The site is limited to no more than 750 dwelling units, of which no more than 10 percent can be three bedroom units. (The development proposes 572 units of which 20 are three-bedroom units.)
- The development incorporates on-site recreational and lifestyle amenities. (These include a swimming pool, clubhouse, bicycle repair space, and pet washing station.)
- The development shall incorporate enhanced building design with a substantial amount of brick on each façade. (The vast majority of each façade is brick. The buildings have hipped roofs with multiple gable features.)
- The developer incorporates a “prairie-style” landscape plan relying less on traditional shrubs, but using native grasses and trees.

Internal to the site the developer includes sidewalks to connect all building to other parts of the development. The developer also has provided an easement for potential future access to the north at the northwest corner of the site that connects to the developers proposed private street system. Sidewalks will be constructed across the entire frontage of Duff Avenue.

ATTACHMENT A: CURRENT ZONING AND LOCATION



## ATTACHMENT B: MAJOR SITE DEVELOPMENT PLAN CRITERIA

### **Per Section 29.1502 (4)(d): Major Site Development Plan Design Standards**

(d) Design Standards. When acting upon an application for a major site plan approval, 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. These criteria and standards include:

(i) 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 downstream property;

**The storm water management plan has been reviewed and, for the most part, found acceptable. The remaining items, such as appropriate permits from federal and state agencies, will be provided prior to any grading activities commencing.**

(ii) 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;

**All lots will be provided adequate utilities and no constraints have been identified.**

(iii) 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;

**Fire access and hydrant placement have been reviewed and approved.**

(iv) The design of the proposed development shall not increase the danger of erosion, flooding, landslide, or other endangerment to adjoining and surrounding property;

**The storm water management plan incorporates the findings of the Tea Garden drainage study and also accommodates the expected runoff from this development. The intent is to hold more storm water than the system currently holds and to release it at a rate slower than it currently does.**

(v) Natural topographic and landscape features of the site shall be incorporated into the development design;

**The site will have grading near and around the existing drainage ways in order to accommodate the necessary storm water features.**

(vi) The design of 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;

**A traffic study was commissioned for the Land Use Policy Plan amendment last fall which recommended placing a traffic light at the Crystal Street intersection and adding travel lanes to South Duff Avenue. The contract rezoning places the responsibility of their installation on the City.**

**Within the site, the driveway system will function as a private street providing access to all lots. Sidewalks serve the development and will connect to the public sidewalk along South Duff Avenue.**

**Future driveway access to the north to Kitty Hawk Drive is anticipated, as is a future shared-use path connection that may eventually extend to Airport Road.**

(vii) 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;

**These have been provided.**

(viii) 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;

**The commercial and residential uses will have a total of two accesses onto South Duff Avenue. The north access is the signalized Crystal Street and the south access lies south of the cemetery. Access easements will provide legal access to all lots.**

(ix) 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;

**Lighting still remains to be reviewed but the city's outdoor lighting standards shall be met. The staff review will also be cognizant of the proximity of the airport.**

(x) 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; and

**No nuisances are anticipated.**

(xi) 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.

**Staff finds these standards have been met.**

(e) Other Approvals. In conjunction with Major Site Development Plan approvals, the applicant shall obtain and submit all other approvals, in writing, required by any other local, state or federal agency. Such prior approvals include:

- (i) Variance from Zoning Board of Adjustment;
- (ii) Curb cut permit;
- (iii) Flood plain development permit;
- (iv) Historic Preservation Commission Approval;
- (v) Iowa Department of Transportation Permits; and
- (vi) Sediment and Erosion Control Plan Approvals.

All such approvals shall be duly noted on a copy of the site plan and/or building plan, as applicable. Any such plan shall include the date of approval and signature of the approving official, as applicable.

**As noted in the preliminary plat report, approval of permits from state and federal agencies is still required. Approval of the preliminary plat is conditioned upon receiving these approvals.**

## ATTACHMENT C: F-PRD DEVELOPMENT PRINCIPLES

The Plan modifications are reviewed below with respect to the following development principles in Ames Municipal Code Section 1203(2).

1. Provide for innovative and imaginative approaches to residential development that would not occur as a result of the underlying zoning regulations.

**The developer desires to develop an apartment community tied together with common architectural styles and landscape features. The apartments are designed with smaller units desirable to a broad market segment, including workforce housing. The F-PRD allows for creation of individual lots without public street frontage and relies upon private streets to serve the development. The landscaping has a site specific approach of berms and grasses that departs from typical shrub and apartment foundation planting requirements. The F-PRD allows for the subdivision pattern without large public right-of-ways and helps to facilitate the integrated overall design of an apartment community that would be unlikely to occur with public streets.**

2. Result in a more efficient, aesthetic, desirable and economic use of land and other resources while maintaining density of use, as provided for in the Land Use Policy Plan and the underlying zoning.

**The development layout is efficient and maintains an approximate density of 19 units per net acre. The subdivision of individual lots for each apartment building helps to facilitate financing of the project. However, the plan is tied together with common design themes for architecture and landscaping to ensure it is a desirable and integrated community. The lot pattern does not affect the setbacks and spacing of the structures from perimeter property lines or each other compared to base zone standards.**

3. Promote innovative housing development that emphasizes efficient and affordable home ownership and occupancy.

**All units provided for in this development will be attached units. Per the existing development agreement, the variety of housing is focused on smaller rental units desirable to a wide range of the market. Home ownership is not the intended goal for this project site.**

4. Provide for flexibility in the design, height, and placement of buildings that are compatible with and integrate with existing, developed neighborhoods and the natural environment.

**The project includes attractive buildings with roof line variations, siding, and brick. Some of the units will include enclosed detached garages and**

**not just surface parking spaces. The town-home units will have attached garages. The buildings are set well into the site and exceed minimum front yard setback requirements along Duff Avenue. The three story height of the structure is a common height for this type of apartment community and is a compatible residential style with the surroundings.**

- 5. Promote aesthetic building architecture, significant availability of open space, well designed and landscaped off-street parking facilities that meet or exceed the underlying zone development standards, more recreation facilities than would result from conventional development, and pedestrian and vehicular linkages within and adjacent to the property.**

**The site has a significant amount of the area devoted to stormwater management measures. Approximately 25 percent of the F-PRD area will be in stormwater easements. The site overall has 38 percent open space. The usable open space and amenities are focused on the clubhouse area. The clubhouse and amenity spaces are required elements of the F-PRD approval and must be constructed concurrent with buildout of the project.**

**The site includes internal linkage for both pedestrians and vehicles. There is an additional outlet at the northwest corner of the site for future connectivity.**

**The landscaping plan is distinct for the site focusing on an “open prairie style theme.” The site utilizes large berms, grasses, and overstory tree to create the desired look and to enhance its compatibility with the surroundings. The project landscaping also accounts for commercial buffering to the HOC zoned land to the east.**

- 6. Provide for the preservation of identified natural, geologic, historic and cultural resources, drainage ways, floodplains, water bodies, and other unique site features through the careful placement of buildings and site improvements.**

**To meet regional stormwater needs, the site development plan significantly modifies an open channel along the north edge of the site and creates a large detention facility. This design and size of the feature helps to improve management of stormwater runoff for the general area and for the site itself. The design does not release additional water downstream at rate greater than current conditions. An existing drainage tile is not affected by the design.**

- 7. Provide for a development design that can be more efficiently served by existing and proposed infrastructure, including: street, water, sewer, and storm water infrastructure, than would be otherwise required as a result of conventional development.**



**All utilities will be able to be extended in order to serve the site. The design includes public water and sewer lines, but includes private streets to more efficiently serve the site. No additional through streets are needed that would require a public street into or through the development. Sidewalks are provided for along the site frontage and with the site.**

## ATTACHMENT D: F-PRD SUPPLEMENTAL DEVELOPMENT STANDARDS

Property that is zoned F-PRD shall be developed in accordance with the Zone Development Standards listed in Table 29.1203(5). Each of those standards is addressed below. Refer to Table 29.1203(5) for the detailed standards.

1. Area Requirement. A minimum of two (2) acres shall be required for all areas developed as F-PRD.

**The subject site includes for the PRD zoning is 40.62 acres.**

2. Density. Densities shall comply with the densities provided for in the Land Use Policy Plan and the underlying base zone regulations. In the case of more than one base zone designation, each area of the PRD project shall comply with the density limitation that is established for the base zone of that area. Density transfer from one area of a PRD project to another area of the same project with a lower base zone density is not permitted.

**The proposed development is based upon the RH base zone. The allowed building types include attached housing as apartments. The proposed density is 14 units per gross acre. The net developable area averages a density of approximately 19 dwelling units per acre. No individual proposed lots exceed 38.22 dwelling units per acre. The maximum permitted density with the RH base zone is 38.56 dwelling units per acre.**

3. Height Limitations. Structures proposed to be developed in areas zoned PRD shall be compatible with the predominant height of the structures in adjacent neighborhoods.

**In this F-PRD, none of the residential structures or clubhouse will exceed three stories. These heights do not conflict the operation of the airport. Due to the size and location of the site, the 3-story height is compatible with its surroundings. Most of the adjacent sites are underdeveloped or undeveloped sites with a commercial designation that allows for high intensity uses.**

4. Minimum Yard and Setback Requirements.

**The development plans meets all perimeter setbacks for the existing site boundaries. Internal setbacks for the proposed residential lots are also maintained in conformance with multiple building siting requirements.**

5. Parking Requirements.

**The parking for the development will be provided along the private streets throughout the development, on surface parking areas, and within private garages. The code requirement for parking varies from 1.5 stalls per unit to**

**1 stall per bedroom. The proposed plan exceeds minimum parking requirements for the types of proposed housing units. Parking is also included adjacent to the clubhouse and recreational area.**

**6. Open Space Design Requirements.**

**The open space proposed includes common open space areas. Open Space is currently defined as “useable open space designed and intended for the use of all residents.” Common Open Space includes areas planned for active or passive recreation as well as areas of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., but not including areas within required setbacks. The proposed project is interconnected with walkways. The stormwater design is intended to create wet ponds as a feature for the development. Amenity space with a clubhouse is included at the north end of the development. Amenities include a bicycle repair area and pet washing station.**

**7. Open Space Area Requirement.**

**A minimum landscaped open space requirement of 35 percent is required for the F-PRD with a RH base zone. The overall project is noted to provide 38% open space. The common open space proposed will be maintained by the developer. This meets the requirements of the F-PRD zone.**

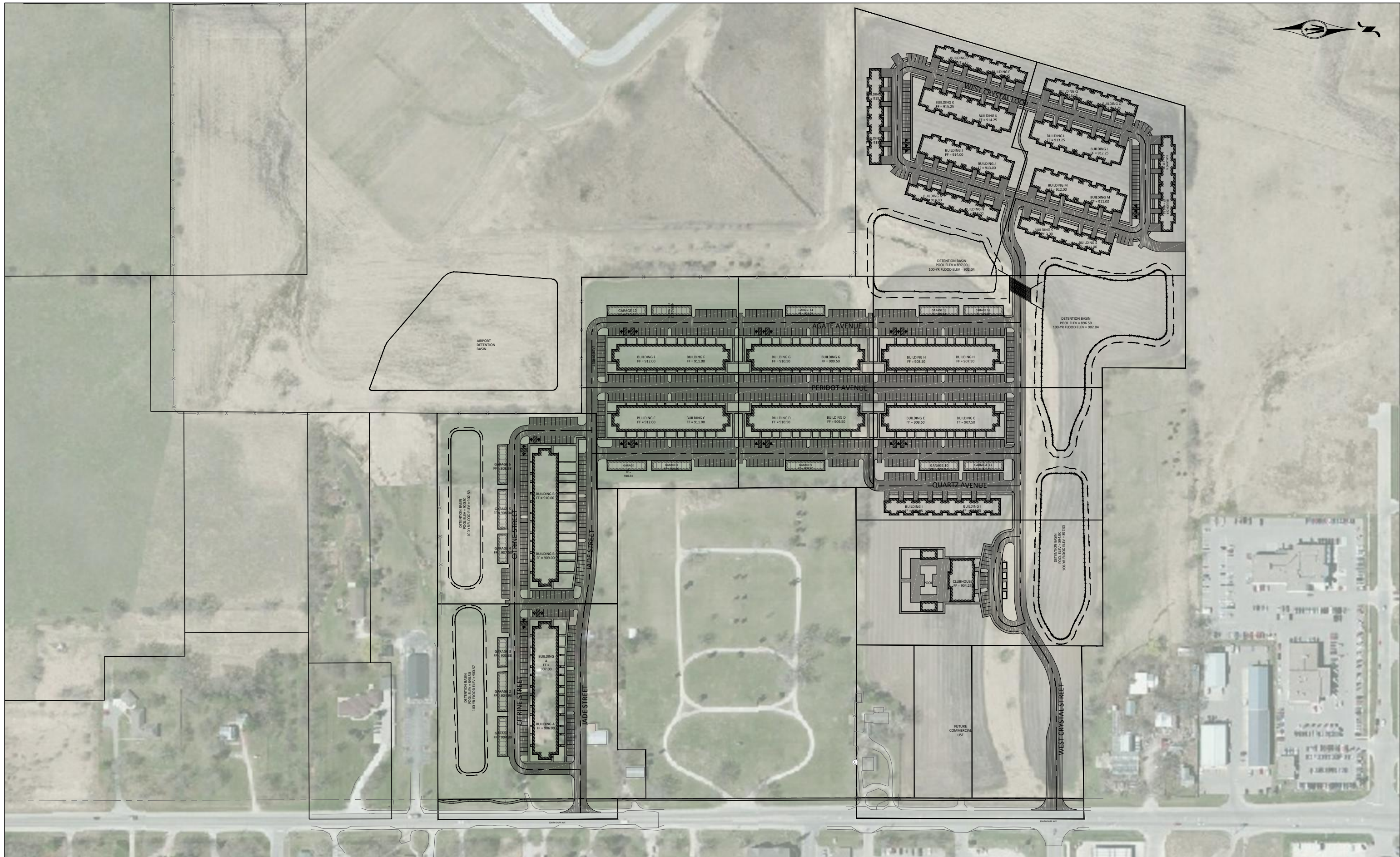
**8. Open Space Improvements and Amenities.**

**The Plan includes areas for both active recreation and passive open space.**

**9. Maintenance of Open Space and Site Amenities.**

**All open spaces will be maintained by the developer.**





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2730 FORD ST, P.O. BOX 668  
AMES, IOWA 50010  
Phone: (515) 233-6100  
Email: Ames@bolton-menk.com  
www.bolton-menk.com

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1 ELEVATION 1  
1/16" = 1'-0"



2 ELEVATION 2  
1/16" = 1'-0"



3 ELEVATION 3  
1/16" = 1'-0"



4 ELEVATION 4  
1/16" = 1'-0"

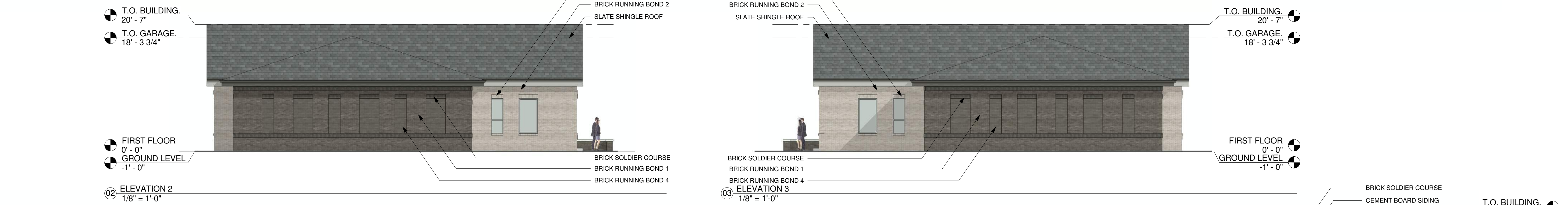


5 PERSPECTIVE









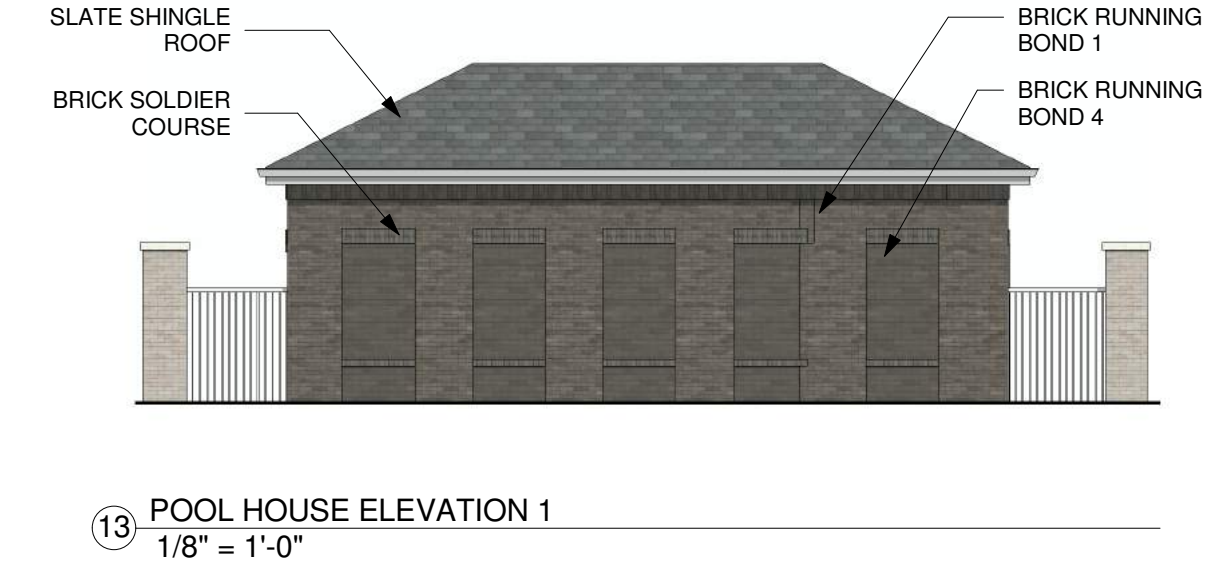
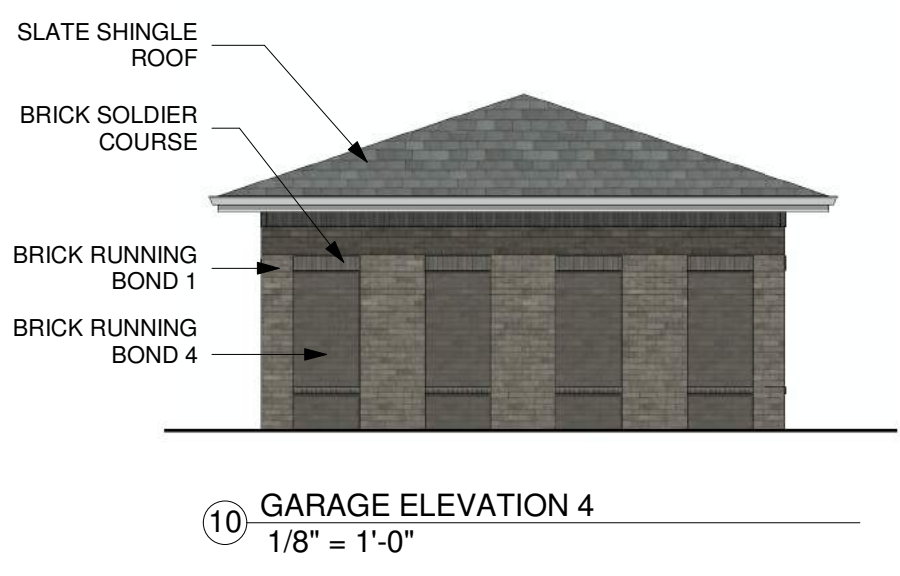
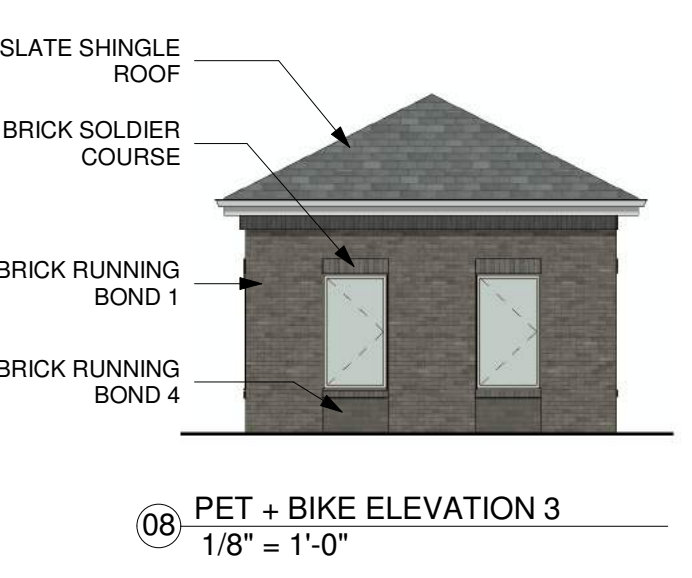
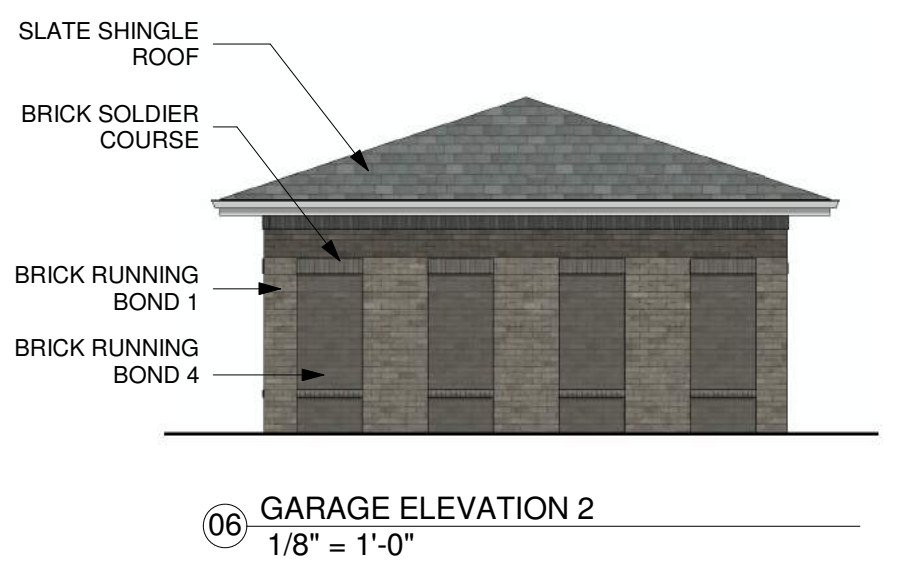
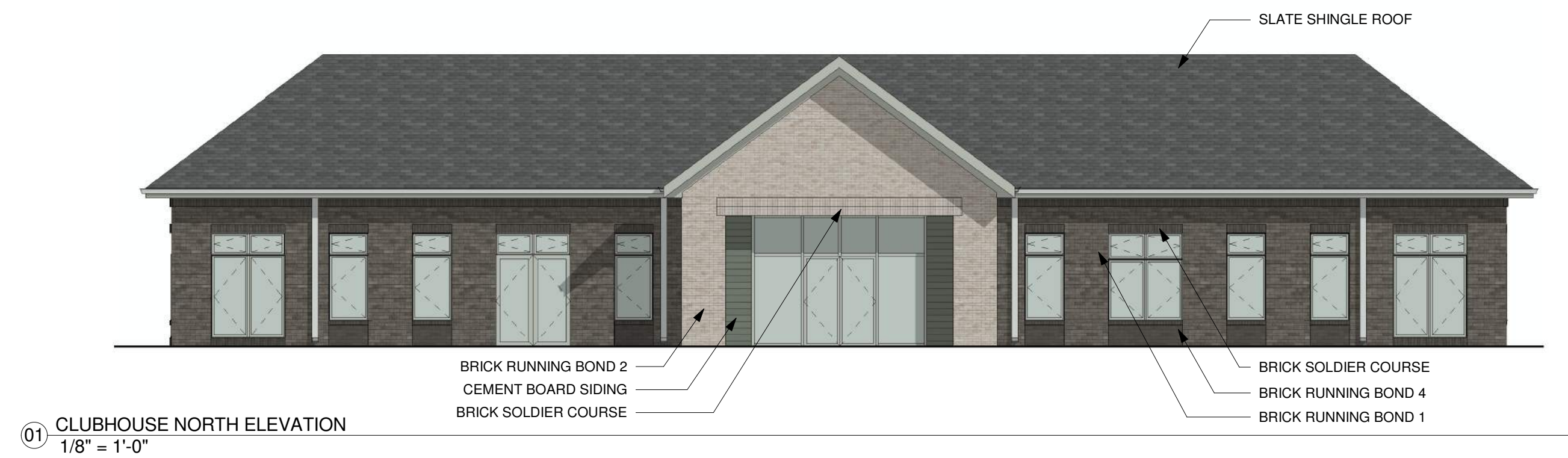
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06 PERSPECTIVE 2

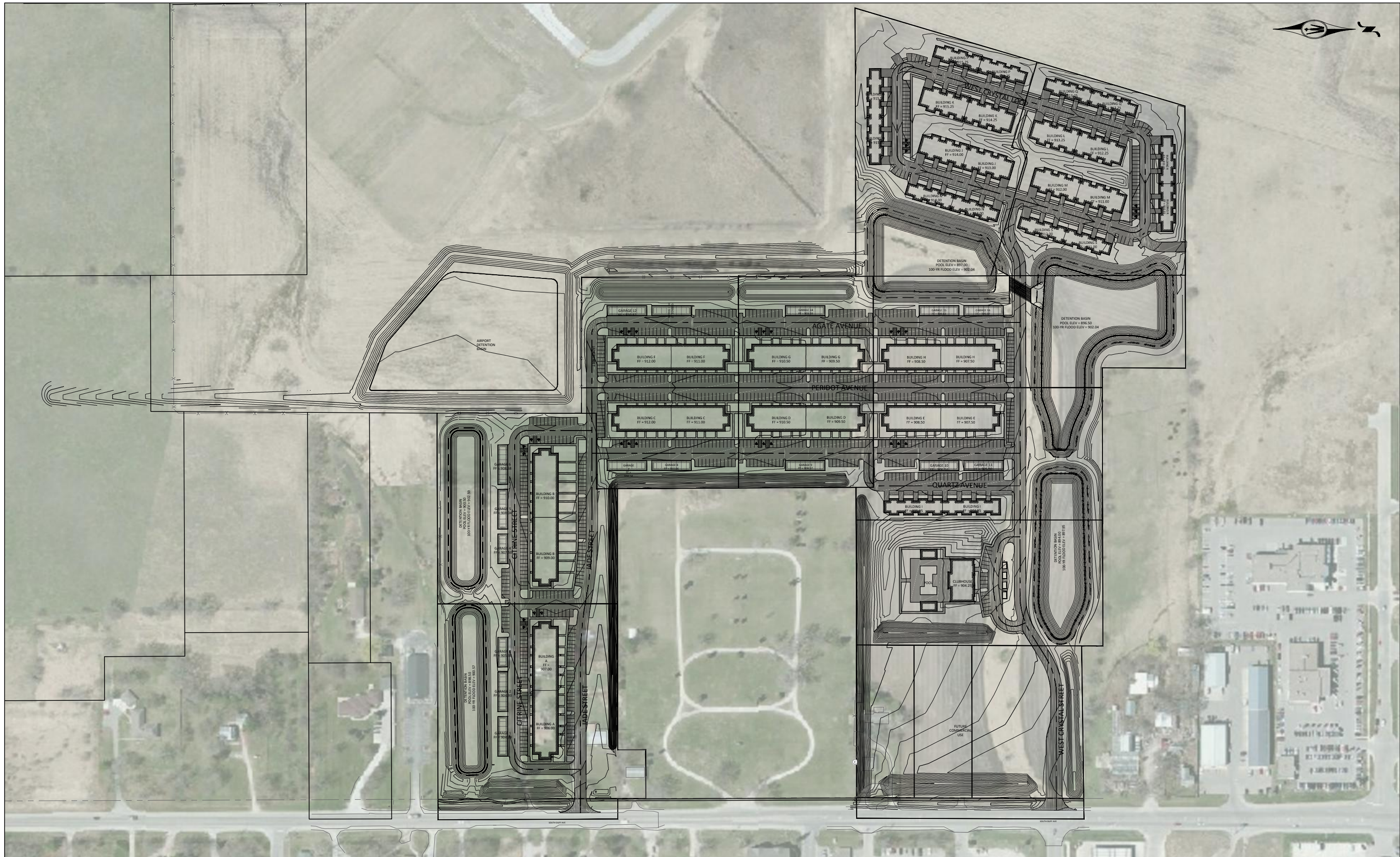












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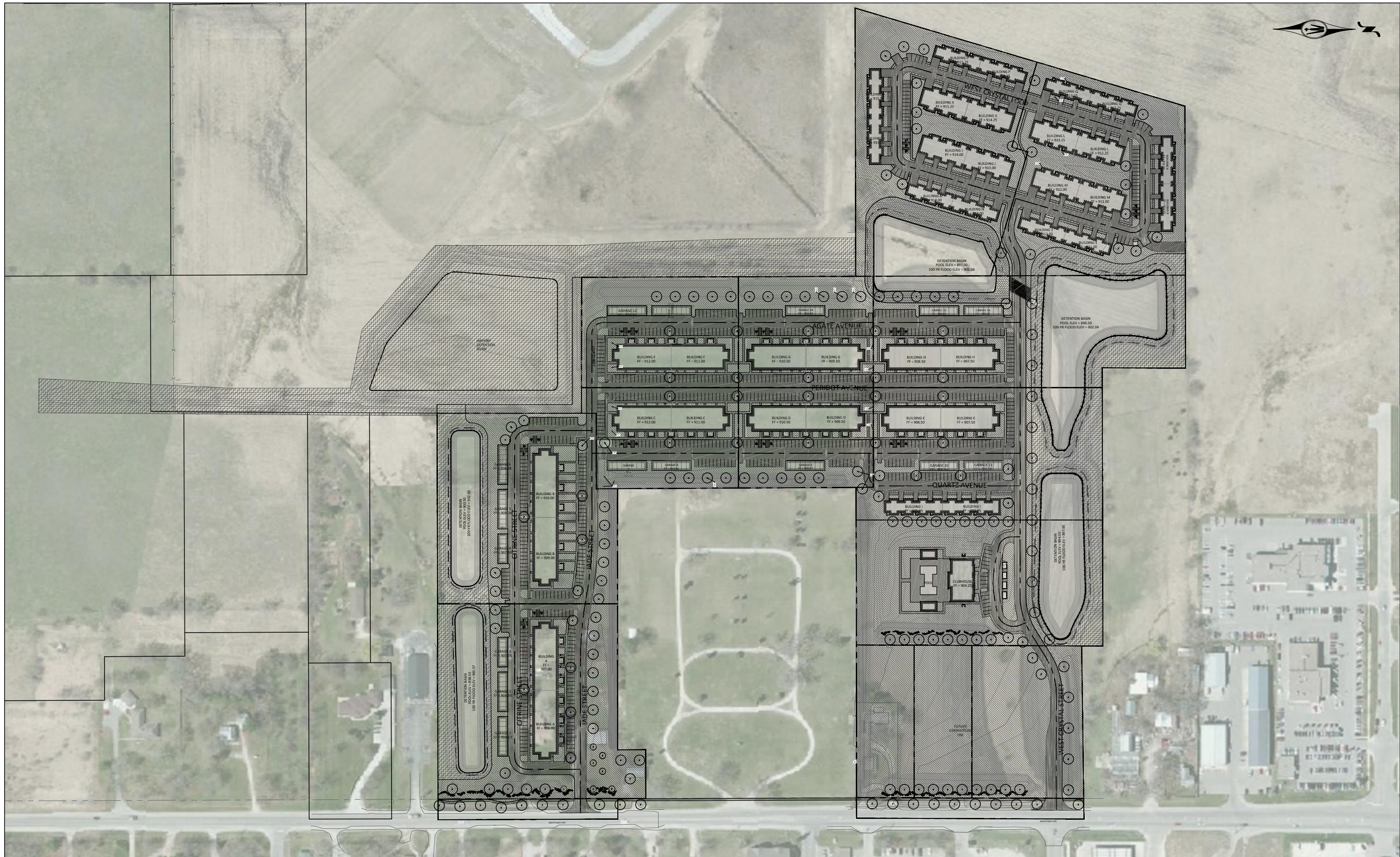
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AMES, IOWA 50010  
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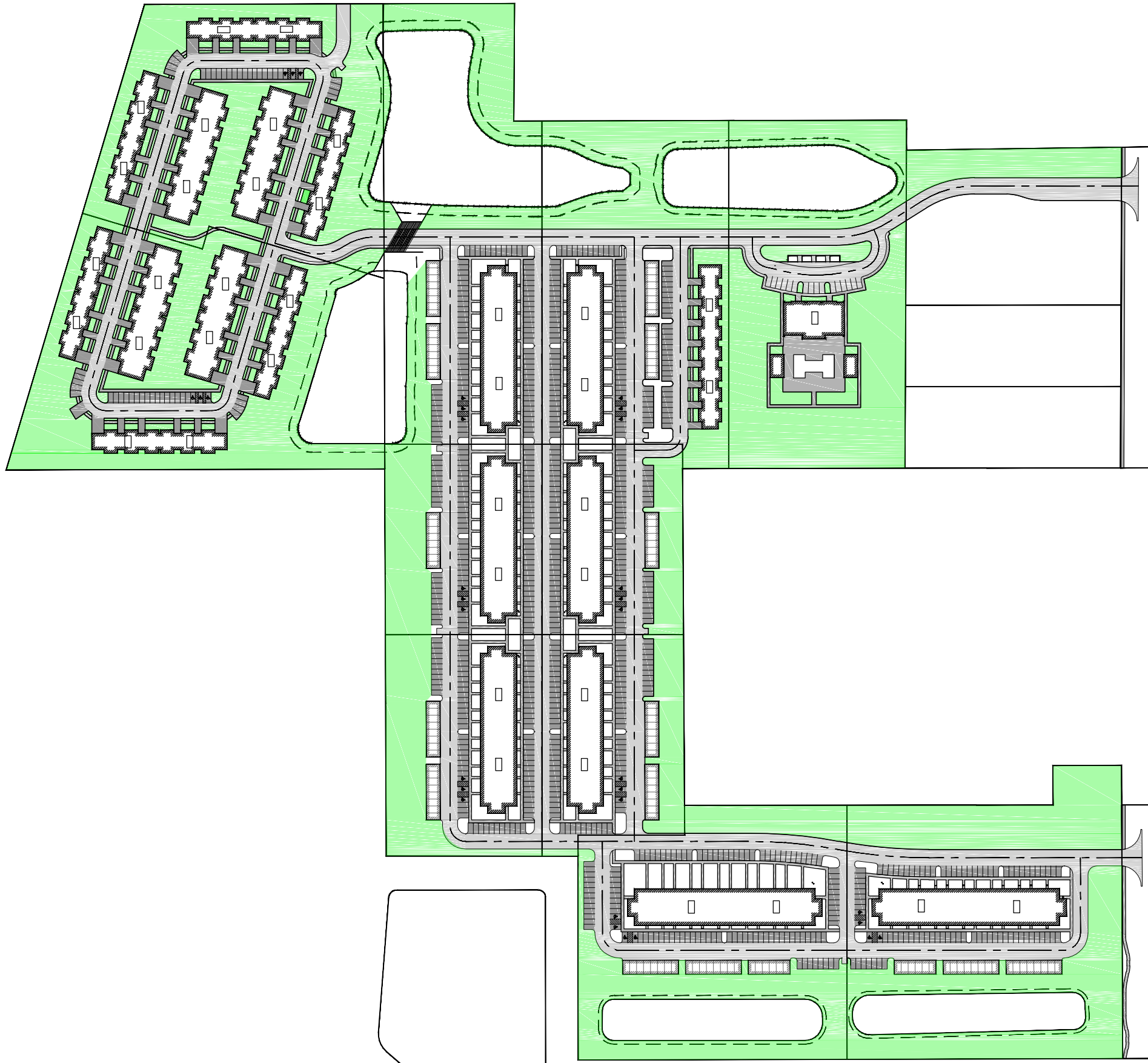
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**COUNCIL ACTION FORM**

**REQUEST: REZONING FROM PLANNED RESIDENCE DISTRICT (F-PRD) TO COMMUNITY COMMERCIAL/RESIDENTIAL (CCR) AND MASTER PLAN FOR 1114 SOUTH DAKOTA AVENUE**

**BACKGROUND:**

Dickson and Luann Jensen own a 4.68 acre parcel on the northeast corner of South Dakota Avenue and Mortensen Road. Access to the site exists from Mortenson Road and South Dakota Avenue. The site has a Land Use Policy Plan designation of Residential Low Density and is in the vicinity of the Southwest Growth Area Community Commercial Node on the Highway 30 interchange with South Dakota. The zoning for the site is Planned Residence District (Attachment A Zoning Map). The site was originally part of a 1974 Planned Unit Development.

At the Planning & Zoning Commission's June 21, 2017 meeting, the applicant's request for rezoning the property to a Community Commercial/Residential (CCR) zoning district included a Master Plan. During the Public Hearing, the applicant agreed to continue the item to the July 5<sup>th</sup> Planning & Zoning Commission meeting to reconsider rezoning the site to Community Commercial Node (CCN) without a Master Plan, rather than the requested Community Commercial/Residential (CCR). On June 27<sup>th</sup>, after the Planning & Zoning Commission meeting, the applicant met with a portion of the Willow Creek Home Owner's Association Board to discuss the proposal. As a result, at the July 5<sup>th</sup> Planning & Zoning Commission meeting, the applicant continued with the initial request to CCR zoning but without a Master Plan. At the July 5<sup>th</sup> meeting the Planning & Zoning Commission voted 5 to 0 to require a Master Plan.

After meeting with the Willow Creek Home Owner's Association, the property owner has decided to limit the development of the site to office, commercial and residential. The notes included on the Master Plan allows for the office and commercial uses allowed in the CCR district and limits the residential units to a maximum of 48 – one and two bedroom units and prohibits the development of a hotel (short-term lodging). In the CCR zoning district residential is only allowed to be constructed when located above commercial.

The developer has described in the Master Plan their intentions for the developed area. The site will have to comply with the development standards of the CCR district. A Final Plat and Minor Site Plan will need to be submitted and approved prior to any development of the site.

For any alternative where the Council requires a Master Plan, the Zoning Code requires the applicant to submit a signed zoning agreement that specifies future development will be consistent with the approved Master Plan subject to consistency with Municipal Code. **Staff recommends that submission of the signed zoning agreement for the Master**

**Plan be required prior to the third reading of any ordinance rezoning the site.**

The Planning and Zoning Commission, by a vote of 5 to 0, recommended that the City Council approve the request for rezoning from F-PRD-Planned Residence District to CCR-Community Commercial/Residential along with a Master Plan that would limit redevelopment of the site to stand-alone commercial development and a maximum of 48 household living apartments with commercial uses below, not to exceed two bedrooms per unit.

During the public hearing, concerns from neighbors included development of a hotel, and impacts to existing greenspace, vegetation, and ground water. One Commission member asked if the Master Plan included descriptive information only, rather than a sketch of the development. This Master Plan may include both commercial and residential uses. Therefore, a descriptive Master Plan would adequate. Another Commission member asked if it is intended to have commercial development on the east side of South Dakota. Staff explained that the CCN Node does not have a defined boundary, but rather a range of acres and square footage of commercial development for the area. These amounts have not yet been met with existing development.

**ALTERNATIVES:**

1. The City Council can approve the first reading of the request for rezoning from F-PRD-Planned Residence District to CCR-Community Commercial/Residential with the attached Master Plan that allows office and commercial development, limits residential develop to 48 – one and two bedrooms units, and prohibits short-term lodging based upon staff’s findings and conclusions as found in the Addendum. **A signed zoning agreement will be required prior to the third reading of the ordinance.**
2. The City Council can deny the request for rezoning from from F-PRD-Planned Residence District to CCR-Community Commercial/Residential with the attached Master Plan if the City Council finds that the City’s regulations and policies are not met.
3. The City Council can defer action on this request and refer it back to City staff and/or the applicant for additional information.

**CITY MANAGER’S RECOMMENDED ACTION:**

As noted in the attached Addendum, the proposed rezoning is consistent with the Land Use Policy Plan land use designations and policies. A Community Commercial Node is shown on the LUPP map at the interchange with Highway 30 that is south of the site. This node was created to provide for large scale commercial uses to serve west Ames and the Southwest Growth Area. Community Commercial/Residential (CCR) zoning is intended to create clustered development as compared to strip commercial development.

The proposed housing type is allowed in the proposed zoning. In addition, the described



Master Plan appears to be consistent with the underlying zoning standards. CCR zoning only allows household living above a non-residential use and cannot be permitted above short-term lodging. In addition, this Master Plan prohibits short term-lodging.

Utilites are readily available to serve this development. However, depending on the timing, a sewer study may be needed to analyze capacity needs.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the first reading of the request for rezoning from F-PRD-Planned Residence District to CCR-Community Commercial/Residential with the attached Master Plan that allows office and commercial development, limits residential develop to 48 – one and two bedrooms units, and prohibits short-term lodging based upon staff's findings and conclusions as found in the Addendum. **A signed zoning agreement will be required prior to the third reading of the ordinance.**

## ADDENDUM

### REZONING BACKGROUND:

**Existing Land Use Policy Plan.** The LUPP designation of the subject site is Low Density Residential. This designation applies to the area north and west of the Mortensen Road and South Dakota Avenue intersection. The LUPP designations of the immediate area can be found in Attachment B. A Community Commercial Node is also shown on the LUPP map at the interchange with Highway 30 that is south of the site.

The CCR Node was created to provide for large scale commercial uses to serve west Ames and the Southwest Growth Area. At the time of the adoption of the 1997 LUPP, there was minimal development in west Ames and no commercial development. Two commercial zones are options for implementation of the CCR Node. These two zones are the Convenience Commercial Node and Community Commercial/Residential. Each of the zones permit a wide range of trade and office uses, with the principal difference being that CCR permits mixed use residential. Both Node zoning choices were intended to create clustered development as compared to strip commercial development typically associated with Highway Oriented Commercial zoning.

The CCR Node is intended to encompass between 40 and 75 acres and 100,000-800,00 gross square feet of commercial development. The gross area of this Southwest CCR Node with CCN zoning and CCR zoning is 57 acres. While a square foot total was not calculated, some of the existing development is not made up of commercial uses intended to serve the community, e.g. the Iowa State Women's Basketball Complex. The acreage and potential square footage of this site is not inconsistent with the expectations of the LUPP due to current mix of uses in the area and the underdevelopment of commercial square footage.

When determining consistency of a rezoning with the Land Use Policy Plan, it must be consistent with the Land Use Policy Plan Land Use Map as well as other policies of the Plan. Nodes are meant to be a general depiction of land use intent and overlay other land use designations. This means that although the land use designation is Low Density Residential, a change to commercial zoning can be found to be consistent with the LUPP because of the CCR Node. This is similar to the existing commercial zones in this area that all have a residential land use designation, even though they are developed as commercial properties. At the same time, the property could be used for residential in a manner consistent with the Low Density Residential Designation.

**Existing Zoning.** The site is zoned Planned Residence District, as are the abutting properties to the east and north. The Planned Residence District zoning was applied to the site in 2000 to replace the prior Planned Unit Development (PUD) zoning. The original PUD included the condominiums to the north and the apartments to the east. In 1974, the approved Willow Creek PUD showed five apartment buildings with six units in each building for this site. However, in 1999, the PUD site plan was amended and the existing church was approved. Additional structures and parking related to the church were approved in 1999, but were never constructed. A change in use or design of the site under the PRD zoning would require a Major Site Development Plan review.

The zoning classification of the CCN zoning district was modified in 2005 to exclude mixed use development and the new CCR zoning district was created and applied to this area in response to the already approved mixed use developments. CCR zoning was again modified in 2008 to clarify that household living is only allowed above a non-residential use and cannot be permitted above short term lodging that occurred within part of the West Towne Condominiums project. The CCN zoned properties are also subject to the Southwest Gateway Overlay (O-GSW). The overlay (Ames Municipal Code 29.1112) allows for parking reductions with clustered development and requires basic architectural design and material requirements. The area to the south of the subject site is zoned RH, Residential High Density. An excerpt of the zoning map can be found in Attachment A.

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

<b>Direction from Subject Property</b>	<b>Existing Land Uses</b>
Subject Property	Church
North	Willow Creek Estates Condominiums
East	University West
South	Coconino Place and University West Apartments
West	Vacant

**Master Plan.** The Planning and Zoning Commission, at the July 5<sup>th</sup> meeting, voted to require a Master Plan to accompany this rezoning. A Master Plan is intended to provide a general description of the intended development of a property. The submitted Master Plan complies with the submittal requirements listed in Section 29.1507(4) (see Attachment F). The Master Plan proposes office, commercial development, limits residential develop to 48 – one and two bedrooms, and prohibits short term lodging. Residential in a CCR district is only allowed when located above the first floor.

**Apartment Matrix.** The matrix used to evaluate apartment locations is included in Attachment D. This site is near a CCR node and an already developed mixed area of commercial, high density, and mixed use development. There are a few development options proposed with this Master Plan. The west side of the site will maintain an office/amenity space for tenants that lease from other properties owned by the applicant. One option for the east side of the site does include apartments. This matrix was done assuming that development option.

Assuming apartment development occurs, the site ranks high-average as an infill site in a diverse area with many services and good transportation facility access. This is a location where residential may be acceptable in a small quantity since a high amount of high to medium density residential exists in the surrounding area. It may be a desired housing type but not a necessary housing type in this area.

**Infrastructure.** Sanitary sewer and water connections are readily available, as are electric services. The site is within the sanitary sewer service area that is known to be at or near capacity with the full development of properties to the west. Depending on timing of the development of this site and the intensity of proposed development, the City may require a sanitary sewer evaluation to confirm downstream capacity.

The intersection of Mortenson Road and South Dakota is large multi-lane arterial intersection that has fully signalized and controlled turning movements. Under current conditions the intersection performs consistent with the City's level of service standards. Development of the site will likely affect traffic patterns with a modest number of new trips through the intersection and have an effect on turning movements to seek out the newly established commercial activities. Site access and turning movement affects may be evaluated in greater detail at the time of site development. Any missing infrastructure or right-of-way dedication will be required concurrent with redevelopment of the site.

**Access.** Access on the master plan is shown where it exists today. Access to the site is available from both Mortensen Road and South Dakota Avenue. No formal access or site plan review has been completed with the Transportation Division of the City. Upon development of the site, access management for driveway locations will be reviewed by the City. Access near the Mortenson/South Dakota intersection will be limited.

**Findings of Fact.** Based upon an analysis of the proposed rezoning and laws pertinent to the applicant's request, staff makes the following findings of fact:

1. Ames *Municipal Code Section 29.1507(2)* allows owners of 50 percent or more of the area of the lots in any district desired for rezoning to file an application requesting that the City Council rezone the property. The property represented by the applicant is entirely under one ownership representing 100 percent of the property requested for rezoning.
2. The subject property has been designated on the Land Use Policy Plan (LUPP) Future Land Use Map within the service area of a Community Commercial Node.
3. The "Community Commercial Node" land use designation supports the "CCR, Community Commercial/Residential zoning designation. Under the "CCR" zoning designation, all of the proposed development options are allowed.
4. The proposed Master Plan identifies a mix of uses that supports a commercial rezoning and includes appropriate limits on the use and arrangement of the site to provide predictable and compatible development patterns.
5. Infrastructure is currently adequate to serve the site.

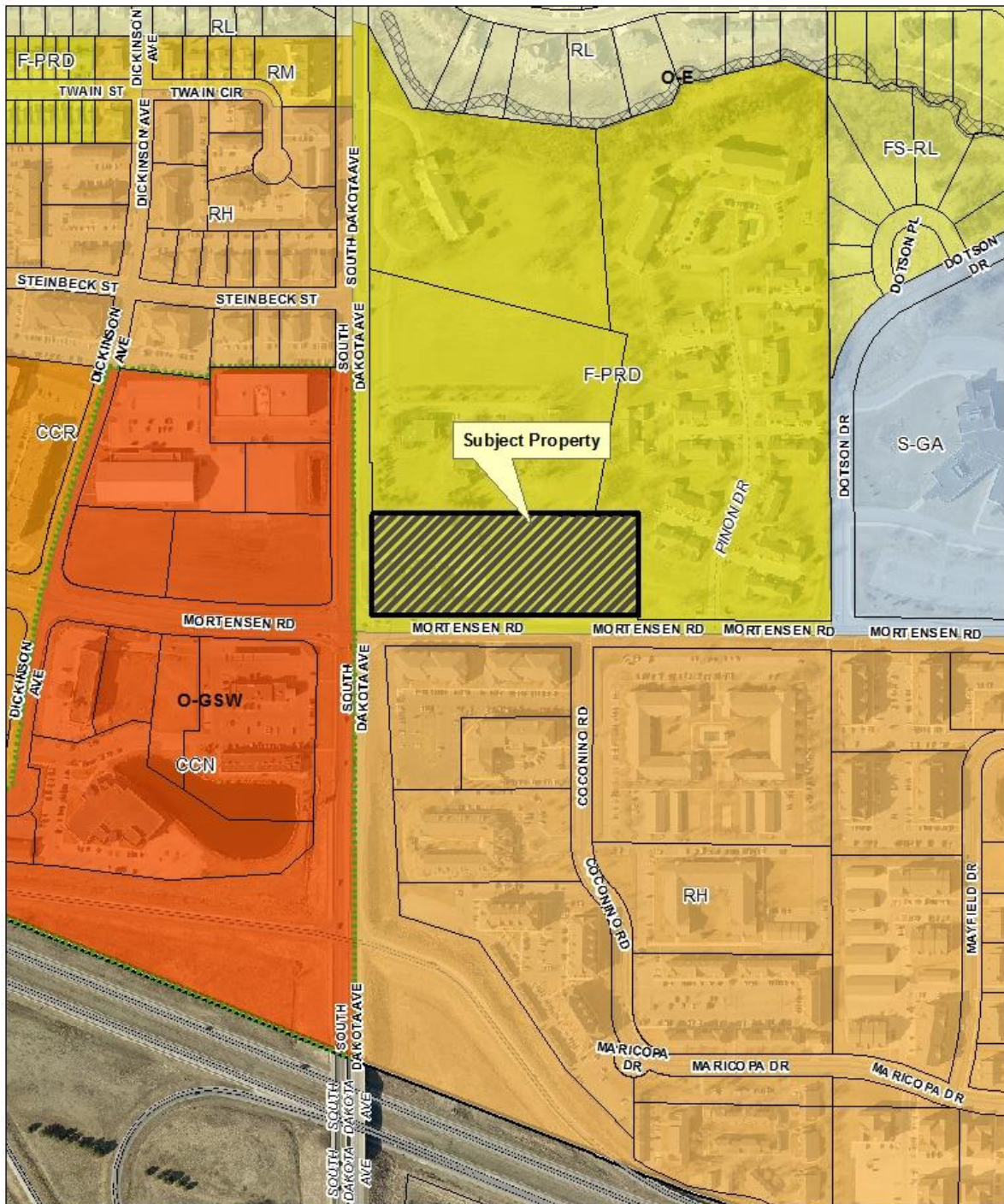
**Public Notice.** Notice was mailed to property owners within 200 feet of the subject site and a sign was posted on the subject property. The notice distance was expanded to include the 700 address range of the abutting Willow Creek Condominiums as requested by the Planning and Zoning Commission. The original notice did not include the 700

block of homes as they are beyond the standard 200-foot notice requirement and on a separate parcel in the assessor records. As of this writing, no comments have been received. The developer also met with member of the Willow Creek Condominiums in the last week of June.

**Conclusions.** Based upon the analysis in this report, staff concludes that the proposed rezoning of the subject property is consistent with the Future Land Use Map, as well as the Goals and Objectives of the City of Ames Land Use Policy Plan.



# Attachment A: Location and Current Zoning



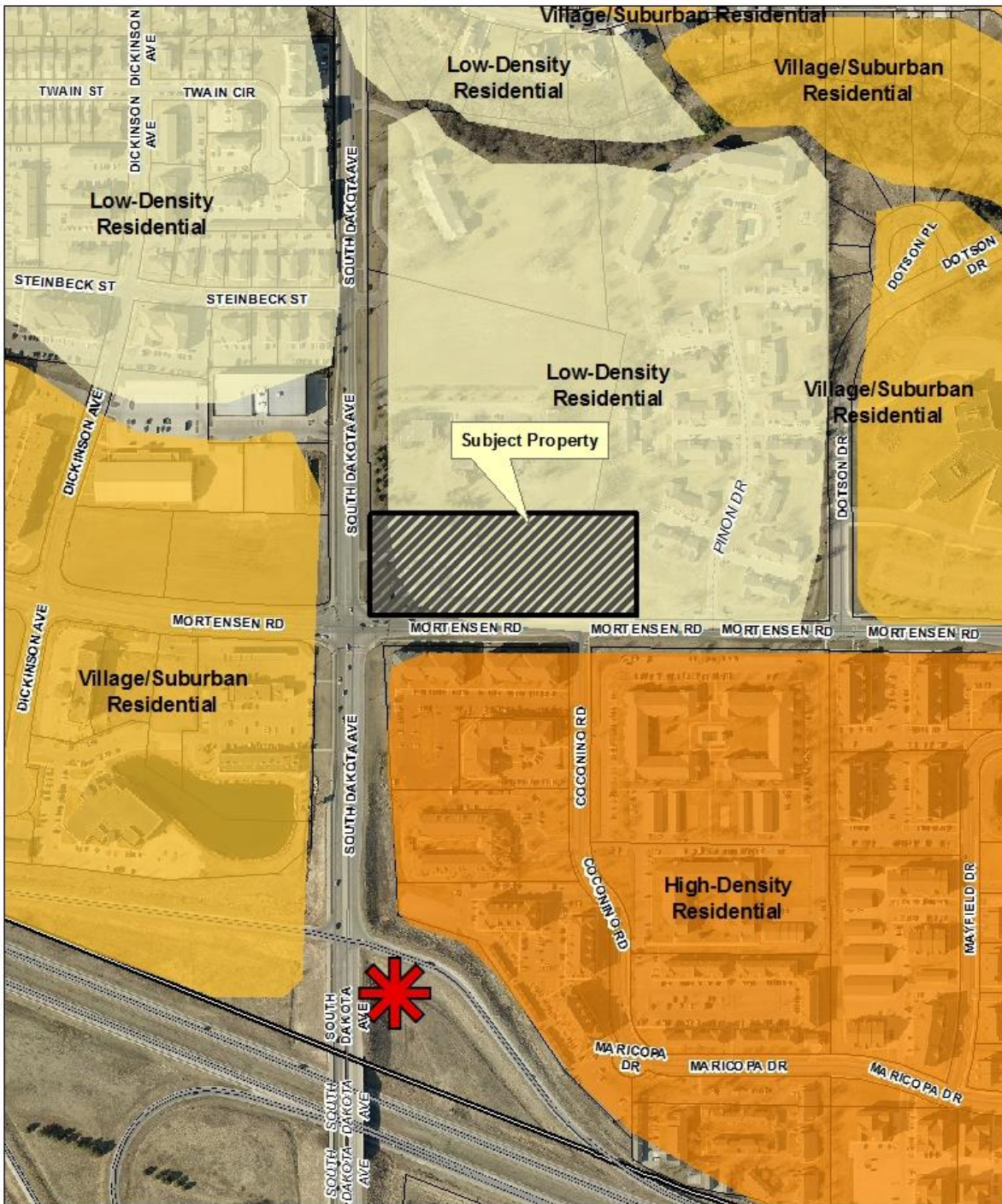
CITY OF  
Ames

1114 South Dakota Avenue





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



1114 South Dakota Avenue



# Attachment C: Updated Applicant's Statement

Re: 1114 South Dakota rezoning

<https://mail.notes.na.collabserv.com/livemail/0/7B45F89FC562611D...>

**From:** Luke Jensen <luke@resgi.com>  
**To:** Julie Gould <JGould@city.ames.ia.us>  
**Cc:** Dickson <ddjensen2010@gmail.com>, lauraaballantine@gmail.com, dellmann.o@gmail.com, frank.poduska@gmail.com, Brad Dell <bradedell@gmail.com>

**Date:** Wednesday, June 28, 2017 07:32AM  
**Subject:** Re: 1114 South Dakota rezoning

Hi Julie,  
We met with some of the HOA Board from Willow Creek yesterday afternoon to discuss the rezoning of 1114 S. Dakota. We had a productive time. Below is the outcome of our discussion and agreement:

- CCR Zone
- Up to 48 apartments with any mix of 1 or 2 bedroom units
- No hotel
- Fence/Screening along north boundary of 1114 S. Dakota
- No preset limit on commercial square footage maximum-we will do as the code allows.

Please let us know if you have any issues.

Thanks,  
Luke

On Fri, Jun 23, 2017 at 4:00 PM, Julie Gould <JGould@city.ames.ia.us> wrote:  
I wanted to verify that based on the outcome of the P&Z meeting on the 21st, you now want to rezone to CCN, Community Commercial Node? To further clarify, a Master Plan will not be required with this submittal and Household Living is not an allowed use in the CCN district.

Please confirm that this is correct.  
Thank you,

**Julie Gould**  
*Planner*

515.239.5400- *main* | 515.239.5443 *direct* | 515.239.5404 -*fax*  
[jgould@city.ames.ia.us](mailto:jgould@city.ames.ia.us) | City Hall, 515 Clark Avenue | Ames, IA 50010  
[www.CityofAmes.org](http://www.CityofAmes.org) | ~ Caring People ~ Quality Programs ~ Exceptional Service ~



**Luke Jensen**  
RES Development, Inc.  
2519 Chamberlain St., Ste. 101

## Attachment D: Apartment Matrix

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

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



# Attachment E: Master Plan

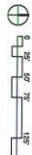
## 1114 SOUTH DAKOTA - MASTERPLAN



0 MASTERPLAN

LOT DESCRIPTION  
1114 SOUTH DAKOTA AVE.

EXISTING ZONING: F-PBD  
PROPOSED ZONING: CCR  
LOT AREA: 4.88 ACRES  
PROPOSED DEVELOPMENT: OFFICE COMMERCIAL, RESIDENTIAL  
NOTE: - 48 MAX. RESIDENTIAL UNITS (1 & 2 BR UNITS)  
- SHORT-TERM LODGING PROHIBITED



### LEGAL DESCRIPTION

Beginning at a point on the south line of the Northwest Section Eight (8), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5<sup>th</sup> P.M., Story County, Iowa, distant S89°03'07" E 45.0 feet from the SW Corner thereof; thence S22°05'12" E 220.0 feet to the NW 1/4 of the SW 1/4 of the southerly line of the plat of Willow Creek Estates Second Addition to the City of Ames, Story County, Iowa; thence S70°54'48" E 77.2 feet; thence S89°06'12" E 119.3 feet; thence S10°12' E 210 feet; S09°51'22" E 220.0 feet; S89°06'12" E 380.0 feet; thence S10°05'46" W 77.2 feet; thence S89°06'12" W 390.0 feet; thence N10°05'12" W 76.1 feet to the point of beginning; thence continuing N0°05'12" W 439.9 feet to the southerly line of the plat of Willow Creek Estates Second Addition to the City of Ames, Iowa; thence S89°05'12" E 220.0 feet to the NW 1/4 of the SW 1/4 of the City of Ames, Story County, Iowa, and except the south line of the said NW 1/4 of the SW 1/4; thence N0°05'12" E 329.3 feet parallel to and 45.0 feet easterly from the west beginning; thence continuing N0°05'12" W 439.9 feet to the southerly line of the plat of Willow Creek Estates Second Addition to the City of Ames, Iowa; thence S89°05'12" E 220.0 feet to the NW 1/4 of the SW 1/4 of the City of Ames, Story County, Iowa, and except the south line of the said NW 1/4 of the SW 1/4 of the SW 1/4 of Sec. 8 T83N-R24W of the 5<sup>th</sup> P.M., Ames, Story County, Iowa, containing 0.59 acres, more or less; AND (8) Township Eighty-three (83) North, Range Twenty-four (24) West of the 5<sup>th</sup> P.M., Story County, Iowa; thence S89°06'12" E 45.0 feet from the SW Corner thereof; thence S22°05'12" E 220.0 feet to the NW 1/4 of the SW 1/4 of the southerly line of the plat of Willow Creek Estates Second Addition to the City of Ames, Iowa; thence S70°54'48" E 77.2 feet; thence S89°06'12" E 119.3 feet; thence S10°12' E 210 feet; S09°51'22" E 220.0 feet; thence S10°05'46" W 77.2 feet; thence S89°06'12" W 390.0 feet; thence N10°05'12" W 76.1 feet to the point of beginning; containing 0.69 acres, all in the City of Ames, Story County, Iowa.

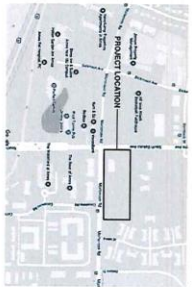
### APPLICANT

JENSEN GROUP  
4811 MORTENSEN ROAD  
AMES, IOWA 50010

### OWNER

DICKSON & LYANN JENSEN  
4811 MORTENSEN ROAD  
AMES, IOWA 50010

### VICINITY MAP



1114 SOUTH DAKOTA DEVELOPMENT  
1114 SOUTH DAKOTA  
AMES, IA 50014

Project Number	16005
REZONING	091937
MASTERPLAN	1

1600517307302.A

# Attachment F

## Applicable Regulations

### **Per Section 29.1507(4): master plan Submittal Requirements:**

- a. Name of the applicant and the name of the owner of record.
- b. Legal description of the property.
- c. North arrow, graphic scale, and date.
- d. 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
- e. Proposed zoning boundary lines.
- f. Outline and size in acres of areas to be protected from impacts of development
- g. Outline and size in acres of areas proposed of each separate land use and for each residential unit type
- h. Pattern of arterial streets and trails and off-site transportation connections
- i. 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
- j. 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.



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

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

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

Section 1: The Official Zoning Map of the City of Ames, Iowa, as provided for in Section 29.301 of the *Municipal Code* of the City of Ames, Iowa, is amended by changing the boundaries of the districts established and shown on said Map in the manner authorized by Section 29.1507 of the *Municipal Code* of the City of Ames, Iowa, as follows: That the real estate, generally located at 1114 South Dakota Avenue, is rezoned, with Master Plan, from Planned Residence District (F-PRD) to Community Commercial/Residential (CCR).

**Real Estate Description:** Beginning at a point on the south line of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section Eight (8), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5<sup>th</sup> P.M., Story County, Iowa, distant S89°03'30"E 45.0 feet from the SW Corner thereof; thence N0°06'12"W 473.4 feet parallel to and 45.0 feet distant easterly from the west line of said NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  to the southerly line of the plat of Willow Creek Estates, Second Addition, to the City of Ames, Story County, Iowa; thence along the southerly boundary of said Addition: S89°06'12"E 210 feet; S0°06'12" 220.0 feet; S89°06'12"E 390.0 feet; and N10°53'48"E 77.2 feet; thence S89°06'12"E 119.3 feet; thence S0°06'12" 330.0 feet to the South line of the said NW $\frac{1}{4}$  of the SW $\frac{1}{4}$ ; thence N89°03'30"W 734.1 feet to the point of beginning; subject to public road right-of-way and containing 5.56 acres, all in the City of Ames, Story County, Iowa, **except** Commencing at the SW Corner of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 8-T83N-24W of the 5<sup>th</sup> P.M., Story County, Iowa; thence S89°03'30"E 45.0 feet along the south line of the said NW $\frac{1}{4}$  of the SW $\frac{1}{4}$ ; thence N0°06'12" 329.5 feet parallel to and 45.0 feet easterly from the west line of the said NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  to the point of the beginning; thence continuing

N0°06'12"W 143.9 feet to the southerly line of the plat of Willow Creek Estates Second Addition, to the City of Ames, Iowa; thence S89°06'12"E 210.0 feet along the southerly boundary of said Addition; thence S0°06'12"E 143.9 feet; thence N89°06'12"W 210.0 feet to the point of beginning; containing 0.69 acres, all in the City of Ames, Story County, Iowa, **and except** The South 50 feet of the West 779.1 feet and the East 5 feet of the West 50 feet of the South 330 feet of the NW¼ of the SW¼ of Sec. 8-T83N-R24W of the 5<sup>th</sup> P.M., Ames, Story County, Iowa, containing 0.93 acres, more or less, **AND** Commencing at the SW Corner of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of Section Eight (8), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5<sup>th</sup> P.M., Story County, Iowa; thence S89°03'30"E 45.0 feet along the south line of the said NW¼ of the SW¼; thence N0°06'12"W 329.5 feet parallel to and 45.0 feet easterly from the west line of said NW¼ of the SW¼; thence S89°06'12"E 210.0 feet to the point of beginning; thence continuing S89°06'12"E 404.7 feet; thence S10°53'48"W 77.2 feet; thence N89°06'12"W 390.0 feet; thence N0°06'12"W 76.1 feet to the point of beginning; containing 0.69 acres, all in the City of Ames, Story County, Iowa.

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.

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

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

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

**COUNCIL ACTION FORM**

**SUBJECT: 2016/17 DOWNTOWN STREET PAVEMENT IMPROVEMENTS  
(SHERMAN AVE)**

**BACKGROUND:**

The Downtown Street Pavement Improvements is for the rehabilitation/reconstruction of streets and alleys within the downtown area (Lincoln Way to 7<sup>th</sup> Street and Grand Avenue to Duff Avenue). These projects involve pavement reconstruction, rehabilitation of storm and sanitary sewers, and streetscapes. This program will meet the recommendations of the Downtown Improvements Study for the side streets in the downtown area. **The location for this project is Sherman Ave (Lincoln Way north to Lot W Parking Lot).**

On July 19, 2017, bids for the project were received as follows:

<i>Bidder</i>	<i>Bid Amount</i>
Engineer's estimate	\$292,277.00
Con-Struct, Inc.	\$307,184.50

Engineering and construction administration costs are estimated at \$61,437, bringing the **total estimated costs for the project to \$368,621.50.**

This Downtown Street Pavement Improvement project is shown in the 2016/17 Capital Improvement Plan with **funding in the amount of \$375,000** from General Obligation bonds.

**ALTERNATIVES:**

1. a. Accept the report of bids for the 2016/17 Downtown Street Pavement Improvements (Sherman Ave) project.  
  
b. Approve the final plans and specifications for this project.  
  
c. Award the 2016/17 Downtown Street Pavement Improvements (Sherman Ave) project to Con-Struct, Inc. of Ames, Iowa, in the amount of \$307,184.50.



2. a. Accept the report of bids for the 2016/17 Downtown Street Pavement Improvements (Sherman Ave) project.  
  
b. Reject award and direct staff to modify the project for a future bid letting.
3. Do not proceed with the project at this time.

**MANAGER'S RECOMMENDED ACTION:**

By awarding this project, it will be possible to improve the street quality for our citizens in this area.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as described above.

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW SECTION 29.1403 (8)(a) AND (b) THEREOF, FOR THE PURPOSE OF NEW LANGUAGE GOVERNING APPEALS ; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.**

**BE IT ENACTED**, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting new 29.1403 (8)(a) and (b) as follows:

...

**(8) Appeals to the Board.**

(a) General. Appeals to the Board may be taken by any person aggrieved by any decision of the Zoning Enforcement Officer or by any officer, department, board, or bureau of the City affected by any decision of the Zoning Enforcement Officer. Matters that may be appealed to the Board include decisions by the Planning Director on Minor Site Plan Development Plan approval.

(b) Filing. A written notice of appeal must be filed with secretary to the Board within 30 days of a decision, order, or requirement by an administrative official. The written notice of appeal must specify the grounds thereof for the appeal. The secretary of the Board shall give notice of such appeal within 10 days of the filing of the appeal to the Zoning Enforcement Officer and the Planning and Housing Director, who shall forthwith transmit to the Board all papers and documents constituting the record upon which the action appealed from was taken.”

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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

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