

**COUNCIL ACTION FORM**

**SUBJECT:** ROCK SALT FOR 2018/19 SNOW AND ICE CONTROL PROGRAM

**BACKGROUND:**

This contract is to furnish rock salt for the 2018/19 Snow and Ice Control Program. Materials are to be delivered as requested by the City throughout the winter season. The estimated total cost is based on the average usage of 2,500 tons.

The following bids were received on April 19, 2018:

<b><u>BIDDER</u></b>	<b><u>UNIT PRICE</u></b>	<b><u>ESTIMATED TOTAL COST</u></b>
Independent Salt Co., Kanopolis, KS	\$74.09/ton	\$185,225.00
Central Salt LLC, Elgin, IL	\$74.19/ton	\$185,475.00
Cargill Inc., North Olmsted, OH	\$90.76/ton	\$226,900.00
Compass Minerals American Inc, Overland Park, KS	\$93.33/ton	\$233,325.00
Morton Salt, Inc., Chicago, IL	NO BID	

The approved FY 2018/19 operating budget for the Public Works Department includes \$187,500 for rock salt from Road Use Tax.

**ALTERNATIVES:**

1. Award the contract for the 2018/19 rock salt requirements to Independent Salt Co., Kanopolis, KS, in the amount of \$74.09 per ton, to be delivered as requested by the City throughout the winter season.
2. Award the contract for rock salt to one of the other bidders.
2. Reject all bids and attempt to purchase rock salt on an as-needed basis.

**MANAGER'S RECOMMENDED ACTION:**

The approved 2018/19 operating budget for the Public Works Department includes \$187,500 for rock salt. The estimated cost of this contract, based on a quantity of 2,500 tons, is \$185,225. If usage exceeds the budgeted amount, the operating budget will be amended using savings from other street activities.

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

**COUNCIL ACTION FORM**

**SUBJECT:** PEBBLE LIME PURCHASE FOR WATER TREATMENT

**BACKGROUND:**

Pebble lime is used in the water treatment process to remove water hardness. Almost 3,000 tons are used annually and it is the largest chemical cost for the Water Plant. The contract period starts July 1, 2018 and continues through June 30, 2019. On April 18, 2017, bids were received for fiscal year 2017/18 with an optional extension for fiscal year 2018/19.

BIDDER	July 1, 2017 - June 30, 2018		Optional Extension 7/1/18-6/30/19	
	Price Per Ton	Estimated Total Cost	Price Per Ton	Estimated Total Cost
Graymont Western Lime Inc. West Bend, WI	\$156.00	\$468,000	\$160.00	\$480,000
Mississippi Lime Company St. Louis, MO	\$212.40	\$637,200	\$221.00	\$663,000
Lhoist North America of Missouri, Inc. St. Genevieve, MO	\$261.39	\$784,170	No bid	

The total estimated cost in the table above is for an estimated quantity of 3,000 tons per 12-month period. Actual usage will depend on water quality and consumption. The 2018/19 operating budget estimates 2,950 tons at \$160 per ton for a total of \$472,000.

**ALTERNATIVES:**

- 1) Award a contract for the purchase of pebble lime to Graymont Western Lime Inc. of West Bend, WI. The contract provides lime at \$160.00 per ton for FY 2018/19.
- 2) Reject all bids and attempt to obtain the required services on an as-needed basis.

**MANAGER'S RECOMMENDED ACTION:**

Acquiring an adequate supply of pebble lime is essential for the established water softening process at the City's Water Treatment Plant. Graymont Western Lime Inc. has demonstrated the ability to dependably provide this product at a competitive rate.

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

**COUNCIL ACTION FORM**

**SUBJECT: FACILITIES MAINTENANCE PROGRAM - AWARD OF CONTRACT  
FOR CUSTODIAL SERVICES AT CITY HALL**

**BACKGROUND:**

All cleaning and custodial services for City Hall are provided by a third party professional cleaning service. The tasks included in this service are all the routine daily cleaning tasks, carpet shampooing, vinyl and Terrazo floor maintenance, ceramic tile cleaning, plumbing fixture cleaning and sanitation, spot cleaning as needed, emptying trash receptacles, glass cleaning, window washing, litter collection around the outside of the building, litter collection in parking lots M, MM, N, and the Veterans Memorial, and an occasional emergency unplanned clean-up. The current contract expires on June 30, 2018. Based on past experience a group of employees was used to modify and create the new contract to better meet the needs of the users of City Hall.

On April 17, 2018, six bids were received as follows:

BIDDER – Base Bid	TOTAL ANNUAL COST	ADDITIONAL SERVICES
		COST PER HOUR
Reliable Maintenance Co., Des Moines, IA	\$52,028.64	\$16.00
Magic Matt's Cleaning, Ames IA	\$59,990.00	\$20.00
Klean Rite, Ames, IA	\$71,175.00	\$22.50
ABM Industry Groups, LLC, Des Moines, IA	\$90,895.00	\$22.50
Jones Cleaning & Remodeling, Ames, IA	\$98,150.00	\$25.00
Nationwide Office Care, Clive, IA	\$174,664.00	\$19.00

In addition to the first year costs, bidders also provided proposed annual rate increases:

BIDDER – Annual % Rate Increase by FY	19/20	20/21	21/22	22/23
Reliable Maintenance Co., Des Moines, IA	0.0%	0.0%	0.1%	0.1%
Magic Matt's Cleaning, Ames IA	0.0%	0.0%	0.1%	0.1%
Klean Rite, Ames, IA	1.0%	1.0%	1.5%	2.0%
ABM Industry Groups, LLC, Des Moines, IA	3.0%	2.0%	3.0%	2.0%
Jones Cleaning & Remodeling, Ames, IA	0.0%	2.0%	2.0%	3.0%
Nationwide Office Care, Clive, IA	4.0%	4.0%	4.0%	4.0%

The lowest responsive, responsible bidder for City Hall custodial services is Reliable Maintenance Company, Des Moines, IA., in the amount of \$52,028.64 per year. City staff estimates that additional emergency and special event clean-up services at the \$16.00 per hour rate specified in the bid will result in an additional \$1,000 per year of expenses. City Council authorization of this increased amount is requested at this time, although the actual emergency clean-up services will be billed to City programs on an as-needed basis.

This bid is for the period of July 1, 2018, through June 30, 2019 with four twelve-month optional renewal periods through June 30, 2023. Each renewal period is subject to successful past performance and approval by City Council. The bid also provides for a percentage increase on base fees for each renewal period.

The base fee of \$52,028.64 is allocated to specific areas as follows:

City Hall and Police Dept.	\$39,021
Gym & Community Center	6,764
Auditorium	3,122
<u>Wellness/ Aerobics room</u>	<u>3,122</u>
TOTAL	\$52,029

The FY 2018/19 City budget provides funding in the amount of \$89,592 for these services.

### **ALTERNATIVES:**

1. Award this contract for FY 2018/19 custodial services at Ames City Hall to Reliable Maintenance Company, Des Moines, IA, in the amount of \$53,028.64 per year plus \$16.00 per hour for emergency callback and additional work as authorized. The contract is renewable for up to four, twelve-month periods subject to successful performance and Council approval, with the increases reflected in the bid.
2. Award the contract for custodial services for the Ames City Hall to one of the other bidders.
3. Reject all bids and direct staff to re-bid custodial services

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

Reliable Maintenance Company has the lowest overall cost to the City over the five-year contract. The Director of Fleet & Facilities has checked references for Reliable Maintenance Company's performance in other locations and finds this firm to be acceptable. It appears that Reliable Maintenance Company is committed to meeting the expectations of users of City Hall and is capable of providing these services.



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

## COUNCIL ACTION FORM

**SUBJECT:** CONTRACT FOR NEWSPAPER DIGITIZATION SERVICES

**BACKGROUND:**

For several years, the Library has been seeking to enhance customer services by making a digital archive of local newspapers that may be searched from inside the library and remotely. This opportunity is now available through The Advantage Companies, L.L.C. of Cedar Rapids, Iowa.

Advantage stores master negatives of *The Intelligencer*, *The Ames Times*, *The Ames News*, *The Ames News Tribune*, *The Mile Post* and the *Ames Tribune* on microfilm reels which are owned by the State Historical Society of Iowa. Advantage holds a contract with the state which allows access to the film for the purpose of digitization and is the only firm that has copyright authorization from the *Ames Tribune*.

Although firm prices and a digitization timeline were still under consideration, the Library was given a cost estimate in April. The Library Board of Trustees considered this opportunity on April 19, 2018 and determined that the project could be funded from private sources. A resolution was unanimously adopted recommending that "City Council approve the purchase of newspaper digitization services from Advantage Preservation of Cedar Rapids, Iowa, in an amount not to exceed \$68,400 using funds from the 2017/18 and 2018/19 Memoranda of Understanding with the Ames Public Library Friends Foundation and unrestricted general donations."

Following the Board's decision, details of the purchase were arranged. Advantage offers to scan, index, and create a searchable database of Ames newspaper pages from 1877 through 1988 in the current fiscal year for \$33,575. Digitized issues from 1989 through June 2016, along with images and text files on an external hard drive, may be purchased in fiscal year 2018/19 for \$34,075. The agreement has been approved by the Legal Department and Affirmative Action documentation has been submitted to the City Manager's Office.

The Library now requests that the City Council award a contract for purchase of newspaper digitization services from Advantage Preservation of Cedar Rapids, Iowa, for a total cost of \$67,650 using the private funding sources designated by the trustees.

**ALTERNATIVES:**

1. a. Approve waiver of Purchasing Policies and Procedures to award a sole-source contract
- b. Award the contract for purchase of newspaper digitization services from Advantage Preservation of Cedar Rapids, Iowa, for \$67,650, using private funding from APLFF and unrestricted donations.
2. Do not award the contract.

**MANAGER'S RECOMMENDED ACTION:**

The proposed digitization project will enhance customer service by providing the community with easy access to the history of Ames, as recorded in the pages of the *Ames Tribune* and its predecessors. The service is available from a single vendor which stores master negatives owned by the State Historical Society, is under contract for the purposes of digitization with the State of Iowa, and has a copyright agreement with the *Ames Tribune*. Some microfilm owned by Ames Public Library will also be scanned and included in the database. The project will be undertaken over two fiscal years and funds are available from private sources identified by the Library Board of Trustees.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the waiver of Purchasing Policies and Procedures to award a sole-source contract and award the contract for purchase of newspaper digitization services from Advantage Preservation of Cedar Rapids, Iowa, for \$67,650 using private funding from APLFF and unrestricted donations.



# MEMO

ITEM NO. 37 - 42

**To:** Mayor and Members of the City Council

**From:** City Clerk's Office

**Date:** May 7, 2018

**Subject:** Contract and Bond Approval

There are no Council Action Form(s) for Item No(s) 37 through 42. Council approval of the contract and bond for this/these project(s) is simply fulfilling a *State Code* requirement.

/ds

**COUNCIL ACTION FORM**

**SUBJECT: CONSULTING ENGINEERING SERVICES FOR COMPLIANCE WITH THE GROUNDWATER MONITORING PROVISIONS OF U.S. EPA'S COAL COMBUSTION RESIDUALS (CCR) STANDARD**

**BACKGROUND:**

On April 17, 2015, the Final Rule entitled "Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals From Electric Utilities" was published in the *Federal Register*, which regulated the disposal of ash in surface impoundments and landfills from the burning of coal in electric utility boilers. Subsequent to that action, there have been two significant amendments to the final rule, where in the first case EPA corrected a key compliance date, and in the second case EPA extended the original compliance deadlines for certain CCR Standard requirements by 547 days.

As of October 19, 2015, the City took action to prevent coal combustion residuals (CCR) or coal ash from being disposed of in the City of Ames Steam Electric Plant's surface impoundment so that it qualified as an "inactive CCR surface impoundment." (Between October 19, 2015, and April 23, 2016, coal ash was captured and disposed of at the Boone County landfill.) As of April 23, 2016, the power plant no longer burned coal so CCR was not produced and the inactive status of the surface impoundment was maintained.

On December 19, 2017, SCS Engineers of Clive, Iowa, was awarded a purchase order to complete eight (8) studies/reports necessary to meet a CCR compliance deadline of April 17, 2018. Additionally, they were to complete an analysis of the need for an Emergency Action Plan (EAP) for the site by October 16, 2018. For this scope of work the City had issued a request for proposals (RFP) that resulted in the City receiving nine (9) proposals ranging in price from \$30,710 to \$124,350, with an average price of \$76,555.33. SCS Engineers had the low priced proposal of \$30,710, and performed the scope of work on time and very well.

The next set of requirements to comply with the CCR Standard requires the establishment of a very comprehensive and laborious groundwater monitoring program. This program must include the following:

1. The installation of a groundwater monitoring system
2. The development of a groundwater sampling and analysis program to include the selection of a statistical procedures to evaluate groundwater monitoring data

3. Initiate a detection monitoring program to include obtaining eight (8) independent rounds of samples from each background and downgradient well
4. Evaluate the groundwater monitoring data for statistically significant increases over background levels for seven (7) different constituents
5. The preparation of an annual groundwater monitoring and corrective action report

Items 1. through 4. have a compliance date of April 17, 2019. Item 5. has a compliance date of August 1, 2019.

SCS Engineers submitted a proposal dated April 30, 2018, in which they in describe in detail the scope of work they would perform for the City to comply with the groundwater monitoring program requirements of the CCR Standard. **The total price for the scope of work is estimated at \$122,780.** In general, the field work, and the sampling and analyses of samples will be unit cost based, while the required reports will be lump sum based.

**Based upon their low priced proposal for the previous and just completed CCR work, and on the performance and quality of that work, and because it would be desirable to have continuity with this related scope of work, City staff recommends SCS Engineers of Clive, Iowa, be awarded the above listed scope of work for the estimated total price of \$122,780.**

Funding for this work will come from the Council-approved FY 17/18 CIP project titled Ash Pond Modifications.

#### **ALTERNATIVES:**

1. Approve a Change Order with SCS Engineers of Clive, Iowa, in the amount of \$122,780 to develop, install, monitor, and report on a groundwater monitoring system and program for the City of Ames Steam Electric Plant's "inactive" coal combustion residuals CCR surface impoundment to comply with U.S. EPA's CCR Standard.
2. Reject proposal and delay the development and installation of the groundwater monitoring program necessary for the City of Ames Steam Electric Plant to comply with U.S. EPA's CCR Standard.

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

This scope of work, the development and installation of a groundwater monitoring system and program, is necessary for the City of Ames Steam Electric Plant to comply with U.S. EPA's CCR Standard. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.

**COUNCIL ACTION FORM**

**SUBJECT:**    **NORTH RIVER VALLEY LOW-HEAD DAM IMPROVEMENTS**

**BACKGROUND:**

The City of Ames constructed a low-head dam on the South Skunk River in 1984 to create a pool of water in the primary recharge zone for the aquifer that feeds the City's Downtown Well Field, thereby providing a means to increase the capacity of these wells during periods of drought. While the City has never promoted recreation at the dam, it is evident that the low-head dam attracts members of the public who use the area for recreation. Low-head dams can pose a serious drowning hazard due to the recirculation effect which occurs immediately downstream. Therefore, in 2013 the City initiated a project to replace the dam with features that create safe recreational opportunities while still allowing for aquifer recharge during drought.

In April 2016, RiverRestoration.org was awarded a contract to design the project in the amount of \$102,499. Prior to the start of design, staff hosted a stakeholder input meeting where representatives from the Skunk River Paddlers, Iowa Department of Natural Resources, Prairie Rivers of Iowa, Parks & Recreation Commission, and an adjacent property owner were able to learn about the project and help develop a list of project goals, beyond the first and foremost goal of improved safety.

An award of contract for construction was made to RW Excavating Solutions of Prairie City, Iowa on April 10, 2018. In order to provide construction phase engineering services, a change order with River Restoration is needed. A previous change order was executed with River Restoration during the design phase when the City chose to pursue design for the full vision of the project which included both in-channel and bank side improvements. Change Order No. 1 was in the amount of \$10,176. **Change Order No. 2, in the amount of \$14,945, will provide the necessary construction phase engineering services needed for construction slated to begin in August 2018.** Construction is anticipated to be completed by the end of 2018.

The current estimated cost for the project is as follows:

**Total Project Costs**

Engineering ( <i>Includes this Change Order No. 2</i> )	\$ 127,620
Mussel Survey (permit required)	30,153
Construction	776,535
Construction Inspection	71,600
<u>Contingency</u>	<u>69,277</u>

**Total Estimated Project Cost** **\$1,075,185**

Current funding for the project is as follows:

Grant Funds

Low Head Dam Safety Grant (2009)	\$ 75,000	
Low Head Dam Safety Grant (2016)	85,000	
Low Head Dam Safety Grant (2017)	112,901	
Water Trails Enhancement Grant (2017)	120,000	
Subtotal		\$392,901

Local (City) Funds

Water Utility Fund – FY 13/14 CIP	\$ 75,000	
Water Utility Fund – FY 16/17 CIP (from Source Water CIP Project)	150,000	
Parks System Improvements - FY 15/16 CIP Add Recreation Features	40,000	
Local Options Sales Tax	60,000	
General Fund (FY 16/17)	150,000	
Subtotal		\$475,000

In-Kind Donations/Services

Iowa Whitewater Coalition - confirmed	\$ 1,000	
Hawkeye Fly Fishing Assoc. – confirmed	1,000	
Ames Outdoor Alliance – confirmed	1,000	
Iowa Department of Natural Resources (construction Inspection services)	71,600	
City of Ames Park & Recreation staff (tree removal)	16,000	
Subtotal		\$90,600

**Total Available Funding** **\$958,501**

The project budget shown above is short \$116,684, much of which is attributed to the contingency for the project. At the April 10, 2018 City Council meeting, staff indicated that the following funds would be moved as a part of the year-end budget amendments for FY 17/18.

CIP projects savings:

Source Water Protection (Water)	\$50,000
Ada Hayden Monitoring (Water)	\$24,000
North & South River Valley Softball Field Renovation	\$ 7,150
North River Valley Park Baseball Field Removal	\$12,669
Ada Hayden Heritage Park Prairie Restoration	\$22,865
Total	\$116,684



It should be noted that \$74,000 of these projects savings would come from savings in Water Utility CIP projects in the Water Fund, and \$42,684 would come from Parks and Recreation facility project savings from the Local Option Sales Tax Fund.

**ALTERNATIVES:**

1. Approve Change Order No. 2 in the amount of \$14,945 to River Restoration of Carbondale, Colorado for construction phase engineering services.
2. Do not approve Change Order No. 2 at this time.

**MANAGER'S RECOMMENDED ACTION:**

As a result of the inherent danger of the City's low-head dam in North River Valley Park, staff has recommended a modification to the dam that will significantly reduce the downstream recirculation effect. Staff has worked diligently with stakeholders to provide an opportunity to not only increase the safety associated with the City's low-head dam, but also create a unique recreational facility not available elsewhere in the community. The contract for construction has been awarded and construction phase engineering services are needed to ensure a successful project completion.

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

**COUNCIL ACTION FORM**

**SUBJECT:** CONTRACT EXTENSION FOR CUSTODIAL SERVICES AT THE AMES PUBLIC LIBRARY

**BACKGROUND:**

On August 12, 2014, Council awarded a contract to PCI to provide custodial services for Ames Public Library for the period of July 1, 2014 through June 30, 2015. The contract also included four optional renewal periods.

The first renewal was approved for the period of July 1, 2015, through June 30, 2016. In October 2015, Council cancelled the contract with PCI due to non-performance issues. The remainder of Fiscal Year 2016 was awarded to Nationwide Office Care of Clive, IA.

The period from July 1, 2018, through June 30, 2019, is the fourth and final optional renewal period with Nationwide. The 2017/18 hourly cost for cleaning services is \$16.38/hour. In accordance with the original bid in 2014, this hourly price will increase to \$16.87/hour for this final renewal period. The Library estimates that 5,578 hours of cleaning will be required during this period, making the contract total \$94,100.86. The approved budget for FY 2018/19 includes funding for these custodial services.

**ALTERNATIVES:**

1. Award the contract renewal option for custodial services for the Ames Public Library to Nationwide Office Care in the amount of \$94,100.86 during FY 2018/19.
2. Reject renewal award and direct staff to re-bid custodial services.

**MANAGER'S RECOMMENDATION:**

Nationwide Office Care has been providing custodial services at Ames Public Library since November 2015. The firm provides these services at a relatively low overall cost, and its representatives work closely with Library staff to ensure high quality results and accommodate the timing of library activities and public events.

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

**COUNCIL ACTION FORM**

**SUBJECT:** PLAT OF SURVEY FOR 1613 SO. DAYTON PLACE

**BACKGROUND:**

The City's subdivision regulations found in Chapter 23 of the Ames Municipal Code include the process for creating or modifying property boundaries and for determining if any improvements are required in conjunction with the platting of property. The regulations also describe the process for combining existing platted lots or conveyance parcels in order to create a parcel for development purposes. A Plat of Survey is allowed by Section 23.309 for the consolidation of conveyance parcels and for boundary line adjustments. The subject property is categorized as a "conveyance parcel" with the City's Subdivision Code. A conveyance parcel must be surveyed and approved as a parcel for it to be recognized as a buildable lot under the standards of the Subdivision Code. The survey of the property, including placing pins for property corners, establishes the legal boundaries for the parcel to allow for verification of development standards, such as setbacks.

**This proposed Plat of Survey is for vacant land located at 1613 So. Dayton Place and owned by Mark Gannon.** The proposed "Parcel J" will include 37,690.3 square feet or 0.865 acres of lot area. The property is zoned Highway Oriented Commercial (HOC) and is located in the Southeast Entryway Overlay district (O-GSE).

The site was reviewed to ensure that proposed lot dimensions complied with requirements found in the zone development standards of the Highway Oriented Commercial District (HOC) and the Southeast Gateway Overlay District (O-GSE) and the adequacy of existing infrastructure and services to serve the site. A new 10' PUE easement has been included along the eastern property line adjacent to the South Dayton Place right-of-way. Upon development of the site, frontage improvements will be required in conjunction with the new construction.

Approval of this plat of survey (Attachment B) will allow the applicant to prepare the official plat of survey and submit it to the Planning and Housing Director for review. The Director will sign the plat of survey confirming that it fully conforms to all conditions of approval. The prepared plat of survey may then be signed by the surveyor, who will submit it for recording in the office of the County Recorder.

**ALTERNATIVES:**

1. Adopt the resolution approving the proposed Plat of Survey.

2. Deny the proposed Plat of Survey if the City Council finds that the requirements for plats of survey as described in Section 23.308 have not been satisfied.
3. Refer this back to staff and/or the owner for additional information.

**CITY MANAGER'S RECOMMENDED ACTION:**

Staff has determined that the proposed Plat of Survey complies with all code requirements and has made a preliminary decision of approval. **Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby adopting the resolution approving the proposed Plat of Survey.**

**ADDENDUM**  
**PLAT OF SURVEY FOR 1613 SO. DAYTON PLACE**

Application for a proposed Plat of Survey has been submitted for:

- ☒ Conveyance parcel (per Section 23.307)
- ☐ Boundary line adjustment (per Section 23.309)
- ☐ Re-plat to correct error (per Section 23.310)
- ☐ Auditor's plat (per Code of Iowa Section 354.15)

The site is located at:

Owners: Gannon Real Estate and Consulting

Existing Street Address: 1613 S. Dayton Place

Assessor's Parcel #: 09-13-225-030

Legal Description:

Commencing at the Northeast corner of Section 13, Township 83 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa; thence N 89°49'07" W, along the North line of said Section 13, a distance of 350.38'; thence S 00°29'42" E a distance of 187.00' to the point of beginning; thence S 89°49'07" E a distance of 300.35'; thence S 00°29'07" E a distance of 111.24'; thence S 84°45'26" W a distance of 301.34'; thence N 00°29'42" W a distance of 139.73' to the point of beginning.

**Public Improvements:**

The preliminary decision of the Planning Director finds that approval requires all public improvements associated with and required for the proposed Plat of Survey be:

- ☐ Installed prior to creation and recordation of the official Plat of Survey and prior to issuance of zoning or building permits.
- ☐ Delayed, subject to an improvement guarantee as described in Section 23.409.
- ☒ Not Applicable.

Note: The official Plat of Survey is not recognized as a binding Plat of Survey for permitting purposes until a copy of the signed and recorded Plat of Survey is filed with the Ames City Clerk's office and a digital image in Adobe PDF format has been submitted to the Planning & Housing Department.

**Attachment A**  
Existing Conditions, p.1

## INDEX LEGEND

Location: Sec 13 Twp 83N Rge 24W 5th P.M.  
 Requestor: Mark Gannon  
 Proprietor: Gannon Real Estate and Consulting  
 Project: 16034 Original Survey: 7/18/16  
 Surveyor Co: Boldman Surveying Consultants  
 Prepared by/Return to: Craig S. Boldman  
 521 West Green Street, Winterset, Ia 50273  
 Phone/fax: 515-462-9242

Instrument #: 2018-01475  
 02/23/2018 08:24:30 AM Total Pages: 2  
 SURV SURVEYS AND PLATS  
 Recording Fee: \$ 12.00  
 Stacie Herridge, Recorder, Story County Iowa



Slide 597 Page 6

RESERVED FOR COUNTY RECORDER STAMP

### BOUNDARY RETRACEMENT SURVEY (Corrected)

#### Surveyed description

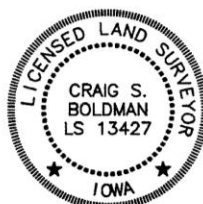
Commencing at the Northeast corner of Section 13, Township 83 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa; thence N 89°49'07" W, along the North line of said Section 13, a distance of 350.38'; thence S 00°29'42" E a distance of 187.00' to the point of beginning; thence S 89°49'07" E a distance of 300.35'; thence S 00°29'07" E a distance of 111.24'; thence S 84°45'26" W a distance of 301.34'; thence N 00°29'42" W a distance of 139.73' to the point of beginning.

Containing 0.865 acres of land (37690.3 Sq. Ft.)

#### Easements

- A. Pipeline easement for the benefit of IES Utilities recorded Book 589 Page 151. Affects subject property as shown
- B. Electric utility and storm water right of way easement benefiting the City of Ames, Iowa. Recorded in Book 269 Page 107. Affects subject property as shown.
- C. Storm sewer drainage ditch easement benefiting the City of Ames, Iowa. Recorded in Book 120 Page 216. Affects subject property as shown..

Surveyor's Note: This Plat and corresponding legal description corrects a Plat recorded in slide 544 Page 1 and filed as Instrument 2016-08278 in the Office of the Story County Recorder



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

Signature Craig S. Boldman Date 2/21/18

Name Craig S. Boldman P.L.S. No. 13427

Renewal date is December 31, 2018

Pages or sheets covered by this seal 42

## **Attachment A**





## Attachment B- Plat of Survey

### INDEX LEGEND

Location:: Sec 13-83N-24W of the 5th P.M.  
 Requestor: Mark Gannon  
 Proprietor: Gannon Real Estate and Consulting  
 Project: 16034 Date of Survey: 4/3/18  
 Surveyor Co: Boldman Surveying Consultants  
 Prepared by/Return to: Craig S.Boldman  
 521 West Green Street, Winterset, Ia 50273  
 Phone/fax: 515-462-9242

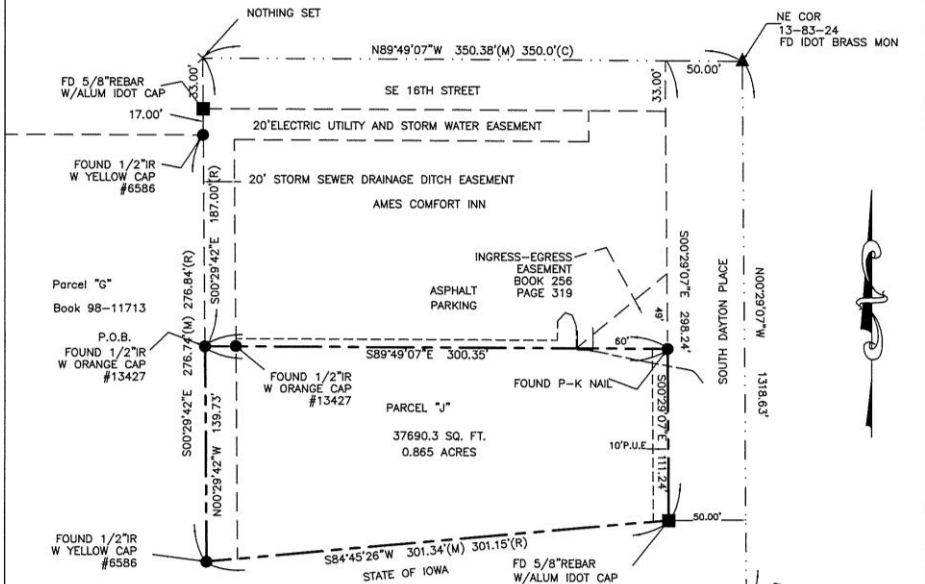
### PLAT OF SURVEY (Corrected)

#### Parcel "J" description

Commencing at the Northeast corner of Section 13, Township 83 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa; thence N 89°49'07" W, along the North line of said Section 13, a distance of 350.38'; thence S 00°29'42" E a distance of 187.00' to the point of beginning; thence S 89°49'07" E a distance of 300.35'; thence S 00°29'07" E a distance of 111.24'; thence S 84°45'26" W a distance of 301.34'; thence N 00°29'42" W a distance of 139.73' to the point of beginning.

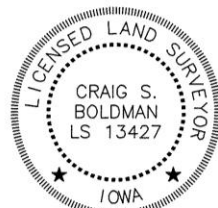
Containing 0.865 acres of land (37690.3 Sq. Ft.)

Surveyor's Note: This Plat and corresponding legal description corrects a Plat recorded in slide 597 Page 6 and filed as Instrument 2018-01475 in the Office of the Story County Recorder



The Ames City Council approved this plat of survey on \_\_\_\_\_, 20\_\_\_\_, with Resolution Number \_\_\_\_\_. I certify that it conforms to all conditions of approval.

Planning & Housing Director



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

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name Craig S. Boldman P.L.S No. 13427

Renewal date is December 31, 2018

Pages or sheets covered by this seal \_\_\_\_\_

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW SECTION 13.201 RENTAL CONCENTRATION CAP, 13.300 (9) AND AMENDING SECTION 13.301(10) TRANSITIONAL LETTER OF COMPLIANCE THEREOF, FOR THE PURPOSE OF POTENTIAL NEIGHBORHOODS FOR RENTAL CONCENTRATION CAP REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; 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 a new Section 13.201, 13.300(9) and amending 13.301(10) as follows:

**“Sec. 13.201. TERMS DEFINED**

...

**RENTAL CONCENTRATION CAP NEIGHBORHOODS:** Certain neighborhoods as designated by a Resolution adopted by the City Council, which are subject to the limitation on the number of rental properties established in Section 13.300(9).

...

**Sec. 13.300. GENERAL**

...

**(9) Limitation on number of rental properties in certain neighborhoods.**

For each neighborhood established as a Rental Concentration Cap Neighborhood, the number of rental dwellings allowed shall be no more than 25% of the dwellings in each neighborhood. In each neighborhood, only properties zoned R-L or UCRM will be used in calculating the percentage of rental dwellings to other dwellings in the neighborhood. No new rental registration applications will be accepted or approved in a neighborhood if the neighborhood has 25% or more registered rental dwellings or the application for a new rental registration would cause the ratio of rental dwelling to other dwellings to exceed 25%.

Rental dwellings with a rental registration or Letter of Compliance in place as of the effective date of this ordinance will be allowed to remain as registered rental properties and may renew their registrations and Letters of Compliance even if the number of rental dwellings is above the 25% cap. Additionally, the owner of a duplex may register both legally established units of the duplex, regardless of whether the 25% cap is exceeded in the neighborhood. If a registered rental dwelling ceases to operate as a licensed rental dwelling, the owner cannot subsequently register the dwelling if the registration would cause the ratio of rental dwellings to other dwellings to exceed 25%. Transitional Letters of Compliance may be issued regardless of the 25% cap.

...

**Sec. 13.301 LETTER OF COMPLIANCE (LOC)**

...

**(10) Transitional Letter of Compliance.**

...

A Transitional Letter of Compliance (LOC) shall be in effect for a maximum of one year and is renewable for a period of time not to exceed one additional year. A Transitional LOC may be renewed only one time. After the expiration of a renewed Transitional LOC, no new Transitional LOC will be issued until one year has elapsed between Transitional LOCs. If a property is acquired by a new owner, the new owner is eligible for Transitional LOC without regard to the prior owner having obtained a Transitional LOC.”  
(Ord. No. 4067, 05-24-11)

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

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

Section Four. 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

\_\_\_\_\_  
John A. Haila, Mayor

**COUNCIL ACTION FORM**

**SUBJECT: DOWNTOWN GATEWAY COMMERCIAL ZONING DISTRICT  
STANDARDS (DOES NOT INCLUDE THE ZONING MAP AMENDMENT)**

**BACKGROUND:**

The Downtown Gateway area is a Focus Area for redevelopment identified within the Lincoln Way Corridor Plan. The Downtown Gateway area is generally described as property on the north and south side of Lincoln Way extending from Grand Avenue to Duff Avenue (Attachment 1-Potential Rezoning Area). The Corridor Plan identified redevelopment and repositioning of commercial properties in the Downtown Gateway Area to support a transition to more intense and urban development. To facilitate this desired change of the area staff believes allowing for mixed-use residential development and reductions in parking requirements are beneficial.

To accomplish the vision for this section of the Corridor, Staff proposes a new special purpose zoning district for the Downtown Gateway Focus area. The proposed zoning is a new district for the City and is not an overlay of the existing Highway Oriented Commercial (HOC) zoning district or Downtown Service Center (DSC) zoning district that are the current zoning districts in the area. The proposed special purpose district includes standards based upon site size and proposed uses with specific street frontage orientation and building requirements. The allowed uses are similar to those of the DSC zoning district rather than the Highway Oriented Commercial zoning district. The proposed changes create new categories of nonconformities for certain existing uses, site improvements regarding parking, and for the design/setbacks of structures in some circumstances.

City Council held a public hearing on the original draft standards at its March 6<sup>th</sup> meeting. City Council requested additional information concerning nonconformities that would occur in relation to the new standards and existing conditions. At the April 24<sup>th</sup> meeting, City Council provided direction for preparing a final draft in regards to the allowed uses, requirements for parking, and other development requirements. City Council also provided direction on standards for apartment bedroom configurations limited to no more than 25% of units as three bedrooms units with no allowance for four or more bedrooms. Staff has modified the original draft ordinance from March 6<sup>th</sup> to reflect direction from Council on April 24<sup>th</sup> along with other minor changes to reflect the intent of the district as described by staff at the prior meetings. The complete updated draft ordinance is attached.

**COMMERCIAL USES:**

Allowed uses are intended to be a more focused set of commercial uses compared to the HOC zoning district. **The allowed uses principally include office, retail sales and services, restaurant, recreation, and entertainment uses.** The intent behind the list

of allowed uses is to focus on the desired commercial uses while helping to insure compatibility with any future residential that could be added to the area.

The proposed zone will prohibit the following uses that are permitted in the HOC zoning district: vehicle service facilities (gas stations and auto repair), vehicle sales, college and university, lodges and social clubs, catering establishments(primary use), medical centers, wholesale trade, detention facilities, sports practice facilities, and mini-warehouse. By prohibiting these uses it would preclude new establishments and also make existing uses non-conforming. Funeral homes are listed as a Special Use Permit for the district consistent with the current DSC and HOC zoning districts.

A full analysis of nonconformity status for uses, buildings, and site improvements was provided to the Council at the April 24<sup>th</sup> meeting. Background information is available on the Planning Division website and following is a direct link to [frequently asked questions](#). In general, nonconformities are permitted to continue and there are allowances for modifications to sites and buildings with nonconformities, including options to rebuild if damaged. However, a nonconforming use cannot be reestablished if it has been abandoned for 12 months or more and any changes to a site or building have to comply with current zoning requirements.

**Drive through facilities are also restricted within the proposed zoning standards.**

Drive through uses are not precluded in their entirety, but would have separation requirements. The proposed spacing standard is for no more than one drive through use per Lincoln Way street block face and no drive through uses are permitted along Kellogg Avenue. A drive through would be precluded if any part of the property had frontage along a block face of Lincoln Way that already has a drive through use, regardless of the ingress/egress to the site. The drive through limitation would apply to any type of use, fast food, banks, pharmacies, etc. Three of the 10 block faces within the Focus Area would be able add a drive through facility.

**RESIDENTIAL USES:**

**The proposed zoning allows for household living uses to be established only as part of a mixed-use development.** Major Site Development Plan review is required for any residential mixed-use development. The proposed zoning standards do not prescribe a minimum total commercial square footage requirement in combination with mixed-use buildings. Specific tenant spaces sizes, orientation, and total square footage in a project will need to be evaluated on a case-by-case basis to determine if a proposed mixed-use design achieves the goals of the Corridor Plan for commercial first development plans that enhance the commercial options for the City and are complimentary to Downtown.

No density standard will apply to the residential development for either a minimum or maximum. The goal is to promote smaller units at higher density and to allow for a limited number of larger units. **No more than 25 percent of the total units in a development may exceed two bedrooms and no dwelling units shall exceed three bedrooms.**

Short term lodging is also an allowed residential use in the proposed District. Short term lodging may be either stand alone or as part of a mixed use project.

### **PARKING:**

**The proposed commercial standards are a hybrid of standard parking requirements and the reduced parking standards of Downtown Service Commercial.** City Council also directed staff to allow for no minimum parking requirements for commercial uses along Kellogg Avenue. The draft ordinance was revised to include a separate parking table for sites with frontage along Kellogg Avenue.

The proposed parking requirements modify commercial parking standards by reducing parking for larger sites to promote shared and common parking areas, principally for bar and restaurant uses. Individually developed sites are subject to standard parking requirements for commercial uses. Staff also added a fast food parking standard that is at 9 spaces per 1,000 square feet so as to not incent redevelopment with fast food establishments in this area.

**Residential parking standards are also a hybrid of the standards used in other parts of the City.** The typical apartment standard is one parking space per bedroom. However, Campustown and Downtown only require one space per apartment regardless of the number of bedrooms. In an effort to incentivize smaller apartment units and to recognize the area is highly walkable with multiple transportation options, parking is reduced for smaller units. The proposed standards for the larger units are at the high end of parking requirements for urban style development.

Apartment	Parking Spaces Required
Studio	0.8 per unit
1 Bedroom	0.8 per unit
2 Bedroom	1.0 per unit
3 Bedroom	2.5 per unit

**New parking reductions are permitted within the DGC zoning compared to other areas of the City.** There are allowances for shared parking, remote parking, and collective parking. Reductions of up to 25% of the parking can be approved through the review process. The zoning district allows for recognition of on-street parking and other remote parking options as part of the Major Site Development Plan review. Another unique standard relates to allowing for residential parking to be utilized in a shared or collective parking situation when at least one parking space per dwelling unit is provided on site assigned to the residential use. Typically, shared use of residential parking spaces is not permissible in other zoning districts. The goal of the standard is that through the Major Site Development Plan approval process, a total amount of required parking will be identified, but the spaces can be shared amongst all the uses and not assigned for exclusive use by one type of user at all times.

**The parking requirements include a bicycle parking standard for commercial uses. However, there are no mandatory bicycle parking standards for residential uses.** Staff believes that most new residential apartment development accommodates bicycle parking and does not believe a prescribed parking standard is needed. However, for commercial uses visitor parking is not typically addressed by developers. Staff proposes requiring a minimum of four bicycle rack parking spaces with each building and that larger buildings include additional parking. A reduction in vehicle parking spaces can be accommodated with the provision of bicycle parking, with a maximum reduction of five vehicle parking spaces.

Parking location is another design element of the District that is different than HOC zoning, but is consistent with DSC zoning. The intent is for building to generally be close to the street and to have parking located either to the side or rear of a building. Therefore, parking between buildings and streets is not allowed with the proposed zoning. Setbacks are reduced for buildings to help promote the location of the buildings closer to the street and to accommodate parking configurations in the side and rear of the site. However, parking between buildings and streets is allowed for certain situations, such as minor internal streets, Grand Avenue, and Gilchrist due to their context within the overall Focus Area.

### **LOT STANDARDS:**

**The site development standards are intended to promote property aggregation to take advantage of increased development intensity compared to the current HOC zoning.** Existing sites and buildings will not become non-conforming based upon lot size. Existing sites may be used in their current configuration and buildings can be modified under the new standards. However, mixed-use residential development with reduced parking standards will only apply to larger scale sites. The zoning district describes these larger site sizes as an optional designation of Redevelopment Intensification Sites.

Redevelopment Intensification sites have a minimum Lot Size is 1 acre and 100 feet of frontage on a public street, with the exception that a site along Kellogg is only required to have 100 feet of frontage. A 1-acre standard means that for almost all properties in the Gateway Area that at least one additional property will need to be combined with another parcel to get to the larger site size for mixed use development. For comparison, if the site size was set at 0.5 acres there would be approximately 22 out of 70 properties that could develop mixed use without property aggregation.

### **BUILDING SETBACKS:**

The Downtown Gateway Area consists of a street hierarchy with primary streets of Lincoln Way, Kellogg Avenue, Clark Avenue, and Duff Avenue. Secondary streets include Washington Avenue, Sherman Avenue, Market Avenue, Commerce Avenue, and Gilchrist Street. Additionally there are alleys within most of the block areas. Staff proposes to differentiate setbacks based upon street type and intended design aesthetic for the blocks.



In most cases there are minimal setbacks required to either encourage a building to be built up to the street, as is the case along Kellogg Avenue, or to ensure a site is redevelopable when accounting for lot sizes and restrictions on where parking is permitted on a site. The greatest setback is planned along Lincoln Way. This is due to the intended larger scale of buildings along Lincoln Way and the intent to include widened sidewalks along with redevelopment due to the narrow right-of-way width for Lincoln Way. Setbacks for corner properties can be reduced through design review when the buildings include specific features supportive of a pedestrian design.

There are no proposed minimum side or rear setbacks required for redevelopment projects.

### **BUILDING DESIGN:**

Due to the desired flexibility of uses and redevelopment options for the area, individual design standards are difficult to apply consistently through the district. **The intent is to state base design standards and rely upon individual project review to ensure consistency with the overall design intent for the area.** The Kellogg Avenue frontage has design preferences for storefront patterns of 25 feet for consistency with Main Street building patterns. However, due to design options to promote gathering areas and entertainment uses, alternative design approaches can be approved that include high activity spaces and pedestrian friendly design features at the ground floor. The other areas in the district do not require a storefront pattern.

Kellogg Avenue includes design standard to act as a transition to historic Downtown with a minimum of two-story buildings, architectural detailing, high levels of glazing, and the use of clay brick façade materials. There are no specified percentages for brick, but it is a required material for each building.

Properties with frontage on other streets do not have as many mandatory standards. The design standards do require façade variation and detailing, windows percentages, and use of clay brick without a specified percentage. Due to the intent of having buildings as a more prominent feature of a site closer to a street it is important to include building standards that create aesthetic interest that supports the desired streetscape appearance for the area.

### **OTHER STANDARDS:**

Staff proposes no maximum floor area ratio, building coverage, or density standards for development within the district. The standards allow for a 10-story maximum building height with an option for City Council to approve taller buildings as part of the Redevelopment Intensification Site approval process. No base landscape or open space percentage requirements are included within the standards. Development would be required to comply with surface parking and front yard landscaping requirements for conventional development; however, redevelopment with large scale buildings and pedestrian oriented designs along streets would be exempt from most landscaping requirements in recognition of the urban design goals of the district.

Planning and Zoning Commission reviewed the initial draft of the DGC standards at its February 7<sup>th</sup> meeting. The Commission voted 6-0 in support of the concepts presented for the allowed uses, parking requirements, and development standards.

**ALTERNATIVES:**

1. The City Council can approve on first reading the proposed ordinance to create the new Downtown Gateway Commercial Zoning District.
2. The City Council can propose alternative language for the proposed text amendment.
3. The City Council can request additional information and defer making a recommendation.

**CITY MANAGER'S RECOMMENDED ACTION:**

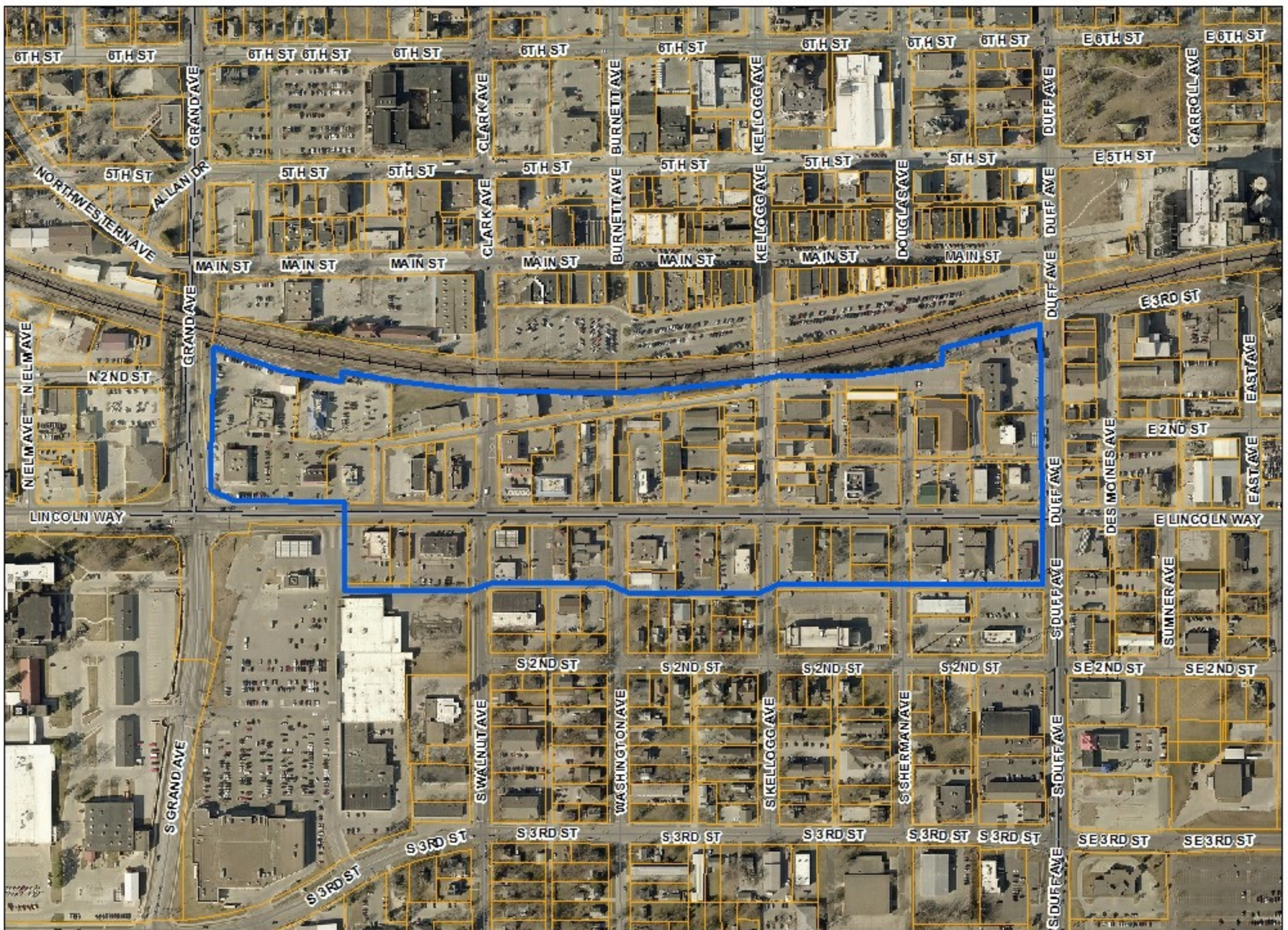
The proposed DGC zoning standards are an attempt to address the design options for a wide range of uses, site sizes, and design priorities for different street frontages within the Downtown Gateway Focus Area. The tradeoff of this approach is less predictability on final outcomes as many decisions on design will not be complete until final approval of a project.

Reuse of small sites will be permitted with staff approved Minor Site Development Plans. Major redevelopments or mixed-use developments will be subject to the Major Site Development Plan requirements where alternative standards may also be approved for a project. The use of the optional Redevelopment Intensification Site process allows for more flexibility in site design.

**With City Councils approval on first reading of the proposed zoning standards, staff will initiate a public hearing notice of a zoning map amendment to apply the new DGC zoning to properties. With Council's direction from April 24<sup>th</sup>, Staff will provide property owner notice to the entire Focus Area (see attachment) as the rezoning boundary. The Planning and Zoning Commission will have a public hearing on the map amendment rezoning on May 16<sup>th</sup>. A public hearing with the City Council will be scheduled for May 22<sup>nd</sup> to allow time for City Council to complete the adoption of the rezoning ordinance on three readings in June prior to expiration of the moratorium for the area on July 2<sup>nd</sup>.**

**Therefore, in accordance with previous Council direction, it is the recommendation of the City Manager that the City Council approve Alternative #1 to approve on first reading the ordinance for the new Downtown Gateway Commercial Zoning District.**





Moratorium Area and  
Potential Downtown Gateway Commercial Zoning Area



**COUNCIL ACTION FORM**

**SUBJECT: ZONING TEXT AMENDMENT RELATED TO PUBLIC ART INSTALLATION  
WITHIN SETBACKS**

**BACKGROUND:**

On January 9, 2018, the City Council directed staff to prepare a text amendment to allow for placement of public art in setbacks in coordination with Public Art Commission (PAC) approval. This action was in response to a letter from Pat Brown, who is interested in creating an art corridor along South Duff Avenue. The intent is to promote the location of publically visible art installations on private property, as a coordinated effort between the City of Ames Public Arts Commission and local businesses.

Section 29.402 (2)(a) of the Zoning Ordinance, specifically identifies what is allowed to be placed within (or project into) a required building setback. Front yard setbacks are typically the first 25 feet of a lot. An exception currently exists for landscape accents and statuary four feet or less in height to be located within a required setback, However, the Zoning Ordinance is silent regarding "Public Art." It does not include a definition of "Public Art" nor does it identify how "Public Art" might be located on private land. Adding an exception for defined "Public Art" installations will meet the interest of the petitioner and allow for the City to manage the number and types of installations that might occur in front setbacks.

**PROPOSED TEXT AMENDMENTS:**

The proposed text amendment ordinance is Attachment 1. The proposed amendment allows interested property owners the opportunity to participate in the display of Public Art on their property through designation of an art easement and through the auspices of the City of Ames Public Art Commission and the City Council for the type of art to be displayed. **Only art formally approved by the City and placed in a City accepted easement would be allowed to take advantage of the proposed exception.**

**PROCESS FOR IMPLEMENTATION:**

Staff envisions use of an "art easement" template for property owners to create easement areas. The easement language will define specific terms of the agreement, such as artwork selection, installation, access, maintenance, and termination of the easement. An individual may approach City staff to obtain the easement document and staff will place the completed forms on an agenda for City Council approval. The easement application may or may not include concurrent review of proposed art work.

Artwork may be offered for consideration by property owners or solicited by the PAC. Artwork may only be utilized that has been approved by the City Council or under the authority of the City Council as designated to the PAC.

On March 7, 2018, the Planning and Zoning Commission (P&Z) reviewed the amendment and voted 4-0 in support of the text amendments to the Zoning Ordinance. Since the P&Z review, the proposed definition of "Public Art" has been slightly modified to better reflect the role of the Public Art Commission and City Council in review and approval of the public art.

**ALTERNATIVES:**

1. The City Council can approve on first reading the proposed ordinance related to public art installation in setbacks, as attached.
2. The City Council can recommend alternative language for the proposed text amendment.
3. The City Council can request additional information and defer making a recommendation.

**CITY MANAGER'S RECOMMENDED ACTION:**

The proposed amendment is a reasonable revision to both define Public Art and to accommodate the installation of Public Art on private property within setbacks, when located within an art easement. City staff would work directly with interested property owners to obtain the required art easements which would then be approved by the City Council. Implementation would also be administered in coordination with the PAC.

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

**Attachment 1**  
**Proposed Ordinance**

**1) A definition of “Public Art” is added into the Zoning Ordinance:**

***Sec. 29.201. DEFINITIONS.***

*Except as otherwise defined in this Ordinance or unless the context may otherwise require, the following words are defined for the purpose of this Ordinance as follows:*

\*\*\*

*(163A) **Public Art** means any works of craft or art in any medium that the City of Ames Public Art Commission (PAC) has reviewed and which has been approved, and formally accepted by the City Council (or under the authority of the City Council as designated to the PAC) for temporary or permanent installation in public locations, in or on publicly owned buildings, on publicly owned land, or in or on other locations leased or provided to the City through donation, easement or other means.*

**2) Public Art is allowed to be placed within a building setback:**

***Sec. 29.402. SETBACKS.***

***(2) Extensions into Required Building Setbacks.***

*(a) Principal Buildings.*

*(ii) Full projections allowed. In addition to the minor projections listed in the previous section, the following features are allowed to fully project into required setbacks:*

\*\*\*

*g. Public Art when located within a public art easement accepted by the City of Ames.*

\*\*\*

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW SECTION 29.201 (163A) AND A NEW SECTION 29.402 (2)(a)(ii)(q) THEREOF, FOR THE PURPOSE OF ALLOWING PLACEMENT OF PUBLIC ART IN SETBACKS 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 a new Sections 29.201(163A) and 29.402(2)(a)(ii)(q) as follows:

**“Sec. 29.201. DEFINITIONS.**

Except as otherwise defined in this Ordinance or unless the context may otherwise require, the following words are defined for the purpose of this Ordinance as follows:

...

(163A) **Public Art** means any works of craft or art in any medium that the City of Ames Public Art Commission (PAC) has reviewed and which has been approved, and formally accepted by the City Council (or under the authority of the City Council as designated to the PAC) for temporary or permanent installation in public locations, in or on publicly owned buildings, on publicly owned land, or in or on other locations leased or provided to the City through donation, easement or other means.

...

**Sec. 29.402. SETBACKS.**

...

**(2) Extensions into Required Building Setbacks.**

(a) Principal Buildings.

...

(ii) Full projections allowed. In addition to the minor projections listed in the previous section, the following features are allowed to fully project into required setbacks:

...

q. Public Art when located within a public art easement accepted by the City of Ames.

...”

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

\_\_\_\_\_  
John A. Haila, Mayor

**COUNCIL ACTION FORM**

**REQUEST: MAJOR SITE DEVELOPMENT PLAN AMENDMENT FOR 3305 AND 3315 AURORA AVENUE**

**BACKGROUND:**

On October 24, 2017, the City Council approved a Major Site Development Plan for two lots at 3305 (Lot 6) and 3315 (Lot 7) Aurora Avenue in the Village Park Subdivision. This development includes an 8-unit apartment building, and an 8-stall garage on each lot. Both lots are zoned as FS-RM (Suburban Residential Medium Density) (See *Attachment A: Location & Zoning Map*).

**The property owner, Village Park, LLC, is requesting approval of an amendment to the Major Site Development Plan for changes to the exterior siding material and dimensions of both 8-stall garages, as well as the addition of a trash enclosure on Lot 6, and relocation of the trash enclosure on Lot 7.** Attachments B through F are the pertinent approved plans and proposed changes. No changes are proposed to the 8-unit apartment buildings, surface parking areas, or storm water management features. Although minor amendments may be approved by staff as defined in *Section 29.1502(6) of the Municipal Code*, it was determined that due to the overall change in materials for the garage buildings it requires approval by the City Council.

The applicant's proposal is to use horizontal vinyl siding as the exterior material on all sides of the two garage structures, instead of the galvalume finish corrugated metal siding material (See *Attachment C: Proposed Garage Elevations and Plan*). The metal siding has a corrugated wavy pattern with approximately 1.5 inches of relief for the ridges. **Staff believes the scope of review of the City Council is to determine whether the proposed change in materials for the garage structures is compatible with surrounding and planned development, as well as the exterior materials approved for the apartment buildings to be constructed on these properties.**

The garage structures have a north/south orientation with the back side of the structures facing west. The back side of the garage structures face agricultural land located outside the corporate limits of Ames; however, once the land is annexed single-family detached homes are anticipated for this land (See *Attachment D: Approved Major Site Development Plan*). The east wall, which has the overhead garage doors, will face internal to the site and the rear side of each apartment buildings. Only the north side wall of the garage structure at 3305 Aurora Avenue (Lot 6) is directly visible from the adjacent street, Cottonwood Road. The building at 3315 Aurora abuts a common area outlot to the south that will include a sidewalk connection to Aurora to the west.

Use of vinyl siding is common within Ames for multi-family and single-family development. Vinyl is typically a compatible material with the surrounding area. In this case, the principal building does not include vinyl siding and the design approach was a



modern design featuring primarily non-traditional residential materials. The exterior materials to be used on the apartment buildings, including the vertical flush seam metal panels, the galvalume finished corrugated siding in both a vertical and horizontal orientation, and the brick accents on the building. The exclusive use of vinyl on the garage would have no common building materials with the principal structure.

On April 4, 2018, the Planning and Zoning Commission reviewed the proposed amendments to the Major Site Development Plan. The discussion centered on siding materials for the two garage structures, and whether vinyl siding is an acceptable alternative material to the metal siding materials that were originally approved by the City Council. The primary issues were the visibility of the garages and continuity in the design the primary materials of the apartment buildings were not used on the accessory structure. There was discussion about adding brick as an accent material if vinyl siding is approved for the garages. The use of brick on the garages would establish a common design feature used as an accent material on both the garages and the apartment buildings.

By a vote of 7-0, the Commission recommended that the City Council approve the Major Site Development Plan Amendment for 3305 and 3315 Aurora Avenue to allow for the proposed revisions to the garage siding material, proposed changes to the dimensions of the structure, and the proposed locations for trash enclosures on each lot, with the following condition:

- The garage at 3305 Aurora Avenue shall incorporate brick accents wrapping each of the north corners of the structure and the garage at 3315 Aurora Avenue shall incorporate brick accents wrapping each of the south corners of the structure. The final design is subject to approval by the Planning Division.

**In response to the P&Z recommendation, the applicant proposes a different approach of adding brick to the end facades.** The applicant has now proposed a brick panel wainscot across the bottom 4' of the north side garage façade at 3305 Aurora and the south side garage façade at 3315 Aurora with a wood board metal covered trim feature on the same side rear and front corners of the garages that matches a similar feature on the apartment buildings. The applicant has further proposed a small increase to the height of a portion of each garage over an enlarged van accessible garage door near the corner opposite of where the new trim is being proposed.

#### **ALTERNATIVES:**

1. The City Council can approve the Major Site Development Plan Amendment for 3305 and 3315 Aurora Avenue to allow for the recommended revisions to the garage siding material, proposed changes to the dimensions of the structure, and the proposed locations for trash enclosures on each lot, as recommended by the Planning & Zoning Commission. *This would require corner brick treatments on two end facades.*

2. The City Council can approve the Major Site Development Plan Amendment for 3305 and 3315 Aurora Avenue to allow for the recommended revisions to the garage siding material, proposed changes to the dimensions of the structure, and the proposed locations for trash enclosures on each lot, as proposed by the applicant with a brick wainscot and accent trim elements.
3. The City Council can approve the request with the changes proposed by the applicant for the Major Site Development Plan Amendment for 3305 and 3315 Aurora Avenue with conditions.
4. The City Council can deny the proposed building material change for the garage structures at 3305 and 3315 Aurora Avenue, and approve the change in dimensions of the garages, and the proposed locations for trash enclosures on each lot.

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

When City Council approved the Major Site Development Plan for development of the properties addressed as 3305 and 3315 Aurora Avenue, it determined that the Plan meets the minimum criteria and standards for approval listed in Ames *Municipal Code* Section 29.1502(4)(d). **Staff believes that the overall consistency with the Major Site Development Plan criteria is maintained for the project with the proposed changes.** The requested Major Site Development Plan amendment affects the design of the garage structure located on each lot. The primary change of building materials is generally compatible with the surroundings and could be enhanced in design with incorporation of accent materials on the garages that are also used as accents on the principal apartment buildings. The applicant approach with the brick wainscot and trim features is consistent with the intent of the P&Z recommendation to keep design continuity with the principal building

**Therefore, it is the City Manager's recommendation that the City Council act in accordance with Alternative #2, approving the request for the Major Site Development Plan Amendment for 3305 and 33315 Aurora Avenue.**

## **Addendum**

Section 29.1502(6) of the *Municipal Code* allows for “minor changes” to the approved Major Site Development Plan after staff of the Department of Planning and Housing has determined that the proposed changes are minor in nature, and revised plans have been provided to the Department for purposes of keeping the Major Site Development Plan current.

Minor changes are defined as changes that:

- Do not constitute a change in the land use of the project; or the overall layout and design;
- Do not increase the density or intensity of use, and the number of buildings or change in dwelling unit types;
- Does not change the overall landscape design of the M-SDP project; or,
- Change the height or placement of buildings, or other major site features.

It has been determined by staff that the proposed changes are not minor in nature due to the overall change in design of the garage with the change in exterior building materials. Therefore, an amendment approval by the City Council is required.

### **Building Materials**

The two 8-stall garage structures, as previously approved, are designed with galvalume finish corrugated metal siding applied in a horizontal orientation, which is the same material shown as a secondary material on the building elevations for the apartment buildings. The garage roof slopes slightly toward the back for drainage, and will be concealed by a parapet. Metal trim will be used along the edges of the garage walls, and around each garage door (*See Attachment B: Approved Garage Elevations and Plan*). The primary benefit to the project design originally was continuity of building materials between the principal and accessory structures. Utilizing matching materials for multiple buildings on a site is a common design technique.

Three primary exterior materials were approved for the two 8-unit apartment buildings at 3305 and 3315 Aurora Avenue. The majority of the first and second levels are to be surfaced with a vertical flush seam metal panel and galvalume finished corrugated siding in both a vertical and horizontal orientation. The metal panels and the galvalume corrugated siding will extend above the roof line to form the parapet on the east building elevation. Each building façade includes brick accents as the third exterior building material (*See Attachment F, Approved Building Elevations for 3305 & 3315 Aurora Avenue*). No change to the apartment building materials is proposed.

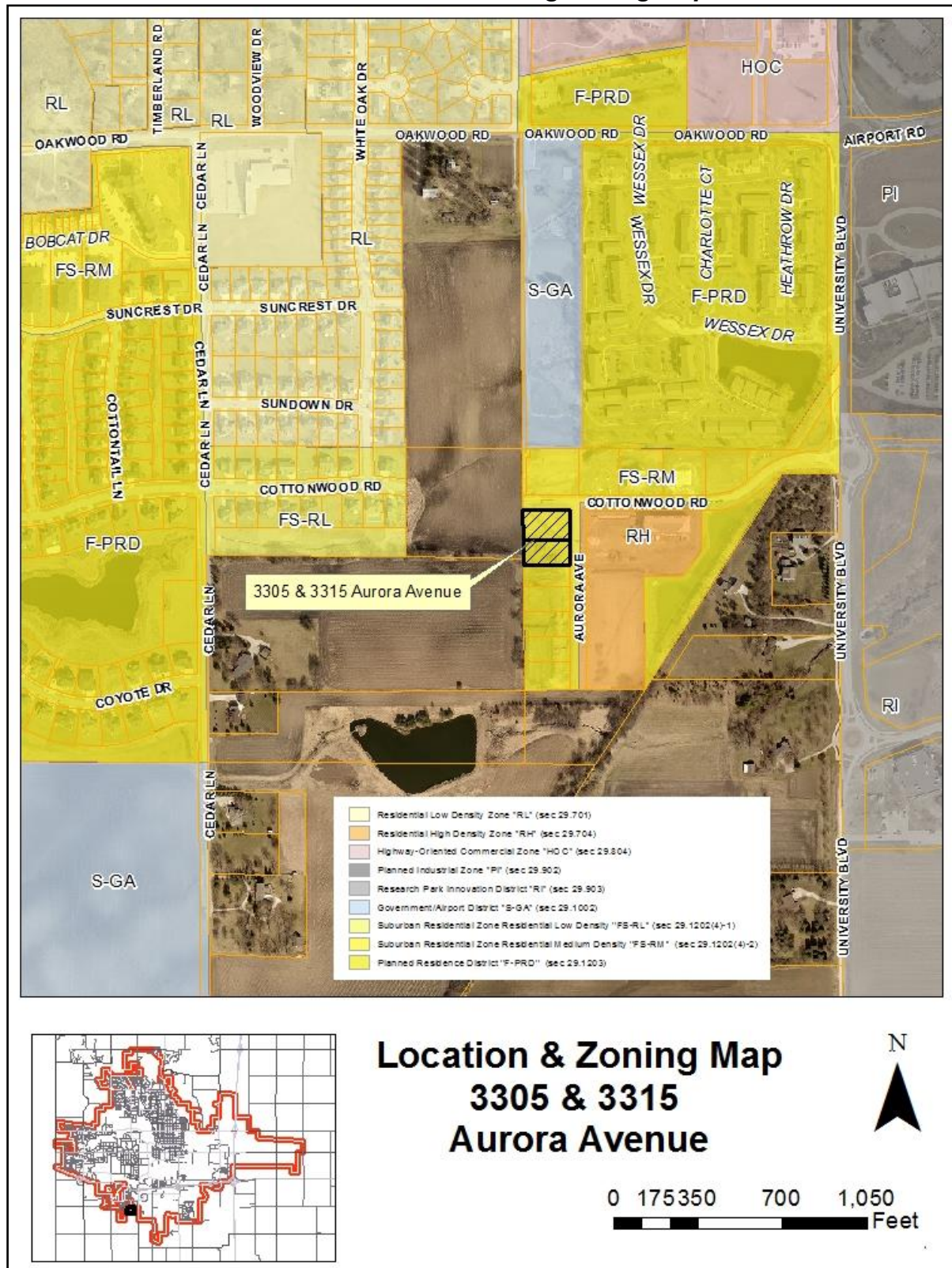
### **Site Plan Changes**

The overall length of the garage structures is proposed by the applicant to increase only slightly from 90' to 91'-8". A difference of 1'-8". The width of each garage structure will remain at 24'. The reason for the increased building length is to accommodate one van-accessible parking space inside the garage. The approved garage structure has 8 stalls. Six stalls are 11'-0" wide, and two stalls are 12'-0" wide. The proposed garage

structure also includes 8 stalls, but the width of each stall has changed from what was approved. The proposal includes six stalls at 10'-8-1/2", one stall at 11'-0", and one stall for handicap accessibility at 16'-4-3/4" (See *Attachment C: Proposed Garage Elevations and Plan*). The expanded garage structures will meet minimum required building setbacks.

The applicant also proposes to add a trash enclosure on Lot 6, and relocate the one approved for Lot 7. The proposed location for the trash enclosures would be in the rear yard on either side of the access drive from Aurora Avenue, which is centered on the lot line separating the two lots. Staff supports the proposed locations for easy access by residents of the apartment buildings, and access by the trash collection service (See *Attachment E: Proposed Major Site Development Plan*).

## Attachment A Location and Existing Zoning Map

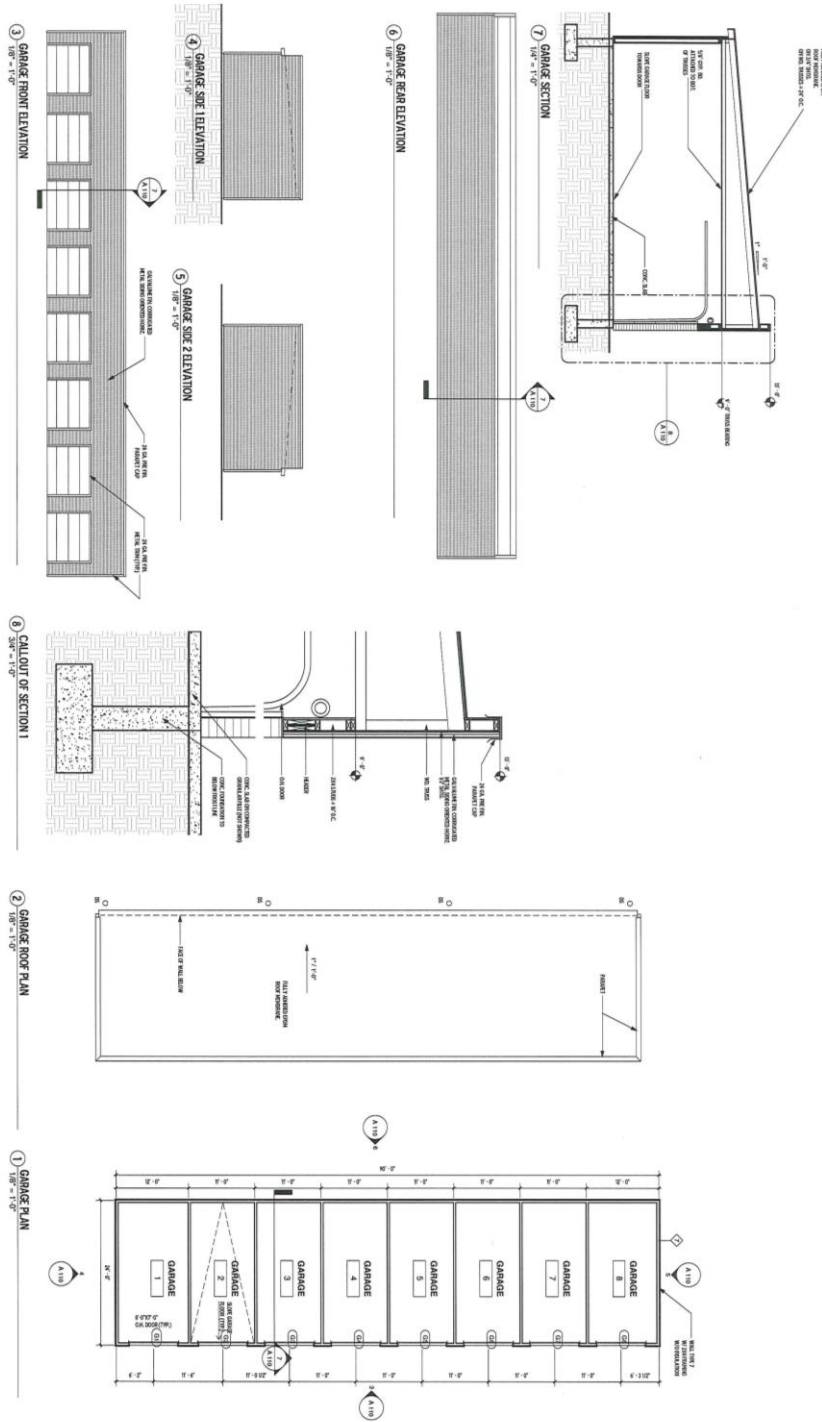


# Attachment B

## Approved Garage Elevations and Plan

8/11/2017 9:24:21 AM

S:\Design 1616018 HUNZIKER APARTMENTS\03\_drawings\REVIT 8 PLEX\HUNZIKER APTS 8 PLEX.rvt



**NOT FOR CONSTRUCTION**

Project: HUNZIKER APARTMENTS - 8 PLEX

THE DESIGN PROFESSIONAL, WRITER AND ALL RESPONSIBILITY ARE LIMITED TO THE DESIGN PROFESSIONAL'S OBLIGATION TO THE CLIENT. THE DESIGN PROFESSIONAL'S OBLIGATION IS LIMITED TO THE DESIGN PROFESSIONAL'S OBLIGATION TO THE CLIENT. THE DESIGN PROFESSIONAL'S OBLIGATION IS LIMITED TO THE DESIGN PROFESSIONAL'S OBLIGATION TO THE CLIENT.

**RECEIVED**  
OCT 09 2017  
CITY OF AMES, IOWA  
DEPT. OF PLANNING & HOUSING

**SB&A**  
11111 11th Ave. N.E.  
Suite 100  
Shoreview, MN 55125  
Phone: 612.333.3333  
www.sbanda.com

A 110

GARAGE PLANS

Project: 1616018

Date: 08-10-2017

Scale: 1/8" = 1'-0"

Sheet: 110

Description: GARAGE PLANS

Author: [Redacted]

Checker: [Redacted]

Reviewer: [Redacted]

Approver: [Redacted]

Date: [Redacted]

Scale: [Redacted]

Sheet: [Redacted]

Description: [Redacted]

Author: [Redacted]

Checker: [Redacted]

Reviewer: [Redacted]

Approver: [Redacted]

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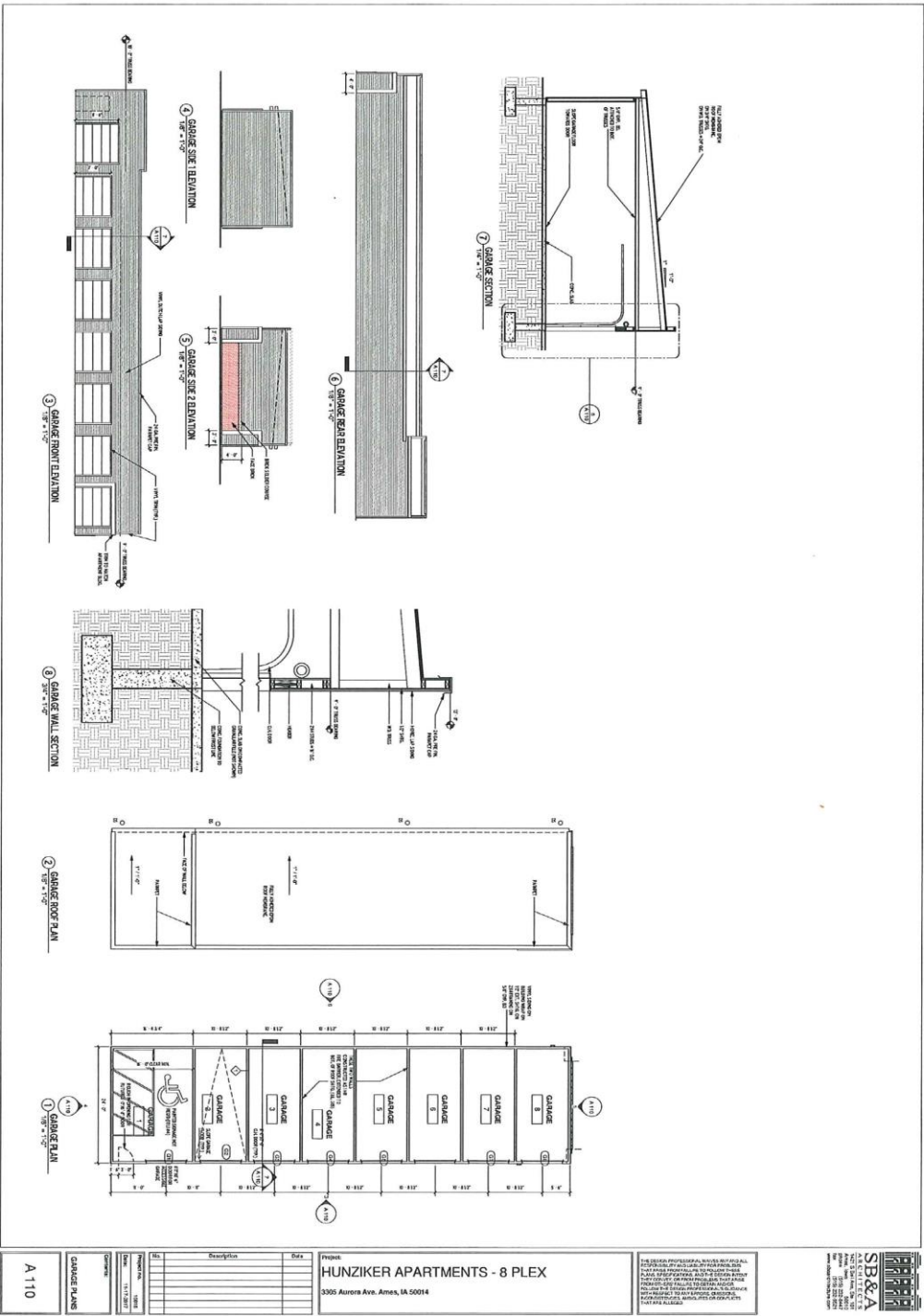
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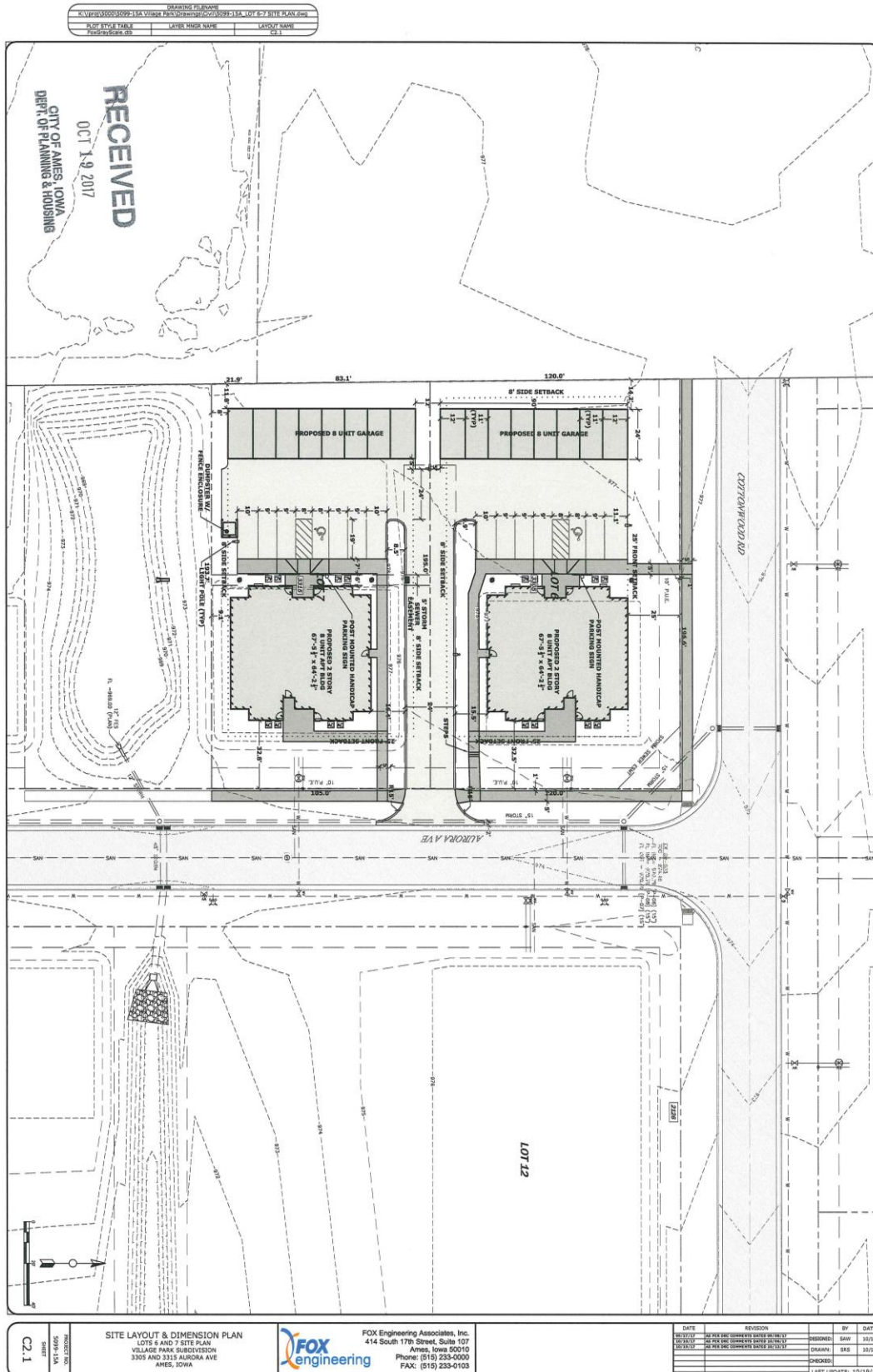


# **Attachment C** **Proposed Garage Elevations and Plan**



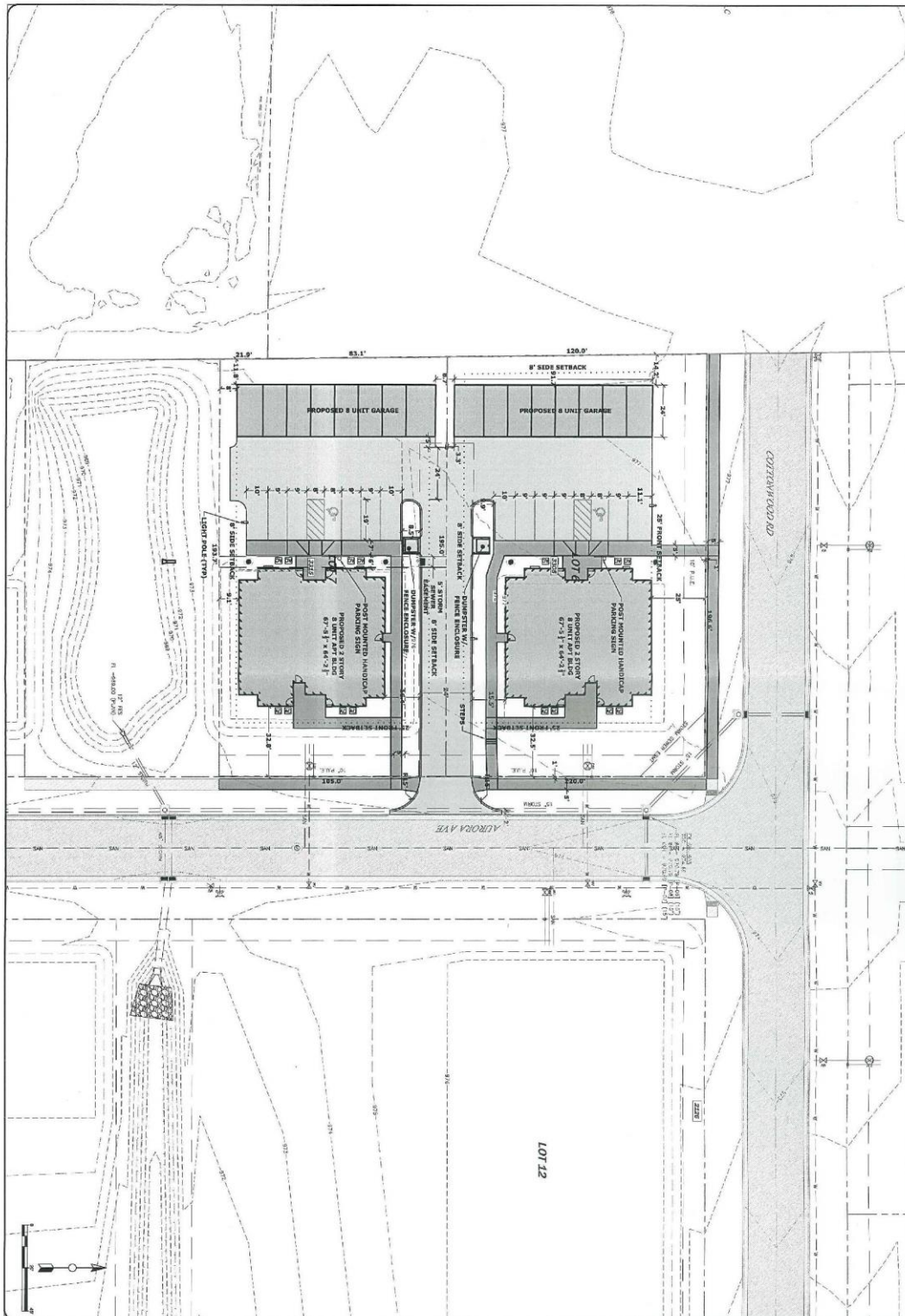
# Attachment D

## Approved Major Site Development Plan





DRAWING FILENAME		
K:\Pre\1000\5099-15A Village Park\Drawings\CD\5099-15A_LOT 6-7 SITE PLAN.dwg		
PLOT STYLE TABLE	LAYER MNGR NAME	LAYOUT NAME
PlotGrayScale.ctb		C2.1



C2.1 SHEET 10/20/2014	PROJECT DATA SHEET 10/20/2014	SITE LAYOUT & DIMENSION PLAN LOT 5 AND 7 SITE PLAN VILLAGE PARK SUBDIVISION 3305 AVE 3315 AURORA AVE AMES, IOWA	 FOX Engineering Associates, Inc. 414 South 17th Street, Suite 107 Ames, Iowa 50010 Phone: (515) 233-0000 FAX: (515) 233-0103	REVISIONS				
				DATE	REVISIONS	BY	DATE	
				REVISION	NO PERIOD COMMENTS DATE REVISION	05/08/2010	SAW	05/08/2010
				REVISION	NO PERIOD COMMENTS DATE REVISION		SAW	05/08/2010
				REVISION	NO PERIOD COMMENTS DATE REVISION		SAW	05/08/2010
				REVISION	NO PERIOD COMMENTS DATE REVISION		SAW	05/08/2010







NORTH



WEST



SOUTH



EAST



**COUNCIL ACTION FORM**

**SUBJECT:** PUBLIC HEARING FOR APPROVAL OF THE URBAN REVITALIZATION AREA AND PLAN FOR 415 STATION AVENUE

**BACKGROUND:**

The Crawford Ames, LLC, owner and developer, are requesting the designation of an Urban Revitalization Area for the property located at 415 Stanton Avenue. The subject site consists of six platted lots and other parts of properties for a total of approximately 1.6 acres that are currently zoned Residential High Density (RH). A location map is included as an exhibit to the Draft URA Plan in Attachment A.

The history of the site includes a prior use as a former elementary school, most recently used as the Ames Community School District Offices. The property owner requested determination by City Council in June of 2008 that the site was underutilized as described in the City's former policy for commercial tax abatement for HOC zoned property. City Council adopted a resolution in 2008 recognizing redevelopment of the subject site with the commercial area as meeting the underutilized threshold of the 2008 Commercial Policy. However, no formal designation of the site as an Urban Revitalization Area occurred or was directed by Council at that time.

On November 28, 2017, City Council directed staff to proceed with creation of an Urban Revitalization Area for the project at the request of the property owners. At the March 27, 2018 City Council meeting, Council determined that the site is eligible for an Urban Revitalization Area under the statutory Section 404.1(5) of the Code of Iowa as "An area designated as appropriate for public improvements related to housing and residential development, or construction of housing and residential development, including single or multifamily housing". ***The Council directed that the Minor Site Development Plan (approved by staff April 16, 2018) be established as the criteria for the revitalization area. Additionally, five more criteria were required to be satisfied.***

Those five criteria are:

1. The existing building is no longer occupied as a public school, and has not been converted to another use prior to designation as an Urban Revitalization Area; and, *(There has been no use of the building since the School District sold the property)*
2. Structured parking (enclosed garage parking) is provided on site with at least one covered stall per unit; and, *(Project plans include a minimum of 1 required space per unit, to be verified upon completing the project)*

3. The character of the existing building on the north and east elevations is maintained and preserved, with the exception of adding windows. The proposed addition matches the architectural style of the existing building. *(Building elevation plan attached as exhibit, the project appears to meet this standard through massing, building materials, building height, window fenestration, to be verified upon completing the project)*
4. The original school structure will remain, and historic materials will be preserved or adaptively reused when possible. This includes a requirement that 100% of the exterior walls of the north and east façade of the existing building remains brick, with the exception of adding windows and doors. *(Attached building plan indicates original materials for exterior brick to be retain on the existing building, to be verified upon completing the project)*
5. The site and building substantially conforms to the site and architectural plans approved by the City Council as part of the URA Plan. *(To be determined at time of completion of the project)*

#### **URBAN REVITALIZATION PLAN:**

The draft Urban Revitalization Plan (Attachment A) includes the statutory content and also includes qualifying criteria. These criteria are found in Attachment 3 of the Urban Revitalization Plan and require substantial conformance to the Concept Plans as depicted in Attachment 4 of the Draft Urban Revitalization Plan. Staff proposes that the URA Plan expire on December 31, 2020. This would mean all improvements used as a basis for requesting property tax abatement as qualified real estate would need to be complete prior to the expiration date. Previously approved abatements would continue for the duration of the tax exemption schedule.

The proposed concept plan exhibits include a note on the building elevations stating the “west portion of the roof profile subject to change dependent on structural requirements”. This note is related to final architectural detail regarding the elevator shaft and snow load calculations for the roof. These calculations have not been finalized. The note is meant to indicate that the roofline of this area may vary somewhat from the profile shown on the plan. Staff and developer believe any changes would be minor and substantial conform to the concept plan.

#### **ALTERNATIVES:**

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

**MANAGER'S RECOMMENDED ACTION:**

The attached plan is in conformance with the direction that was given in November for drafting an Urban Revitalization Plan for 415 Stanton Avenue and the draft plan presented to Council on March 27th. Staff has determined that the proposed URA meets the criteria established by Council. A minor site development plan has been approved by staff that is consistent with the conceptual plan shown as an exhibit.

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

**It should be emphasized that in order to be eligible for tax abatement, improvements must be consistent with City ordinances and also meet the criteria in Attachment 3.**

## ATTACHMENT A: DRAFT URA PLAN



# Urban Revitalization Plan

Approved by the Ames City Council on \_\_\_\_\_, 2018  
In accordance with Chapter 404, Code of Iowa

### Legal Descriptions (See Attachment 1: Location Map)

#### 415 Stanton Avenue

PARCEL D, LOTS 2-7 (EX S 5' LOT 7) W.T.SMITH'S ADDITION & E 15' LOTS 3-8 (EX S 15', E 15' LOT 8) LEE & LITTLE'S ADDITION, CITY OF AMES, STORY COUNTY, IOWA.

### Owners and Addresses

Property	Owner Name	Owner Address
Parcel D	The Crawford Ames, LLC	2519 Chamberlain St., Ste 101 Ames, IA 50014-2525

### Assessed Valuation

Property	Land Value	Building Value	Total Value
Parcel D	75,000	0	75,00

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

Property	Existing	
	Zoning	Land Use
Parcel D	RH	Residential High Density

### Proposed Expansion of Services

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

### Applicability

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

## **Relocation Plan**

There is only one building within the boundaries of the URA the building is to be retained and renovated to a residential use as condition of the Zoning Agreement. No relocations will occur.

## **Tax Exemption Schedule**

The property owner may choose one of the following options:

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

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

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

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

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

## **Required Increase in Valuation**

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

## **Federal, State or Private Funding**

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

## **Duration**

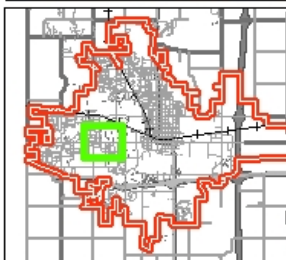
The Urban Revitalization Area shall expire on December 31, 2020. All projects seeking tax abatement must have been completed prior to expiration. Projects already determined to be eligible for tax abatement shall continue to receive tax abatement consistent with the chosen schedule for abatement and in accordance with state law.

## **Additional Criteria**

In order to be eligible for tax abatement, improvements must be consistent with City ordinances and also meet the criteria in Attachment 3.



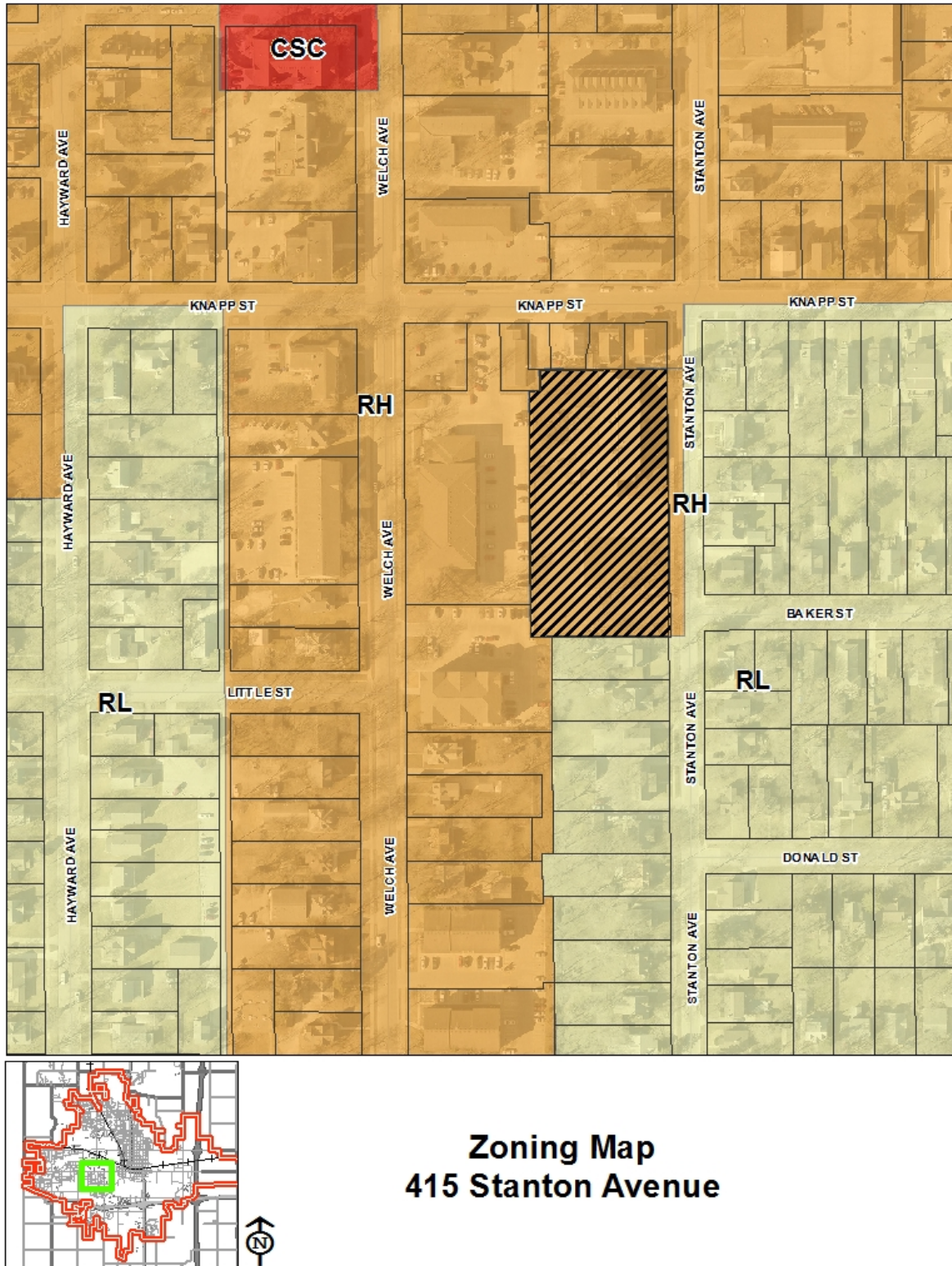
## ATTACHMENT 1: LOCATION OF PROPOSED URBAN REVITALIZATION AREA



**Location Map**  
**415 Stanton Avenue**



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



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

1. The building is no longer occupied as a public school, and has not been converted to another use prior to designation as an Urban Revitalization Area; and,
2. Structured parking (enclosed garage parking) is provided on site with at least one covered stall per unit; and,
3. The character of the existing building on the south and east elevations is maintained and preserved. The proposed addition matches the architectural style of the existing building.
6. The original school structure will remain, and historic materials will be preserved or adaptively reused when possible. This includes a requirement that 100% of the exterior walls of the south and east façade of the existing building remains brick.
4. The site and building substantially conforms to the site and architectural plans approved by the City Council as part of the URA Plan.





① 3D View - East

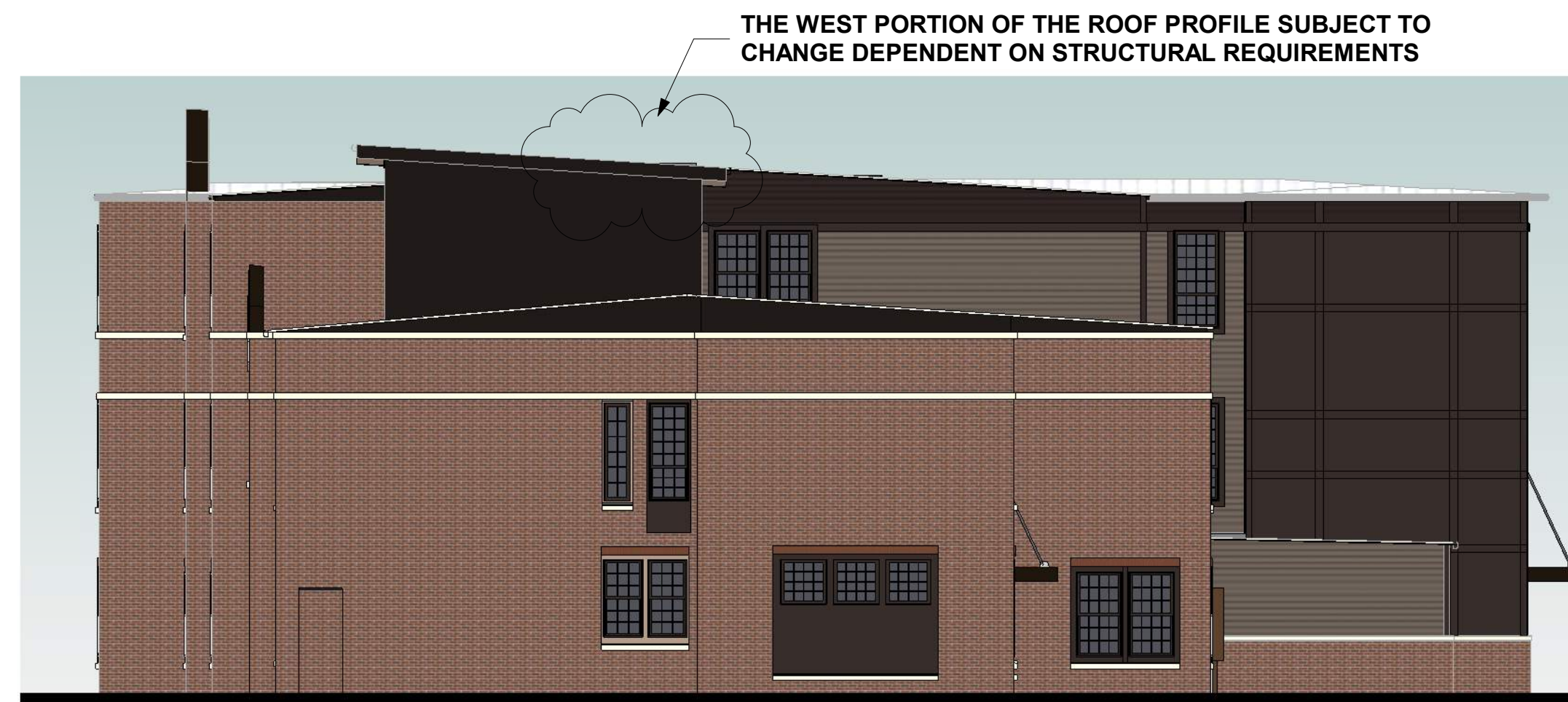


③ 3D View - SE

② 3D View - West







**4 NORTH ELEVATION**  
SCALE: 3/32" = 1'-0"



**3 SOUTH ELEVATION**  
SCALE: 3/32" = 1'-0"



**2 WEST ELEVATION**  
SCALE: 3/32" = 1'-0"



**1 EAST ELEVATION**  
SCALE: 3/32" = 1'-0"



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

**AN ORDINANCE TO DESIGNATE 415 STANTON AVENUE  
CRAWFORD SCHOOL SITE AS AN URBAN REVITALIZATION  
AREA.**

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

Section One. The real property locally known as 415 Stanton Avenue in the City of Ames, Iowa, and legally described as:

Parcel "D" in Lots 2, 3, 4, 5, 6, and a part of Lot 7, all in W.T. Smith's Addition, and a part of Lots 3, 4, 5, 6, 7 and 8, in Block 1 of Lee & Little's Addition, in the City of Ames, Iowa, as shown on the "Plat of Survey" filed in the office of the Recorder of Story County, Iowa, on the 13<sup>th</sup> day of April 2018, and recorded as Instrument No. 2018-02964, in Slide 601, at Page 6.

is hereby designated, pursuant to Chapter 404, *Code of Iowa*, as the "415 Stanton Avenue Urban Revitalization Area."

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

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

\_\_\_\_\_  
John A. Haila, Mayor

**COUNCIL ACTION FORM**

**SUBJECT: REZONE PARCEL ADJACENT TO 3311 EAST LINCOLN WAY FROM A-AGRICULTURAL TO PI-PLANNED INDUSTRIAL**

**BACKGROUND:**

Barilla owns land and operates a pasta production plant at 3311 East Lincoln Way. As part of an on-going expansion, they seek to acquire land adjacent to the Union Pacific railroad for a railroad spur line expansion. A general location map is found in Attachment A. **The proposed rezoning is for land to the east of the current site. The land proposed for rezoning is currently owned by Donald Jensen and has no street address as it is an agricultural parcel.**

The current Barilla property is zoned PI-Planned Industrial. The Jensen property is zoned A-Agricultural and was annexed into the City as part of the 1,350-acre East Industrial Annexation in 2017. A map of current zoning showing the proposed rezoning is found in Attachment B. Upon completion of the annexation, all the newly annexed land were given the Planned Industrial Land Use Policy Plan designation and were zoned Agriculture. The City has not initiated a rezoning for the entire annexation area as we continue to evaluate the infrastructure and zoning needs for the area.

**Donald Jensen controls four parcels of land totaling approximately 158 acres. The area proposed for rezoning is about 6.06 acres. The remaining Jensen land will continue to be zoned Agricultural.** A plat of survey is a separate action item for the City Council that will incorporate the 6.06 acres of land into the Barilla property, but for now the proposed land for rezoning is a portion of a larger tract owned by Jensen. The rezoning is needed to allow for rail spur improvements to expand service to Barilla. Agricultural zoning does not allow for the type of rail use desired by Barilla and can only be accommodated within an industrial zoning district as an accessory use.

The proposed 6.06 acres for rezoning does not create a developable area on its own due to lack of frontage and access to infrastructure. With the planned combination of the 6.06 acres to the existing Barilla site, the land will then be developable. Development of the rail spur is subject to Site Development Plan review for consistency with development standards, including issues such as access, grading, flood plain conformance, and other site improvements. Further analysis of the proposed rezoning is found in the Addendum.

**Planning and Zoning Commission Recommendation:**

At a public hearing on April 18, 2018, the Planning and Zoning Commission voted (5-0) to recommend that the City Council **approve** the request for rezoning. Mr. Jensen, the property owner, expressed support for the rezoning. The Commission discussed the remote location of the area for rezoning and one commissioner expressed concern about emergency access along the future rail siding, but ultimately recommended

approval with the understanding that further permitting was need to build upon the rezoned area.

**ALTERNATIVES:**

1. The City Council can approve the request to rezone 6.06 acres of the Jensen property from Agricultural to Planned Industrial.
2. The City Council can deny the request to rezone 6.06 acres of the Jensen property from Agricultural to Planned Industrial.
3. The City Council can defer action on this request and refer it back to City staff for additional information.

**Barilla (through their consultant, VAA Engineering) has requested that the City Council waive the required three readings and approve on May 8.** The request is included as Attachment E.

**CITY MANAGER'S RECOMMENDED ACTION:**

The request for rezoning is consistent with the Land Use Policy Plan Future Land Use Map as described in the addendum, and the change in zoning designation will not create any additional development impacts on infrastructure and City services that need to be addressed at this time. **Although the area described for rezoning has no development potential on its own, due to its being a portion of an agricultural zoned parcel with no street frontage, the rezoning is precursor to the acquisition of the PI zoned land to be used with the existing Barilla plant.** The Plat of Survey for the division of the land is a separate action item for the City Council.

**Therefore, the City Manager recommends Alternative #1, asking the City Council to approve the request to rezone 6.06 acres of the Jensen property from Agricultural to Planned Industrial.**



## **ADDENDUM**

### **REZONING BACKGROUND:**

Barilla has embarked on an expansion to the plant facility and grain silos. They are now seeking the planned expansion of their railroad spur line so that the facility can accept 110-car unit trains. Barilla indicates that the expansion will lower costs by delivering larger loads of wheat more efficiently although deliveries will be less frequent than currently.

**Existing Land Use Policy Plan.** The Land Use Policy Plan designates this site as Planned Industrial, the designation it was automatically assigned following annexation. A map of the Land Use Policy Plan Future Land Use Map is found in Attachment C.

**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	Crop production
North	Railroad tracks, crop production
East	Crop production, ethanol plant
South	Crop production, trucking company, landscaping/plant business
West	Barilla plant

**Land Use Policy Plan.** The Land Use Policy Plan (LUPP) Future Land Use Map designates this area as Planned Industrial. This designation was applied upon annexation as it was consistent with the Ames Urban Fringe Plan designation.

The Land Use Policy Plan urges “All future large-scale industrial activities should be located in planned industrial parks. Locating large-scale activities in parks assures adequate land area, access, utilities provisions and environmental controls. The park locations also assure that appearances are compatible with the community’s entries along which planned industrial locations are recommended (p. 62).”

**Current and Future Industrial Zoning.** The Planned Industrial zoning district is intended to be applied to those areas where there is a need to provide a desirable industrial environment. It is also “intended to...accommodate large-scale industrial land uses, promote a clustered and integrated development in a park-like setting, and locate such developments near limited-access highways, air transportation or the Research Park (Sec. 29.902(1))”.

The Barilla plant is an allowed use in the district. Railroad spur lines are allowed only as an accessory use to the Barilla plant necessitating it to be on the same lot and with the same zoning designation as the plant.

During the discussion of the East Industrial Area, it was anticipated that zoning regulations would be specific to the development expectations—either as a new zoning district or as a zoning overlay to the PI district. The rezoning of these 6 acres to accommodate the rail expansion of Barilla will not be impacted by, nor will it impact, those future zoning decisions. The change to PI matches the existing zoning of the Barilla plant and allows for use of the 6 acres as an accessory function to the plant.

### **Infrastructure**

The proposed rezoning area has no access to City infrastructure in its current configuration. However, the Barilla plant site is served by all necessary City infrastructure. The rezoning of the 6 acres of the larger Jensen landholdings does not affect the City's ability to plan or implement infrastructure improvements in the area to support future rezoning and development. Future rezoning requests will be reviewed for conformance to infrastructure needs to serve development and expectations for timing of making such improvements.

### **Additional Issues**

The Planning and Zoning Commission asked about access for emergency vehicles along this siding. While development issues are usually not a factor in requests for rezoning, Barilla has submitted a site development plan that has been reviewed by City staff.

About 1,950 feet of new siding will be installed before tying into the existing siding which runs parallel to the two main line tracks. In order to accommodate the expected train lengths, as many as five parallel sets of tracks will comprise the new siding. This will allow the unit train to be broken into several lengths to fit in the staging area awaiting their turns to unload.

An access road will extend along the length of the new siding tracks. An access road also extends about a quarter of a mile westward from 580<sup>th</sup> Avenue along the existing siding. A gap of about 2,350 feet is accessible along the edge of a field.

There is an area of General Flood Plain on the Barilla property draining the Kettleson Marsh north of the former commercial development site on E 13<sup>th</sup> Street, under the railroad tracks, under East Lincoln Way, and flowing west of the Cornerstone Church. It flows through a culvert under the two mainline tracks and then under the existing siding tracks. These tracks will be removed and replaced with new tracks with no changes anticipated to the surface elevations to impede flood flows.

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

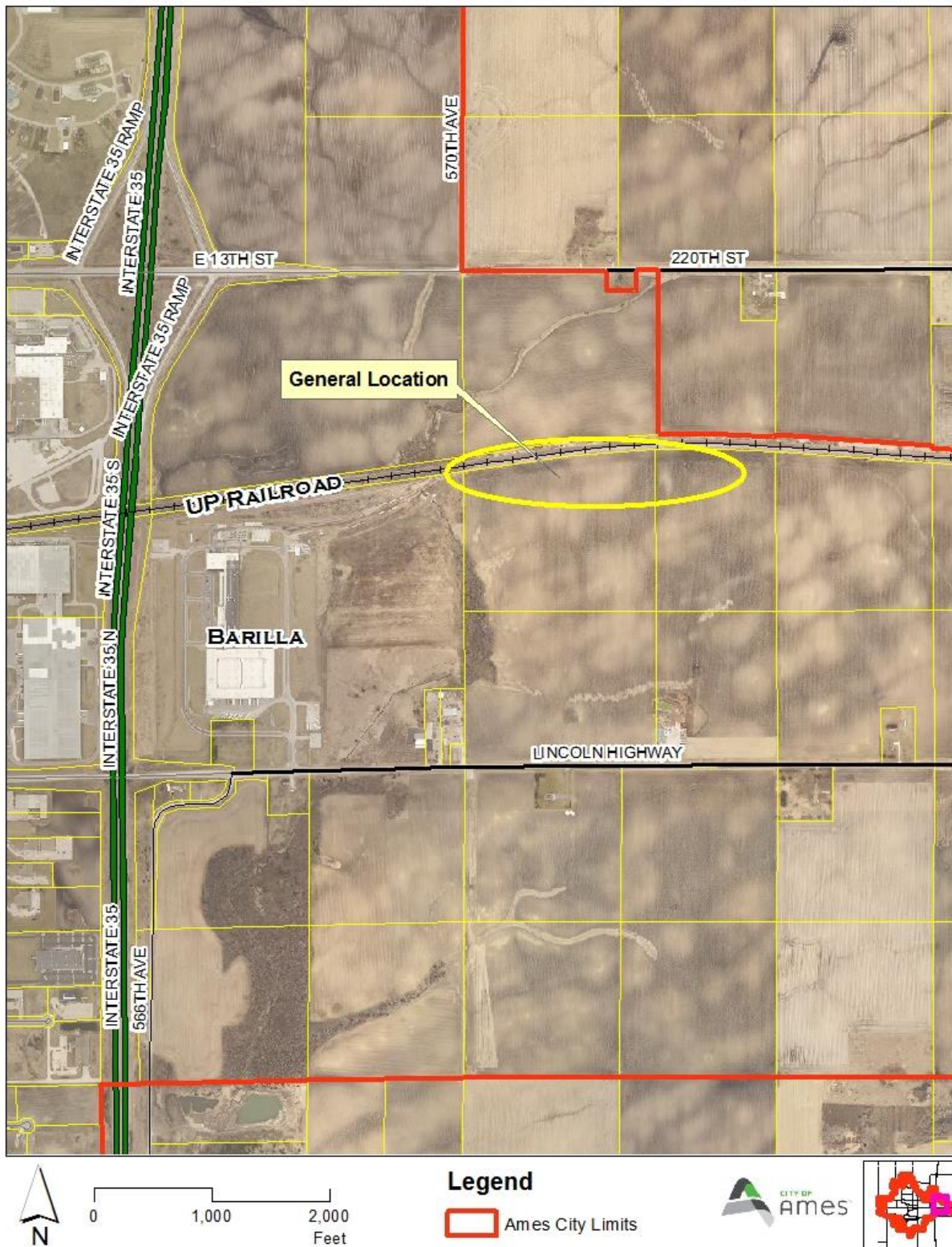
1. Ames Municipal Code Section 29.1507(1) allows the property owner to initiate an amendment to the Official Zoning Map.
2. The subject property is owned by Donald Jensen who has authorized Barilla to act on his behalf on the rezoning. The rezoning request and justification is found in Attachment D.

3. The stated purpose of the PI zoning district is to accommodate large-scale industrial activities and allows for accessory rail spurs to serve such uses.
4. Barilla is seeking the acquisition of the land and its rezoning to accommodate improved rail facilities to complement the plant expansion incorporating two new production lines and additional wheat silos.
5. The proposed rezoning will not impact any future zoning decisions regarding the newly annexed East Industrial Area.

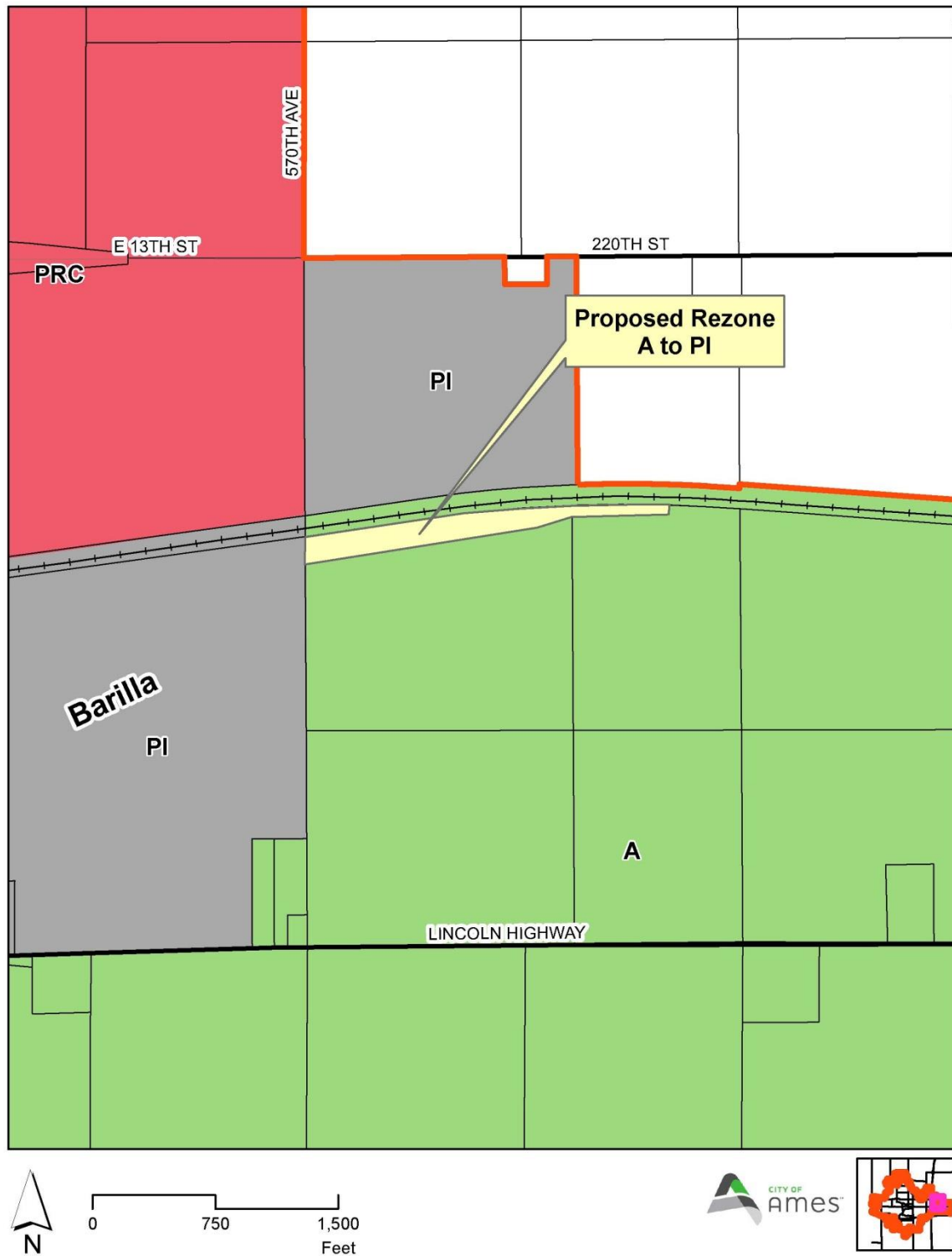
**Public Notice.** The City provided mailed notice to all property owners within 200 feet of the subject property prior to the Planning and Zoning Commission meeting in accordance with the notification requirements of Chapter 29. In addition, a sign was posted on the properties. The City Council public hearing noticed was mailed and published in accordance with Chapter 29 requirements.

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

## ATTACHMENT A: LOCATION

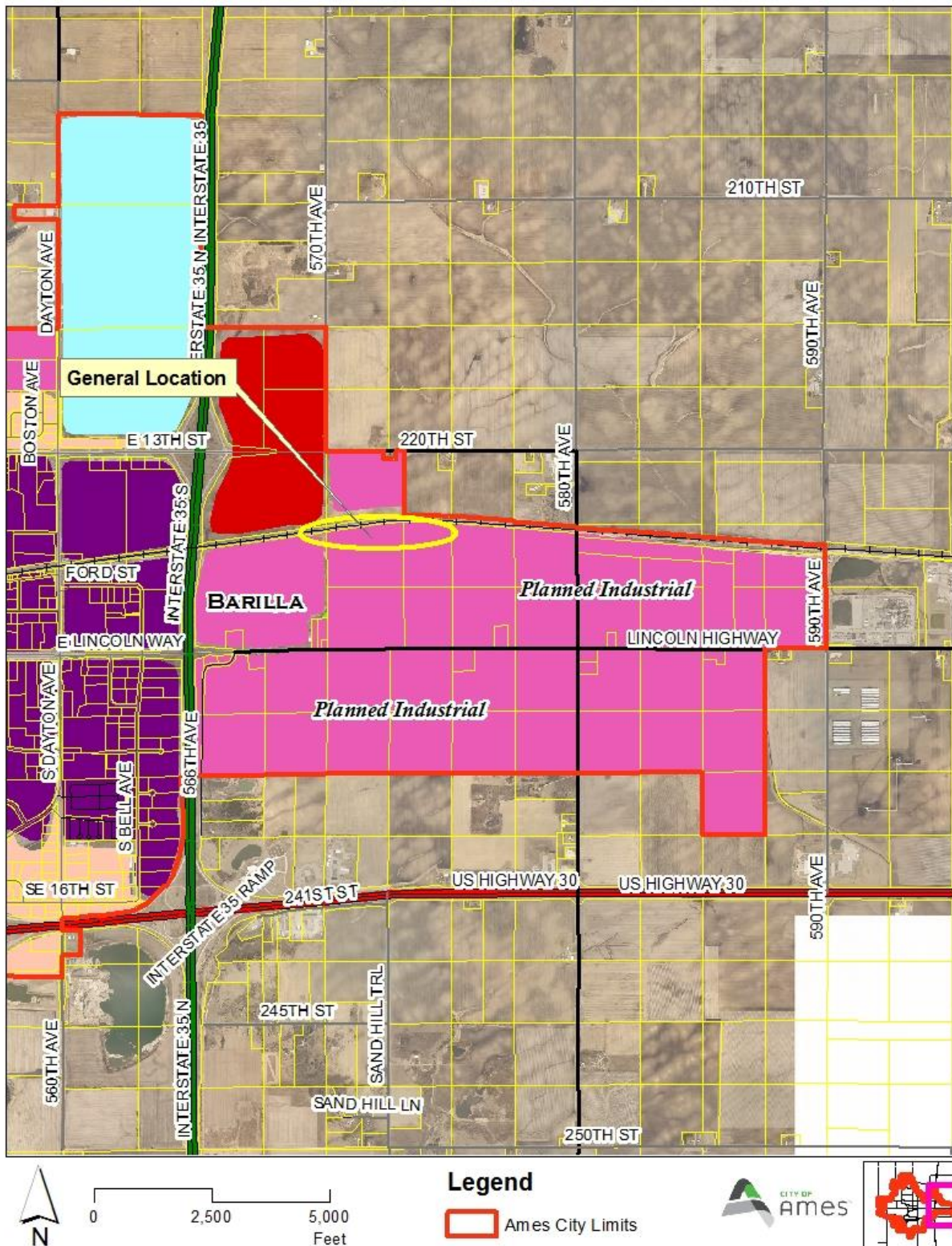


## ATTACHMENT B: ZONING





## ATTACHMENT C: LUPP LAND USE MAP



## ATTACHMENT D: APPLICANT'S STATEMENT



April 6, 2018

City of Ames  
Department of Planning & Housing  
Charlie Kuester  
Room 214, City Hall  
515 Clark Avenue  
Ames, Iowa 50010

RE: Rezoning Application

Dear Charlie:

Barilla America, Inc. respectfully request the recently acquired property to be rezoned in order to match the zoning of their existing property. Barilla America, Inc. is expanding its rail connection to the Union Pacific as well as the on-site rail yard. The subject property is required in order to facilitate these improvements to the site and their growing business.

The subject property for rezoning is a part of the East Industrial Annexation. The East Industrial Annexation was completed in order to provide the City the ability to add additional industrial users to this area. As a result, the proposed rezoning is consistent with the City Land Use Policy Plan.

**CURRENT ZONING: AGRICULTURAL ZONE "A"**

**PROPOSED ZONING: PLANNED INDUSTRIAL ZONE "PI"**

The subject property will be used in order to complete a code compliant connection to the Union Pacific Railroad. The property will also be utilized as a siding for rail car storage supporting the Barilla operations.

Sincerely,

SHIVE-HATTERY, INC.

A handwritten signature in blue ink, appearing to read "Michael L. Anthony".

Michael L. Anthony, PE  
Project Manager

/MLA  
Enc.

Copy: Larry Covington – Barilla  
Stu Bremer - Barilla

Project #417556-0

Shive-Hattery | 4125 Westown Parkway | Suite 100 | West Des Moines, IA 50266 | 515.223.8104 | fax 515.223.0622 | shive-hattery.com



## ATTACHMENT E: APPLICANT'S REQUEST TO WAIVE READINGS



City of Ames City Council and Mayor,

On behalf of Barilla, USA Inc., VAA is requesting that the City of Ames waive the 3-reading review process for the rezoning of the Jensen property from Agricultural to Industrial and review/approve on May 8<sup>th</sup>, 2018 in a single reading.

Sincerely,

Patrick D. Koehnen  
VAA, LLC  
pkoehnen@vaaeng.com





---

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

---

**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 3311 East Lincoln Way, is rezoned from Agricultural (A) to Planned Industrial (PI).

**Real Estate Description:**

ALL THAT PORTION OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION FIVE (5), TOWNSHIP EIGHT-THREE (83) NORTH, RANGE TWENTY-THREE (23) WEST OF THE 5TH PRINCIPAL MERIDIAN, STORY COUNTY, IOWA, LYING SOUTH OF THE RIGHT-OF-WAY OF CHICAGO AND NORTHWESTERN RAILWAY; AND THE SOUTH HALF (S.1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION FIVE (5), TOWNSHIP EIGHT-THREE (83) NORTH, RANGE TWENTY-THREE (23) WEST OF THE 5TH PRINCIPAL MERIDIAN, STORY COUNTY, IOWA, LYING SOUTH OF THE RIGHT-OF-WAY OF CHICAGO AND NORTHWESTERN RAILWAY AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (SW1/4), ALSO KNOWN AS THE CENTER CORNER OF SAID SECTION 5; THENCE ALONG AND UPON THE NORTH LINE OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 5, SOUTH 89°54'52" EAST, A DISTANCE OF 347.98 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 89°54'52" WEST, A DISTANCE OF 680.87 FEET; THENCE SOUTH 76°26'15" EAST, A

DISTANCE OF 648.06 FEET; THENCE SOUTH 82°07'23" EAST, A DISTANCE OF 1007.81 FEET TO A POINT ON THE WEST LINE OF SAID SW1/4; THENCE ALONG AND UPON SAID WEST LINE, NORTH 00°20'17" WEST, A DISTANCE OF 256.03 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF CHICAGO AND NORTHWESTERN RAILWAY, AS PRESENTLY ESTABLISHED; THENCE ALONG SAID SOUTH LINE, NORTH 82°03'20" EAST, A DISTANCE OF 726.31 FEET; THENCE ALONG A SPIRAL CURVE HAVING A CHORD BEARING OF NORTH 82°26'18" EAST, AND A CHORD DISTANCE OF 248.72 FEET, TO THE BEGINNING OF A CURVE CONCAVED SOUTH, HAVING A RADIUS 8297.10 FEET; THENCE ALONG SAID CURVE A DISTANCE OF 1346.68 FEET, WITH A CHORD BEARING OF NORTH 87°38'46" EAST, AND A CHORD DISTANCE OF 1345.21 FEET; THENCE SOUTH 00°17'09" EAST, A DISTANCE OF 53.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 264,117 SQ.FT. (6.063 ACRES), MORE OR LESS AND SUBJECT TO ALL EASEMENTS OF RECORD.

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

\_\_\_\_\_  
John A. Haila, Mayor

**COUNCIL ACTION FORM**

**SUBJECT:** PLAT OF SURVEY (BOUNDARY LINE ADJUSTMENT) FOR 3305 AND 3311 EAST LINCOLN WAY AND TWO UNADDRESSED PARCELS

**BACKGROUND:**

The City's subdivision regulations are found in Chapter 23 of the Ames Municipal Code. These regulations include the process for creating or modifying property boundaries and for determining if any improvements are required in conjunction with the platting of property. The regulations also describe the process for combining existing platted lots or adjusting the boundary lines of existing tracts. Section 23.308 allows the use of a plat of survey for a boundary line adjustment.

**This plat of survey combines two parcels owned by Barilla where the current pasta plant exists and adds a newly acquired 6-acre piece east of the site that was part of two parcels owned by Don Jensen.** The plat of survey creates Parcel H, which will be the newly enlarged Barilla parcel. Parcel J and Parcel K will be the two parcels retained by Jensen. (The County Auditor does not assign Parcel "I" to avoid confusion.) **The plat also creates Lot A, which is to be dedicated to the City as right-of-way and for which a Warranty Deed has been prepared (Attachment C).**

A separate action by the City Council is to rezone the 6.06-acre parcel being acquired from Jensen to Planned Industrial. The remainder of the Jensen land will stay as A-Agricultural.

The plat of survey does not trigger any new infrastructure or frontage improvements as there are no missing gaps in required infrastructure along the site's frontage and the plat of survey is a boundary line adjustment. However, the already approved expansion of the plant itself has triggered missing infrastructure requirements for the frontage of the current Barilla plant. Barilla must construct sidewalks along their frontage as no other street improvements or sidewalk plans have been adopted for the area.

Approval of this plat of survey (Attachment B) will allow the applicant to prepare the official plat of survey and submit it to the Planning and Housing Director for review. The Director will sign the plat of survey confirming that it fully conforms to all conditions of approval. The prepared plat of survey may then be signed by the surveyor, who will submit it for recording in the office of the County Recorder.

**ALTERNATIVES:**

1. The City Council can approve the proposed plat of survey consistent with the boundary line adjustment standards of Chapter 23 and accept the deed for the dedication of a portion of East Lincoln Way.
2. The City Council can deny the proposed plat of survey if the City Council finds that the requirements for plats of survey as described in Section 23.308 have not been satisfied.

3. The City Council can refer this back to staff and/or the owner for additional information.

**CITY MANAGER’S RECOMMENDED ACTION:**

Staff has determined that the proposed plat of survey satisfies all Code requirements for the consolidation of the properties for the boundary line adjustment and has made a preliminary decision of approval. Staff has also determined that the proposed plat of survey for a boundary line adjustment does not trigger City infrastructure requirements as defined within the Subdivision Code.

**Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby adopting the resolution approving the proposed plat of survey and accepting the deed for the dedication of a portion of right-of-way of East Lincoln Way.**

**ADDENDUM**  
**PLAT OF SURVEY FOR 3305 AND 3311 EAST LINCOLN WAY AND**  
**TWO UNADDRESSED PARCELS**

Application for a proposed plat of survey has been submitted for:

- ☐ Conveyance parcel (per Section 23.307)
- ☒ Boundary line adjustment (per Section 23.309)
- ☐ Re-plat to correct error (per Section 23.310)
- ☐ Auditor's plat (per Code of Iowa Section 354.15)

Owner: Barilla America, Inc.  
Parcel ID: 10-06-400-010, 10-06-450-020

Owner: Donald D. Jensen  
Parcel ID: 10-05-300-105, 10-05-300-220

**New Legal Descriptions:**

Parcel H in the Southeast Quarter and the East Half of the Southwest Quarter of Section 6, Township 83 North, Range 23 West of the 5<sup>th</sup> PM and in the North Half of the Southwest Quarter and the South Half of the Northwest Quarter of Section 5, Township 83 North, Range 23 West of the 5<sup>th</sup> PM, all in Ames, Story County, Iowa.

Parcel J in the Southwest Quarter of Section 5, Township 83 North, Range 23 West of the 5<sup>th</sup> PM, Ames, Story County, Iowa.

Parcel K in the Southwest Quarter of Section 5, Township 83 North, Range 23 West of the 5<sup>th</sup> PM, Ames, Story County, Iowa.

Lot A in the Southeast Quarter of Section 6, Township 83 North, Range 23 West of the 5<sup>th</sup> PM, Ames, Story County, Iowa.

**Public Improvements:**

The preliminary decision of the Planning Director finds that approval requires all public improvements associated with and required for the proposed plat of survey be:

- ☐ Installed prior to creation and recordation of the official plat of survey and prior to issuance of zoning or building permits.
- ☐ Delayed, subject to an improvement guarantee as described in Section 23.409.
- ☒ Not Applicable.

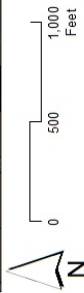
Note: The official plat of survey is not recognized as a binding plat of survey for permitting purposes until a copy of the signed and recorded plat of survey is filed with the Ames City Clerk's office and a digital image in Adobe PDF format has been submitted to the Planning & Housing Department.

**ATTACHMENT A: LOCATION MAP [NORTH TO LEFT]**



**Legend**

 Ames City Limits







**ATTACHMENT B: PLAT OF SURVEY [NORTH TO LEFT]**

**INDEX LEGEND**  
LOCATION : SE1/4 SEC 6-83-23, SW1/4 AND THE NW FRL 1/4, SEC 5-83-23  
REQUESTOR : AMES, STORY COUNTY, IOWA  
DESIGNER : BARILLA AMERICA, INC  
PREPARED BY : MURRAY BERTING  
SURVEYOR : SHIVE-HATTERY  
COMPANY : SHIVE-HATTERY  
RETURN TO : 4125 WESTOWN PKWY, WEST DES MOINES, IA

**PLAT OF SURVEY**  
SW1/4 AND NW FRL 1/4, SEC 5, T-83-N, R-23-W  
and SE1/4 AND SW1/4 SEC 6, T-83-N, R-23-W  
AMES, STORY COUNTY, IOWA

THE AMES CITY COUNCIL APPROVED THIS PLAT OF SURVEY ON \_\_\_\_\_, CERTIFY THAT IT CONFORMS TO ALL CONDITIONS OF APPROVAL.

PLANNING & HOUSING DIRECTOR

PLAT OF SURVEY  
SECTION 5&6-83-23  
AMES, STORY COUNTY, IOWA

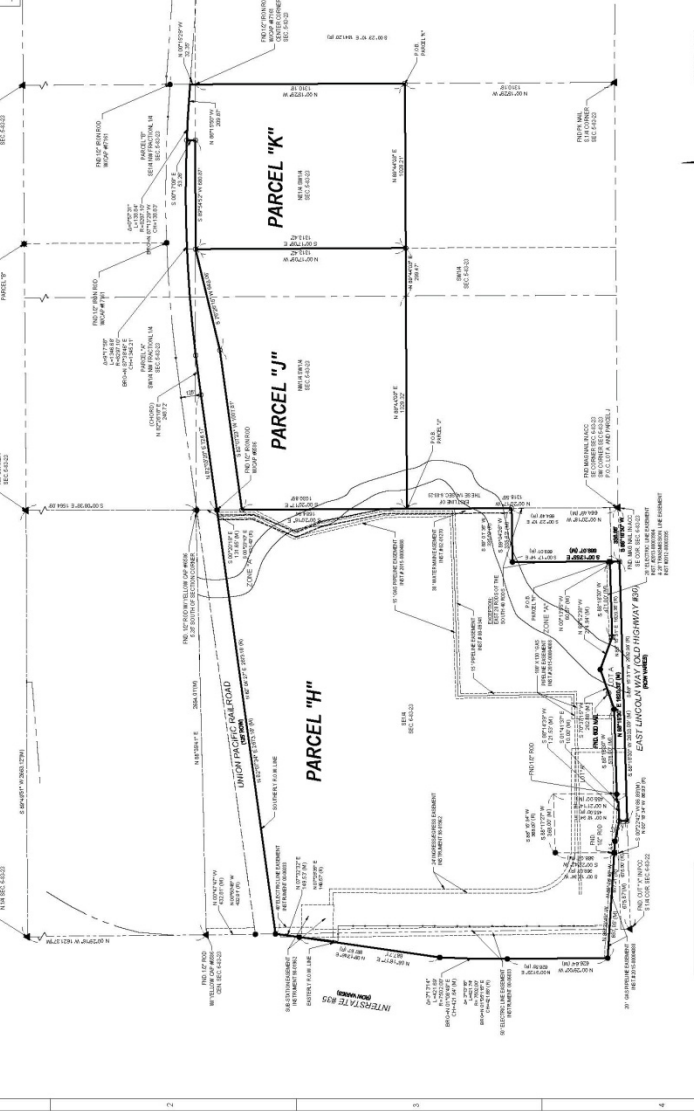
AREA: PARCEL H  
NW1/4 SW1/4 SEC 5: 193,008 SQ. FT.  
SE1/4 SW1/4 SEC 5: 193,008 SQ. FT.  
SW1/4 NW1/4 SEC 5: 7,200 SQ. FT.  
SE1/4 NW1/4 SEC 5: 7,200 SQ. FT.  
TOTAL AREA: 4,072,000 SQ. FT.

AREA: PARCEL J  
NW1/4 SW1/4 SEC 6: 1,000,000 SQ. FT.  
SE1/4 SW1/4 SEC 6: 1,000,000 SQ. FT.  
TOTAL AREA: 2,000,000 SQ. FT.

AREA: PARCEL K  
NW1/4 SW1/4 SEC 6: 1,000,000 SQ. FT.  
SE1/4 SW1/4 SEC 6: 1,000,000 SQ. FT.  
TOTAL AREA: 2,000,000 SQ. FT.

NOTES  
1. THIS PLAT OF SURVEY IS THE CITY OF AMES, IOWA.  
2. THIS PLAT OF SURVEY IS THE CITY OF AMES, IOWA.  
3. THIS PLAT OF SURVEY IS THE CITY OF AMES, IOWA.  
4. THIS PLAT OF SURVEY IS THE CITY OF AMES, IOWA.  
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8. THIS PLAT OF SURVEY IS THE CITY OF AMES, IOWA.  
9. THIS PLAT OF SURVEY IS THE CITY OF AMES, IOWA.  
10. THIS PLAT OF SURVEY IS THE CITY OF AMES, IOWA.

SURVEYOR'S INFORMATION:  
SHIVE-HATTERY  
4125 WESTOWN PKWY, SUITE 100  
WEST DES MOINES, IOWA 50266  
515.229.8104



LEGEND:  
1. BOUNDARY LINE  
2. EASEMENT  
3. RIGHT-OF-WAY  
4. ADJACENT PROPERTY  
5. EXISTING ROAD  
6. PROPOSED ROAD  
7. UTILITY LINE  
8. FENCE  
9. TREES  
10. OTHER FEATURES

LINE TABLE

LINE	DIRECTION	LENGTH
L1	N 89°11'07\"	73.80'
L2	N 89°11'07\"	138.81'
L3	S 89°11'07\"	48.81'





## ATTACHMENT C: WARRANTY DEED

### WARRANTY DEED Recorder's Cover Sheet

**Preparer Information:** (name, address and phone number)

Robert D. Andeweg  
NYEMASTER GOODE, P.C.  
700 Walnut Street, Suite 1600  
Des Moines, Iowa 50309  
Phone Number: 515-283-3106

**Taxpayer Information:** (name and complete address)

City of Ames, Iowa, ATTN: City Clerk, 515 Clark Ave., Ames, IA 50010

**Return Document To:** (name and complete address)

City of Ames, Iowa, ATTN: City Clerk, 515 Clark Ave., Ames, IA 50010

**Grantors:**

Barilla America Inc.

**Grantees:**

City of Ames, Iowa

**Legal Description:** See Page 2

**Document or instrument number of previously recorded documents:** N/A

## WARRANTY DEED

For Consideration of ONE DOLLAR and other valuable consideration, **Barilla America Inc., an Illinois corporation** (hereinafter "**Grantor**"), does hereby convey to the **City of Ames, Iowa**, (hereinafter "**Grantee**"), the following described parcel of real estate located in Story County, Iowa, to-wit:

Lot A in the Southeast Quarter of Section 6, Township 83 North, Range 23 West of the 5th P.M., Ames, Story County, Iowa, and also described as follows:

BEING PART OF THE SOUTHEAST QUARTER (SE1/4), SECTION SIX (6), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TWENTY-THREE (23) WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF AMES, STORY COUNTY, IOWA AS DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTHEAST CORNER OF SECTION SIX (6), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TWENTY-THREE (23) WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF AMES, STORY COUNTY, IOWA;

THENCE S.88°18'30"W., A DISTANCE OF 336.88 FEET ALONG THE SOUTH LINE OF SAID SECTION 6, TO A POINT, BEING THE POINT OF BEGINNING;

THENCE N.00°13'55"W., 60.07 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF EAST LINCOLN WAY (OLD HIGHWAY #30) AS PRESENTLY ESTABLISHED; THENCE CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, S.88°18'30"W., A DISTANCE OF 471.00 FEET; THENCE N.69°52'38"W., A DISTANCE OF 214.94 FEET; THENCE S.70°37'15"W., A DISTANCE OF 262.88 FEET; THENCE S.88°18'30"W., A DISTANCE OF 578.00 FEET; THENCE S.01°41'37"E., A DISTANCE OF 10.00 FEET; THENCE S.88°14'39"W., A DISTANCE OF 121.53 FEET; THENCE S.01°41'37"E., A DISTANCE OF 49.91 FEET; THENCE N.88°18'30"E., A DISTANCE OF 1620.33 FEET, ALONG SAID SOUTH LINE OF SAID SECTION 6, TO THE POINT OF BEGINNING.

CONTAINING 114,199.704 SQUARE FEET OR 2.622 ACRES OF LAND.

This Deed is Claimed Exempt under Iowa Code §428A.2(6)--Grantee is Government Body

Grantor does hereby covenant with Grantee, and successors in interest, that Grantor holds the real estate by title in fee simple; that Grantor has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances except as may be above stated; and Grantor covenants to warrant and defend the real estate against the lawful claims of all persons except as may be above stated.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

*[Signature page follows.]*

Signed this \_\_\_\_ day of May, 2018.

GRANTOR:

BARILLA AMERICA INC.

By: \_\_\_\_\_  
Fabio Pettenati, Vice President, Supply  
Chain Americas

And: \_\_\_\_\_  
Talita Erickson, General Counsel and  
Corporate Secretary

STATE OF \_\_\_\_\_, COUNTY OF \_\_\_\_\_) ss:

This record was acknowledged before me on May \_\_\_\_\_, 2018, by Fabio Pettenati and Talita Ericson, as Vice President, Supply Chain Americas and General Counsel and Corporate Secretary, respectively, of Barilla America Inc., an Illinois corporation.

\_\_\_\_\_, Notary Public

ITEM #: 57  
DATE: 05-08-18

### **COUNCIL ACTION FORM**

**REQUEST:** Rezone from “HOC” (Highway-Oriented Commercial) to “A” (Agricultural) for a property located at 3507 South Duff Avenue.

### **BACKGROUND:**

In June of 2017 the Ames City Council approved rezoning approximately 3.03 acres at 3505 South Duff Avenue from “A” Agricultural Zone to “HOC” High-Oriented Commercial for the Ames Pentecostal Church. During this process a legal description was provided that defined the area to be rezoned. The legal description was intended to describe only the property at 3505 South Duff occupied by Ames Pentecostal Church. **However, staff recently discovered that the legal description also included the property to the immediate south of Ames Pentecostal Church (3507 South Duff Avenue), which caused that property to also be rezoned to Highway-Oriented Commercial as well. Including this property in the rezoning action was not intended during the rezoning process nor did the property owner consent to be rezoned.**

The Planning & Housing Department is requesting this rezoning on behalf of the owner of 3507 South Duff Avenue. Planning staff has contacted the owner of the property explained what has happened and informed them of the process of correcting the matter. The site at 3507 South Duff is approximately 2.11 acres and contains a single family residential home along with a small accessory structure. The property has been zoned Agricultural since its annexation into the City in the early 1970’s. The property has no direct access or frontage on South Duff Avenue but the property owner does have an access easement agreement with Ames Pentecostal Church for access to the property.

The ordinance that was approved by City Council approving the rezoning of the Ames Pentecostal Church was recorded with the Story County Recorder’s Office. **Staff views the correct way to resolve the matter is to initiate new rezoning of 3507 South Duff Avenue from Highway-Oriented Commercial “HOC” to Agricultural “A”. This will create a separate ordinance that rezones this property back to its correct zoning designation.** Given that the initial rezoning of this property was not intended and that the proposed rezoning is to re-establish the zoning that has been in place here for several decades, there are no land use or surrounding land use issues to consider.

The Planning and Zoning Commission reviewed the request on April 18<sup>th</sup> and voted 5-0 to recommend the City Council change the zoning for the property at 3507 South Duff Avenue to Agricultural.



**Public Notice.** Notice was mailed to property owners within 200 feet of the subject site. As of this writing, no comments have been received.

**ALTERNATIVES:**

1. The City Council can approve the request for rezoning from “HOC” (Highway-Oriented Commercial Zone) to “A” (Agricultural Zone) for the property located at 3507 South Duff Avenue, based upon staff’s analysis.
2. The City Council can deny the request for rezoning of the property located at 3507 South Duff Avenue, if the Council finds that the request is not consistent with the City’s regulations and policies.
3. The City Council can defer action on this request and refer it back to City staff and/or the applicant for additional information.

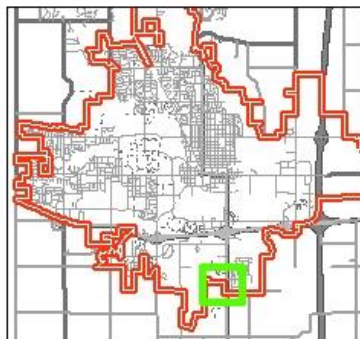
**CITY MANAGER’S RECOMMENDED ACTION:**

**The rezoning of the property at 3505 South Duff in May of 2017 inadvertently included the property at 3507 South Duff in error as there was no intention or request to include the property in the rezoning from Agricultural to Highway-Oriented Commercial. Staff views the action as an error in the legal description provided and as such views the rezoning of 3507 South Duff from Highway-Oriented Commercial to Agricultural as a mistaken rezoning that was not intended. Although the underlying land use designation supports Highway Oriented Commercial Zoning, the agricultural zoning is appropriate for the current condition of the property and to meet the interest of the property owner.**

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to approve the request for rezoning of the property, located at 3507 South Duff Avenue, from “HOC” (Highway-Oriented Commercial) to “A” (Agricultural Density) as depicted in *Attachment B*.



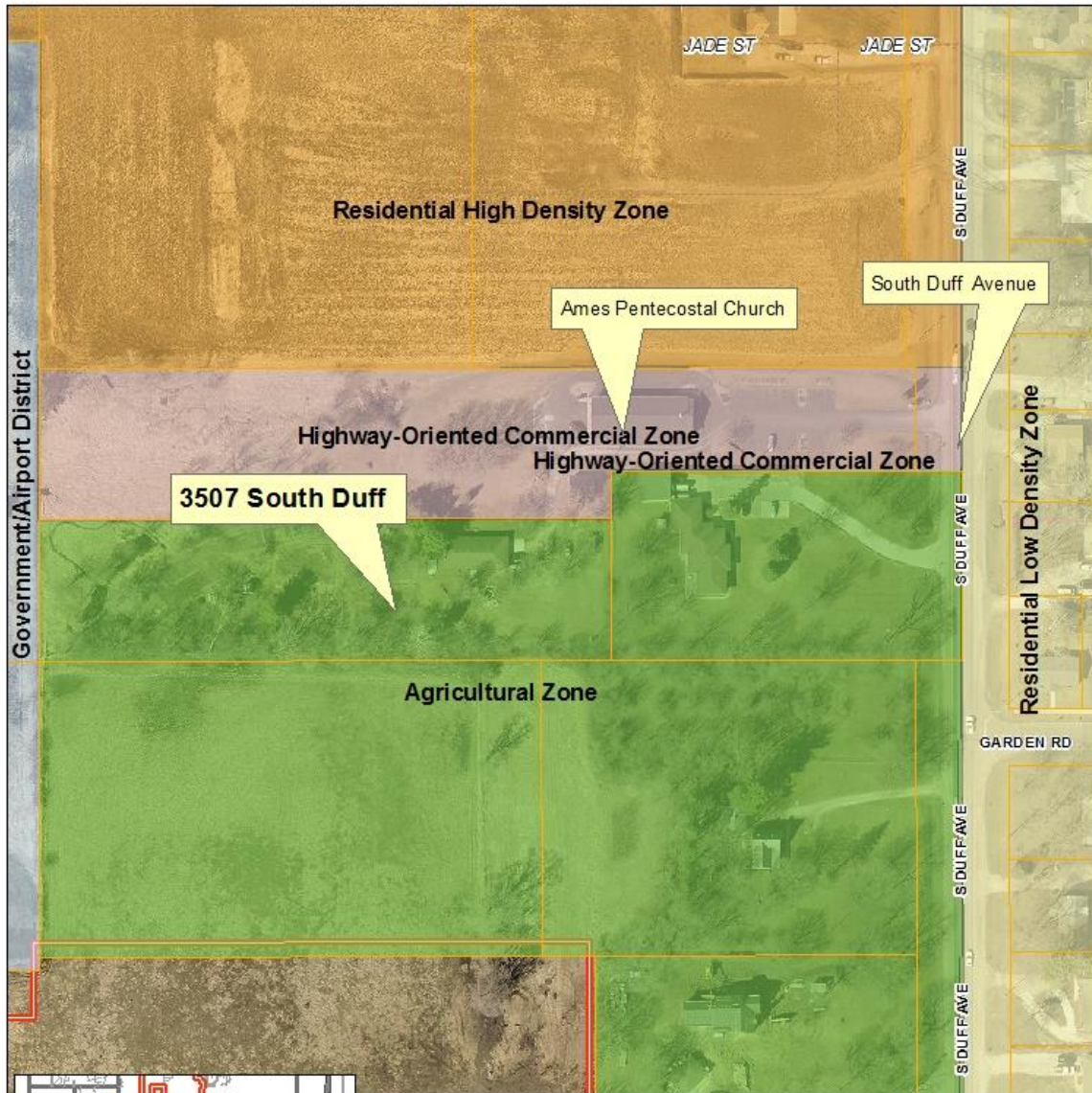
Attachment A



**Rezoning Location  
3507 South Duff**

Attachment B





## 3507 South Duff Avenue Correct Zoning Designation



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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 3507 South Duff Avenue, is rezoned from Highway-Oriented Commercial (HOC) to Agricultural (A).

**Real Estate Description:** COMMENCING AT A POINT 1015.2 FEET SOUTH OF THE NE CORNER OF THE NW ¼ OF SECTION 23, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> PM., STORY COUNTY, IOWA, THENCE SOUTH 108.15 FEET, THENCE WEST 375 FEET, THENCE SOUTH 50 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 150 FEET TO THE SOUTH LINE OF THE NE ¼ OF THE NW ¼, THENCE WEST 612.25 FEET ALONG THE SOUTH LINE OF THE NE ¼ OF THE NW ¼, THENCE NORTH 150 FEET, THENCE EAST APPROXIMATELY 612.50 FEET TO THE POINT OF BEGINNING.

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 \_\_\_\_\_, 2018.

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

\_\_\_\_\_  
John A. Haila, Mayor

**COUNCIL ACTION FORM**

**SUBJECT:**     **CONTINUOUS EMISSIONS MONITORING SYSTEM REPLACEMENT**

**BACKGROUND:**

On March 27, 2018, City Council approved preliminary plans and specifications for the Continuous Emissions Monitoring System Replacement. This project is for replacement of the Continuous Emissions Monitoring System (CEMS) and the Continuous Opacity Monitoring System (COMS) used on Units #7 and #8 boilers. Both systems provide continuous relative data for specific emissions required by the State issued operating permit. The current systems are outdated and it is becoming very difficult to find spare parts and maintain reliability as more and more parts become obsolete. A complete system change-out is needed.

Bid documents were issued to twenty-nine companies and three plan rooms. The bid was advertised on the Current Bid Opportunities section of the Purchasing webpage and a Legal Notice was published on the websites of a contractor plan room service with statewide circulation and the Iowa League of Cities.

On May 3, 2018, six bids were received as shown on the attached report. The Engineer's estimate of the cost of this project is \$560,000.

**Electric Services staff has determined that additional time is needed to evaluate each of the remaining bids to determine which one best meets the needs of the City of Ames at the best price.**

The proposed 2018/19 Capital Improvements Plan includes \$500,000 for the materials and installation for the Continuous Emissions Monitoring System Replacement. The additional funds, if needed once a bidder is selected, will come from the Power Plant Operation and Maintenance budget.

**ALTERNATIVES:**


1. Approve report of bids and delay award for the Continuous Emissions Monitoring System Replacement.
2. Award a contract to the apparent low bid.
3. Reject all bids and direct staff to rebid.



**CITY MANAGER'S RECOMMENDED ACTION:**

This project will allow the Power Plant to replace the current CEMS and COMS. It is crucial to perform this work in order to maintain compliance with the Electric Plant's operating permit and maintain reliability. **By choosing Alternative No. 1, staff will have more time to evaluate each bid and recommend an award that best meets the needs of the City of Ames.**

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

	ITB 2018-124 CONTINUOUS EMISSIONS MONITORING SYSTEM REPLACEMENT BID SUMMARY					
BIDDER:	C.E.M. Solutions, Inc Hernando, FL	STI CEMS Services, LLC Waldron, AR	Cemtek KVB-Enertec Santa Ana, CA	Teledyne Monitor Labs Englewood, CO	SBSMSILLC Dba MSI/Mechanical Systems Sun Prairie, WI	AC Systems Integration, Inc Tulsa, OK
BASE:						
Replace the current continuous emissions monitoring system (CEMS) as specified.	\$423,535.00	\$456,135.30	\$461,679.00	\$479,050.00	\$523,600.00	\$689,005.00
Sales and/or Use taxes included in LS Cost	Not licensed	Not licensed	Not licensed	Not licensed	\$29,634.00	Not licensed
Evaluated Total:	\$423,535.00	\$456,135.30	\$461,679.00	\$479,050.00	\$523,600.00	\$689,005.00
OPTIONS:						
Flow monitor	No bid	\$59,850.00	\$4,286.00	Below 2 options	No bid	\$31,670.00
EMRC				\$18,000.00		
Teledyne Delta Flow 180				-\$7,000.00		
Sales and/or Use taxes included in Cost	No bid	Not licensed	Not licensed	Not licensed	No bid	Not licensed
Deduct for Opacity Monitor	-\$29,665.00	-\$22,225.00	-\$27,094.00	-\$16,500.00	-\$20,000.00	-\$34,445.00
Deduct for Redundant HVAC	-\$2,310.00	-\$4,080.00	-\$1,800.00	Below 2 options	-\$5,000.00	-\$4,750.00
Adder for pressurization and air exchanges				\$20,700.00		
Deduct removes extra HVAC				-\$2,300.00		
RATA testing	\$20,900.00	\$23,800.00	\$16,889.00	\$31,400.00	No bid	\$36,920.00
Sales and/or Use taxes included in Cost	Not licensed	Not licensed	Not licensed	Not licensed	No bid	Not licensed
Credit for acceptance of the 'gently used' thermo mercury freedom system	No bid	-\$8,000.00	To be Determined	No bid	No bid	No bid
Unit price the sample line umbilical	\$42.56	\$46.00	\$51.00	\$45.00	\$19.00	\$31.00
Sales and/or Use taxes included in Cost	Not licensed	Not licensed	Not licensed	Not licensed	\$1.00	Not licensed

**COUNCIL ACTION FORM**

**SUBJECT: AWARD OF CONTRACT FOR TOP-O-HOLLOW SUBSTATION  
EXPANSION**

**BACKGROUND:**

On February 27, 2018, City Council approved preliminary plans and specifications for Top-O-Hollow Substation Expansion. **This portion of the project is to contract for construction services to complete the substation expansion.**

Bid documents were issued to twenty-eight companies and three plan rooms. The bid was advertised on the Current Bid Opportunities section of the Purchasing webpage and a Legal Notice was published on the websites of a contractor plan room service with statewide circulation and the Iowa League of Cities.

On April 25, 2018, five bids were received as demonstrated on the attached report. Electric Services staff, along with an engineer from Dewild Grant Reckert & Associates (DGR) Company, reviewed the bids. **After the initial evaluation, they determined that the bid submitted by Valmont Utility was non-responsive because they did not sign the City of Ames Bid Form. This was a mandatory requirement.**

**Staff and DGR evaluated the remaining bids and concluded that the apparent low bid submitted by Primoris Aevenia, Inc., Johnston, IA, in the amount of \$1,511,291.16 is acceptable.**

The Engineer's estimate of the cost of the construction is \$1,620,000.

The approved FY 2017/18 CIP for Electric Services includes \$1,950,000 for the Top-O-Hollow Substation Expansion and Breaker Addition project. Iowa State University's (ISU) will also provide funding for this project. ISU's share of the project is based on a load-ratio-share of the 69kV portion of this project at the time of implementation. For budgetary purposes, staff is assuming the ISU load ratio share to be 7% of the total project cost.

Originally this project was budgeted to provide overhead transmission lines from the substation. After review of the location, discussions with neighboring residents, and for increased reliability, staff determined that the lines leaving the substation should be installed underground. Underground lines will allow the substation design to be more compact and eliminate the need to build a storm water retention pond on the site.

To cover the new engineer's estimate including the underground connection, unspent funds from three other current or recent CIP projects are being moved to this project. These include \$800,000 from Transmission Reconstruction, \$332,652 from 69kV Switchyard Relay, and \$271,843 from Street Lights, for a total of \$1,404,495, bringing the total amount of funding available for the project to be \$3,354,495. These funding transfers are being included in the FY 2017/18 final amendments which will be presented to Council in May.

A breakdown of the budget as well as contracts awards to date is attached at the end.

**ALTERNATIVES:**

1. Award a contract to Primoris Aevenia, Inc., Johnston, IA, for the Top-O-Hollow Substation Expansion in the amount of \$1,511,291.16.
2. Award the contract to another bidder.
3. Reject all bids and delay this project.

**MANAGER'S RECOMMENDED ACTION:**

This project will improve reliability of the 69kV transmission system, improve service to the customers served by this substation, improve worker safety, and provide improved protection to electrical assets from fault damage. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.

To date the Top-O-Hollow CIP project budget has the following items encumbered:

<b>\$1,950,000</b>	FY 2017/18 CIP amount budgeted for construction
<b><u>\$1,404,495</u></b>	Additional funds transferred from budgeted CIP funds for 69kV
<b>\$3,354,495</b>	Transmission Reconstruction (\$800,000), Street Light (\$271,843) and 69kV Switchyard Relay & Controls (\$332,652)
	<u>H K Scholz</u>
\$599,231	Actual cost for switchgear and control panels
	<u>RESCO</u>
\$35,755.07	69kV Switches
\$27,895.27	Instrument Transformers
\$6,530.58	69kV Switches
	<u>Kriz-Davis Co. – BSE</u>
\$42,003.18	Steel Structures
	<u>Siemens Industry, Inc</u>
\$150,442	(2) 69kV Breakers
	<u>Controllix Corporation</u>
\$104,748.35	(1) 13.8kV Cap Bank
	<u>Primoris Aevenia, Inc.</u>
<b><u>\$1,511,291.16</u></b>	<b>Construction (pending Council award for this agenda item)</b>
\$2,477,896.61	Costs committed to date for project
<b>\$876,598.39</b>	<b>Remaining Project Balance</b> for the CIP Project.



**INVITATION TO BID NO. 2018-107 TOP-O-HOLLOW SUBSTATION  
CONSTRUCTION BID SUMMARY**

<b>BIDDER:</b>	<b>PART 1</b>	<b>PART 2</b>	<b>PART 3</b>	<b>PART 4</b>	<b>TOTAL</b>
Primoris Aevenia, Inc. Johnston, IA	\$143,572.41	\$220,462.49	\$66,537.82	\$1,080,718.44	\$1,511,291.16
The Ryan Company, Inc Norton, MA	\$151,628.10	\$136,949.60	\$70,673.00	\$1,610,540.12	\$1,969,790.82
L.E. Myers Company Marshalltown, IA	\$150,851.60	\$207,286.23	\$76,061.70	\$1,659,835.85	\$2,094,035.38
Brink Constructors, Inc Rapid City, SD	\$311,237.90	\$419,680.11	\$54,124.22	\$1,608,166.20	\$2,393,208.43
Valmont Utility Valley, NE	Non-Responsive. Did not sign City of Ames Bid Form.				

**COUNCIL ACTION FORM**

**SUBJECT: CONTINUATION OF PUBLIC HEARING ON SUBMITTAL OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM 2018-2019 ANNUAL ACTION PLAN**

**BACKGROUND:**

One major requirement in receiving Community Development Block Grant (CDBG) funds is for the City to submit an Annual Action as part of its' five-year Consolidated Plan to the federal Department of Housing and Urban Development (HUD). The City's current Consolidated Plan was approved by HUD for the period of July 1, 2014 through June 30, 2018. The Annual Action Plan outlines program activities that will be undertaken to address or meet those goals and priorities outlined in the five-year Consolidated Plan. The Annual Action Plan can address one or all of the goals and priorities of the identified housing and community development needs within the Consolidated Plan.

Federal regulations require that the Annual Action Plan be submitted for HUD's approval at least 45 days before the beginning of the program fiscal year of July 1, 2018, which is by May 17th. Additionally, the regulations also require that the Action Plan be published for 30 days prior to its approval to allow for citizen review of the proposed Annual Action Plan project(s) and funding.

At the February 27, 2018 City Council meeting, City Council reviewed feedback from Public Forums and directed staff to proceed with preparing a draft Annual Action Plan. At the March 20, 2018 Council meeting, City Council approved an additional program (**see attachment A**) and directed staff to prepare the proposed 2018-19 Action Plan for public comment based on our 2017-18 CDBG allocation as we awaited a final decision on funding from HUD. The draft Plan was made available for public comment from April 3<sup>th</sup> through May 3, 2018. No citizen comments were received during the period.

Last week (a month after Congress approved the FY18 spending bill that will allow the government to continue operating until September 30<sup>th</sup>) the City received notification that its **2018-19 CDBG allocation will be \$572,094. This amount is approximately \$62,000 over our current allocation of \$510,515.** Of this amount, approximately \$457,675 would be available for programming after accounting for administration set asides. **However, the timing of the funding notification came at the end of the public comment period, therefore, we are required to insure that the public is aware of the new funding amount and the proposed project revisions to the 2018-19 CDBG Annual Action Plan, which will require a new 30-day comment period. Additionally, the regulations require that Plans must be submitted within 60 days from the date of the announcement or publishing of the allocation amounts, which will be on or before June 30<sup>th</sup>. To accommodate all the required notice periods, staff will need to request an extension from HUD to August 16, 2018 to submit the Action Plan.**

Staff proposes the following budget and program revisions for the redistribution of the

additional allocation amount for the 2018-19 proposed Action Plan projects. Additionally, staff has adjusted the amount of the Anticipated Program Rollover and Income to account for activities that were completed since the draft plan was prepared.

<b>REVISED Proposed 2018-19 CDBG Program Revenue Resources</b>		
	<b>Proposed</b>	<b>Revised</b>
18-19 CDBG Allocation	\$510,515	\$ 572,094
17-18 Anticipated Program Rollover	\$626,942	\$ 567,106
18-19 Anticipated Program Income	\$6,000	\$ 6,400
<b>Total 2018-19</b>	<b>\$1,143,457</b>	<b>\$1,145,600</b>
Non-CDBG Revenue Resources (GO Bond)	\$250,000	\$250,000
<b>Grand Total Revenues</b>	<b>\$1,393,457</b>	<b>\$1,395,600</b>

<b>REVISED Proposed 2018-19 CDBG Program Action Plan Activities and Expenses</b>		
	<b>Proposed</b>	<b>Revised</b>
Homebuyer Assistance Program	\$200,000	\$177,000
Public Infrastructure Improvements Program for State Ave. (Includes CDBG and GO Bond funds)	\$836,000	\$836,000
Public Infrastructure Program Delivery costs (Engineering, etc.)	\$80,000	\$80,000
Renter Affordability (Deposits, 1 <sup>st</sup> Month's Rent & Transportation, Assistance) Programs	\$35,000	\$35,000
Acquisition/Reuse Affordability Program	\$140,354	\$165,497
<b>Total Programming</b>	<b>\$1,291,354</b>	<b>\$1,293,497</b>
2018-19 Program Administration	\$102,103	\$114,418
<b>Grand Total</b>	<b>\$1,393,457</b>	<b>\$1,395,600</b>



<b>Proposed 2018-19 HOME Program Revenue Resources</b>	
	<b>Proposed</b>
18-19 HOME Allocation	\$601,264
<b>Grand Total Revenues</b>	<b>\$601,264</b>

<b>Proposed 2018-19 HOME Activities and Expenses</b>	
	<b>Proposed</b>
Home Construction at 321 State Ave.	\$541,138
<b>Total Programming</b>	<b>\$541,138</b>
<b>2018-19 Program Administration</b>	<b>\$60,126</b>
<b>Grand Total</b>	<b>\$601,264</b>

Staff's rationale for recommending these project activities for 2018-19 both Programs are as follows:

- The project activities are consistent with the recently adopted 2014-18 Five-Year Consolidated Plan goals that address the following two barriers that were outlined in the 2013 Impediments to Fair Housing Analysis Study: **1) the “lack of available, decent rental units in affordable price ranges” and 2) the “cost of housing” for both renters and home buyers.** Additionally, the data outlined in the Comprehensive Housing Affordability Strategy (CHAS), and the American Community Survey (ACS) information for the City of Ames is consistent with the two needs outlined above.
- The proposed projects are consistent with the **City Council’s goals and priorities to focus on neighborhood sustainability by improving and expanding the housing stock for in low- and moderate-income households and in our vital core neighborhoods.**
- The proposed implementation sequence for the project activities should help meet HUD’s timely expenditure requirements.
- All of the activities proposed would be of 100% benefit to low- and moderate-income persons.
- Increasing the Acquisition Program allow for more flexibility to purchase a property for affordable housing if an opportunity arises. The reduction in first time homebuyer assistance is not substantial in regard to proceeding with the 321 State Avenue and the timing of the construction of single-family homes.

- For the HOME program, using the funds to build the affordable housing units on the 321 State Avenue land, would meet the goals of our Neighborhood Revitalization Strategy Area (NRSA) designation and well as addressing the needs outlined in our 2013 Impediments to Fair Housing Analysis Study as noted in the above by being able to finance the construction of houses that CDBG funds are not eligible to be use for construction.

### **ALTERNATIVES:**

1. The City Council can approve to continue the public hearing date to July 31, 2018 to submit the REVISED 2018-2019 Proposed Annual Action Plan to HUD on or before August 16, 2018 in connection with the City's Community Development Block Grant Program.
2. The City Council can modify, and then approve, the Proposed 2018-2019 Annual Action Plan.

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

CDBG funds continue to bring the City a unique opportunity use federal funding to address our housing and community development priorities. In order to qualify for receipt of these funds over the next fiscal year, this document must be approved.

The City's required CDBG timeliness test by HUD will still occur on May 2<sup>nd</sup>, **which means the approximately \$300,000 could need to be expended by April 25, 2019 based upon the project budget.** Staff, therefore, must concentrate its initial efforts on activities that can be accomplished in this timeframe, which is primarily the 321 State Avenue infrastructure improvements.

The HOME timeliness test guidelines are totally different from CDBG, but they do exist and will need to be adhered to received future funding.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the continuation of the public hearing to July 31, 2018 to submittal of the Revised Proposed 2018-19 Annual Action Plan, request an extension of the Action Plan to HUD to on or before August 16, 2018, and have staff proceed plan a new 30-day comment period.

**COUNCIL ACTION FORM**

**SUBJECT: AMENDMENT TO THE 2014-18 FIVE-YEAR CDBG CONSOLIDATED PLAN TO ACCEPT HOME ALLOCATION FUNDS.**

**BACKGROUND:**

On May 1, 2018, along with the notification of our 2018-19 CDBG funding allocation, the City was also notified that we were being awarded for the first time \$601,264 of HOME funds. There was no prior communications from HUD that the City now meets the funding formula for these dollars!

The HOME Investment Partnerships Program (HOME) provides formula grants to states and units of local government to implement local housing strategies designed to increase homeownership and affordable housing opportunities for low and very low-income households. It is the largest Federal block grant to state and local governments designed exclusively to create affordable housing for low-income households. HOME is a distinct program from CDBG with its own requirements.

Under this program, local units of governments are referred to as Participating Jurisdictions (PJ's). Participating jurisdictions may use HOME funds for a variety of housing activities, according to local housing needs. **Eligible uses of funds include tenant-based rental assistance; housing rehabilitation; assistance to homebuyers; and new construction of housing.** HOME funding may also be used for site acquisition, site improvements, demolition, relocation, and other necessary and reasonable activities related to the development of non-luxury housing. Funds may not be used for public housing development, public housing operating costs, or for Section 8 tenant-based assistance, nor may they be used to provide non-federal matching contributions for other federal programs, for operating subsidies for rental housing, or for activities under the Low-Income Housing Preservation Act. Up to 10% of the HOME funds may be used for administration costs; however, a 25% local match of funding is required with the annual expenditure of HOME funds for projects and programs.

Although this is exciting news, the process to accept these dollars will require the City to amend its 2014-2018 5-Year Consolidated Plan to account for this program. Also, the Consolidated Plan would have to be submitted and approved by the HUD field office before we could submit our REVISED 2018-19 Annual Action Plan. Amendments to the Consolidated Plan requires a 30-day period for the public to comment before submittal to HUD.

**The timeline to meet this requirement is going to be very tight. For an entitlement to receive its funding, whether CDBG or HOME dollars, they must have submitted their Amended Consolidated and Action Plans to HUD on or before August 16th of any given year.** In order to try and meet these deadlines, staff would have to have the amendment to the 5-Year Consolidated Plan ready for public comment by June 27<sup>th</sup> with a public hearing date of July 31st. As a safety net, staff will request an extension to submit the Plan to HUD on or

before August 16, 2018. HUD would need to swiftly approve the Consolidated Plan so that the Action Plan can be submitted before the August 16<sup>th</sup> deadline.

### **ALTERNATIVES:**

1. The City Council can adopt a motion to direct staff prepare an amendment to the 2014/18 Five-Year Consolidated to incorporate the receipt of HOME funds for the City of Ames and set July 31, 2018 as the date of public hearing.
2. The City Council can decide to reject the receipt of HOME funds for the City of Ames and proceed with the amendment of the Annual Action Plan.
3. The City Council can refer this item back to staff for more information.

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

This surprise announcement in the City being eligible to receive HOME funds can be seen as another funding source to help address the needs of affordable housing for our community and our citizens. Although there is much to learn about the program, HOME funds could be a valuable resource to the community to assist in the direct construction of housing compared to the CDBG program.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1. This alternative will approve a motion to authorize staff to proceed with preparing an update to the 5-Year Consolidated Plan to incorporate the receipt of HOME funds and to set July 31, 2018 as the date of public hearing.

**The City Council should understand the receipt of these new funds will require significantly more time on the part of City staff to meet the very tight regulatory deadlines, to administer the program, and to obtain additional knowledge about the regulations related to this new program. Because of the suddenness of this notification, the staff will need the coming weeks to analyze the feasibility of participating in this program and therefore requesting an time extension to August 16, 2018 gives us a cushion.**

**COUNCIL ACTION FORM**

**SUBJECT:** Ames Urban Fringe Future Land Map For Land Addressed as 200 Timber Creek Drive, 585 Timber Creek Drive, 600 Timber Creek Drive, and 3935 South U.S. Highway 69.

**BACKGROUND:**

The Story County Board of Supervisors is the applicant for a minor amendment to the Ames Urban Fringe Plan Land Use Framework Map for four previously developed parcels of land within the boundaries of the Ames Urban Fringe. The four parcels are described as Timber Creek Acres and are located south of the corporate limits between the Ames Municipal Airport and U.S. Highway 69 (*see Attachment A*).

The proposed change is from Agriculture and Farm Services to Rural Residential. Agricultural and Farm Services (AFS) is intended to allow for agricultural uses and accessory uses with scattered sites for residential dwellings. Rural Residential allows for residential uses that are situated in a compatible setting with agricultural uses and a maximum density of one dwelling per acre, but no minimum density. Attachment E includes excerpts regarding the two land use designations. The full text of the Fringe Plan is available on the Ames Planning Division website. The area is subject to conformance with the 28E agreement between Story County, Gilbert, and Ames for consistency with the Ames Urban Fringe Plan and procedures for project approval.

The four subject parcels were originally created through plats of survey in the 1990s. The County allows for subdivision of A-1 zoned properties with existing dwellings to be divided into one additional parcel, this is known as a Residential Parcel Subdivision within the County. The applicant for the Residential Parcel Subdivision for Timber Creek was Dickson Jensen. Mr. Jensen intends to construct four additional dwellings with the approval of the Residential Parcel Subdivision. The purpose for the change in Urban Fringe Plan Map designation is to maintain land use consistency with the division of each of the four existing parcels resulting in a total of eight parcels for residential use.

The County procedure for Residential Parcel Subdivisions at times can be inconsistent with the policies of the Fringe Plan. Specifically, that new residential developments in the AFS are not permitted and creation of new lots for residential uses is limited. Changing the land use designation to Rural Residential would better reflect the existing conditions of the area and intent for creating additional residential dwellings that are not associated with agricultural uses. Agriculture and Farm Service Policy #4 states:

*“AFS Policy 4: Limit non-agricultural residences in the Agriculture and Farm Service designation to homes existing at the time of this Plan or remaining scattered building sites where farmstead homes once existed or homes on very large parcels of ground typical of the agricultural setting. Otherwise, subdivision*

*for the creation of new residential development lots is not supported within the Agriculture and Farm Service designation.”*

Although review of Subdivisions for land designated as “Agriculture and Farm Service” is the purview of Story County, the County seeks to maintain consistency with their subdivision procedures and policies of the Fringe Plan. Story County reviewed the proposed Residential Parcel subdivision and found that it met the County’s development standards but was not consistent with the current AFS Fringe Plan designation for creating new residential parcels. Staff consulted with the Story County Planning Department and concurred with their findings during the subdivision review. The Board of Supervisors originally approved the subdivision conditioned upon approval of Fringe Plan Amendment. At the Board’s February 20<sup>th</sup> meeting the Story County Board of Supervisors voted to approve the Timber Creek Estates Plats 1-4 and separately directed Story County planning staff to seek an Ames Urban Fringe Plan map amendment for the same area from Agriculture and Farm Services to Rural Residential from the City of Ames.

**The proposed amendment changes the designation to Rural Residential to reflect the existing use of the area and desired change to add four additional home sites.**

The Rural Residential designation is intended for residential land uses that are developed at a rural density and in areas where urban infrastructure may not be in place for a time period beyond the Ames Urban Fringe Plan. The Rural Residential designation recognizes a residential market segment seeking large lots in a rural setting, benefitting from agricultural activities on a small scale. This land use designation includes all single-family residential land uses/developments that involve maximum average net densities of one unit per acre. Full urban infrastructure standards are not required. Rural Residential designation can be found consistent with the A-1 Story County zoning that already exists. The change to Rural Residential does not necessitate a change of County zoning to allow for additional intensification of development beyond the planned four parcel Residential Parcel subdivision.

**Planning and Zoning Commission Recommendation** The Planning and Zoning Commission considered the request at a Public Hearing on May 2, 2018. The Commission voted 6-0 to recommend approval of the proposed map change.

The Story County Board of Supervisors are scheduled to consider the request in June. The Gilbert City Council will consider this request at its May 7<sup>th</sup> City Council meeting.

### **ALTERNATIVES:**

1. The City Council can approve a Minor Amendment to the Ames Urban Fringe Plan Land Use Framework Map from Agriculture and Farm Service to Rural Residential for the properties as requested by the applicant.
2. The City Council can deny a Minor Amendment to the Ames Urban Fringe Plan Land Use Framework Map from Agriculture and Farm Service to Rural Residential

for the properties.

3. The City Council can deny the request if it is found not to conform to the Policies of the LUPP.

**CITY MANAGER'S RECOMMENDED ACTION:**

Amending the Ames Urban Fringe Plan Land Use Framework Map to change the identified properties from Agriculture and Farm Service to Rural Residential can be viewed as compatible with the existing residential properties in the identified areas created prior to the adoption of the Ames Urban Fringe Plan. Creation of one additional residential parcel from each of the four existing residential parcels is viewed as consistent with pre-existing residential uses in the same location and therefore not creating new residential areas in the Fringe adjacent to the City where none previously existed. The intent of supporting this change is not to further intensification of residential development or rezoning in the area, but to acknowledge the existing residential conditions of the Timber Creek area.

**Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1 which is to approve a Minor Amendment to the Ames Urban Fringe Plan Land Use Framework Map from Agriculture and Farm Service to Rural Residential for the properties as requested by the applicant.**

## **ADDENDUM**

**Request and Referral.** On November 14, 2017, the City Council voted to initiate a Minor Amendment to the Ames Urban Fringe Land Use Framework Map, as requested by the property owner, Dickson Jensen. Mr. Jensen owns approximately 75.02 acres, divided between four parcels, designated as “Agriculture and Farm Service” in the Rural Service and Agricultural Conservation Area, located south of the corporate limits between the Ames Municipal Airport and U.S. Highway 69, described as Timber Creek Acres (*see Attachment A*). Mr. Jensen did not proceed with a formal application upon initiation by the Council.

Division of each of the four parcels in two new lots has been approved as a Residential Parcel Subdivision (for each parcel) by the Story County Supervisors, pending approval of an amendment to the Ames Urban Fringe Plan Land Use Framework Map from “Agriculture and Farm Service” to “Rural Residential.” (Attachment B) The Final Plats divide each of the existing parcels into two lots, for a total of eight lots that would each accommodate a single-family dwelling, with approval of the map amendment. Each parcel is described as follows:

- Parcel C (Lots 1 & 2, Final Plat of Timber Creek Acres, Plat 3) is located at 3935 South U.S. Highway 69, and includes approximately 19.35 gross acres. Proposed Lot 1 includes 19.34 net acres with the golf course and related buildings. Proposed Lot 2 includes 1.37 net acres and an existing single-family dwelling built in 1952 (*see Attachment D*).
- Parcel D (Lots 1 & 2, Final Plat of Timber Creek Acres, Plat 4) is located at 200 Timber Creek Drive, and includes approximately 16.51 gross acres. Proposed Lot 1 includes an existing single-family dwelling constructed in 2001 on 8.43 acres. Proposed Lot 2 includes 8.08 net acres that would accommodate a single-family dwelling. There is approximately three acres of FEMA designated flood zone on the western portion of the property, to the west of the existing single-family dwelling. The portion of Lot 1 located in the flood zone is also designated as “Natural Area” on the Ames Urban Fringe Land Use Framework Map (*see Attachment E*).
- Parcel E (Lots 1 & 2, Final Plat of Timber Creek Acres, Plat 1) is located at 600 Timber Creek Drive, and includes approximately 33.08 gross acres, abutting the corporate limits along the west property line. Proposed Lot 1 includes the applicant’s single-family dwelling constructed in 1996, and a utility building on 29.29 acres. Proposed Lot 2 would accommodate a single-family dwelling on 3.79 acres. The northern portion of proposed Lot 2 is designated as “Natural Area” on the Ames Urban Fringe Land Use Framework Map (*see Attachment F*).



- **Parcel F** (Lots 1 & 2, Final Plat of Timer Creek Acres, Plat 2) is located at 585 Timber Creek Drive, and includes approximately 6.08 gross acres. Proposed Lot 1 includes an existing single-family dwelling constructed in 1997, and a detached garage built in 2009. Proposed Lot 2 includes 3.03 acres for construction of a single-family dwelling. The creek and trees on proposed Lot 2 have been designated as “Natural Area” on the Ames Urban Fringe Land Use Framework Map (see Attachment G).

**Ames Urban Fringe Plan.** The Ames Urban Fringe Plan designates this site as “Agriculture and Farm Services.” To accommodate the request, an amendment must be made to designate this land as “Rural Residential.” The existing and proposed land use designations are each a subclass of the “Rural Service and Agricultural Conservation Area.” This designation allows for development of residential property in rural areas within the Urban Fringe Area at rural densities and in areas where urban infrastructure may not be in place for a time after the Fringe Plan. This type of development style includes large lots with a maximum average density of 1 unit per acre.

**Zoning.** The subject site is currently zoned A-1 by Story County.

**Applicant’s Statement.** The applicant’s Narrative for the Amendment to the Ames Urban Fringe Land Use Framework Map is included in Attachment C.

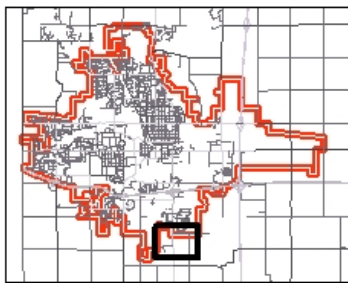
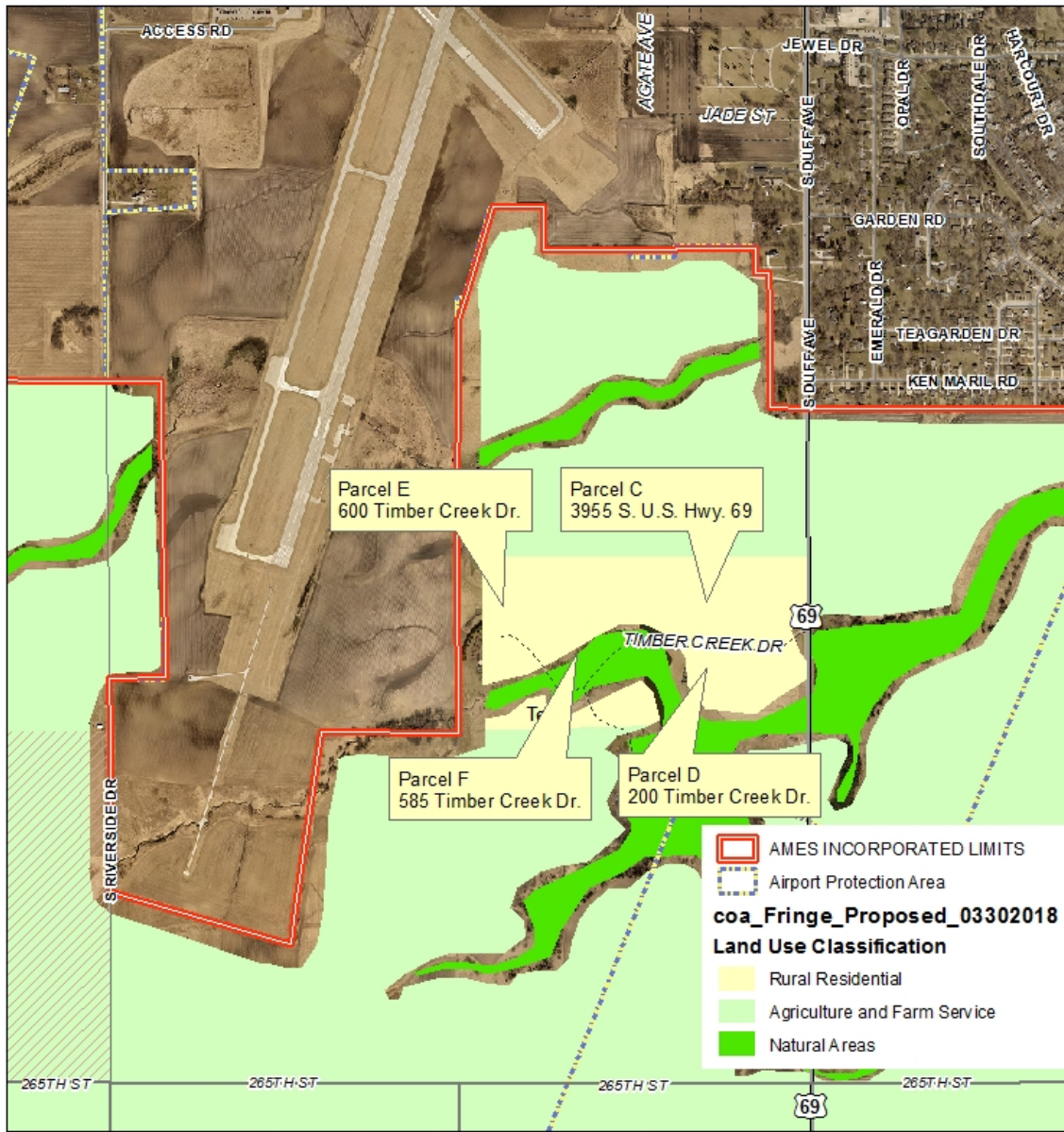
**Amendment Considerations.** The Land Use Policy Plan provides guidance on what considerations should be given for an amendment to the Land Use Policy Plan. When reviewing major and minor proposed amendments to the Land Use Policy Plan, consideration should be given to whether or not the proposed amendment is consistent with the Goals for the Urban Fringe. [Found in Attachment D.] These goals, and the related objectives below each goal, should apply to review of both minor and major amendments.

**Traffic.** The addition of four buildable lots, for a total of eight lots in the subdivision, will result in a minimal increase in traffic volumes that exist on U.S. Highway 69, providing access to the subdivision. The County determined through the Residential Parcel Subdivision that it met the traffic and access standards of the County.

**Public Utilities.** The City of Ames does not extend public infrastructure beyond the corporate limits. No City public utilities will serve the parcels under consideration for a land use amendment, prior to annexation.

**Natural Areas.** The Rural Residential designation will not alter that Natural Area designation. A change in the land use designation from “Agriculture and Farm Service” to “Rural Residential” will not take any land out of row crop production.

## **Attachment A: Location and Current Urban Fringe Designation**

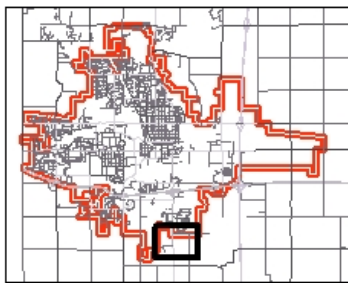
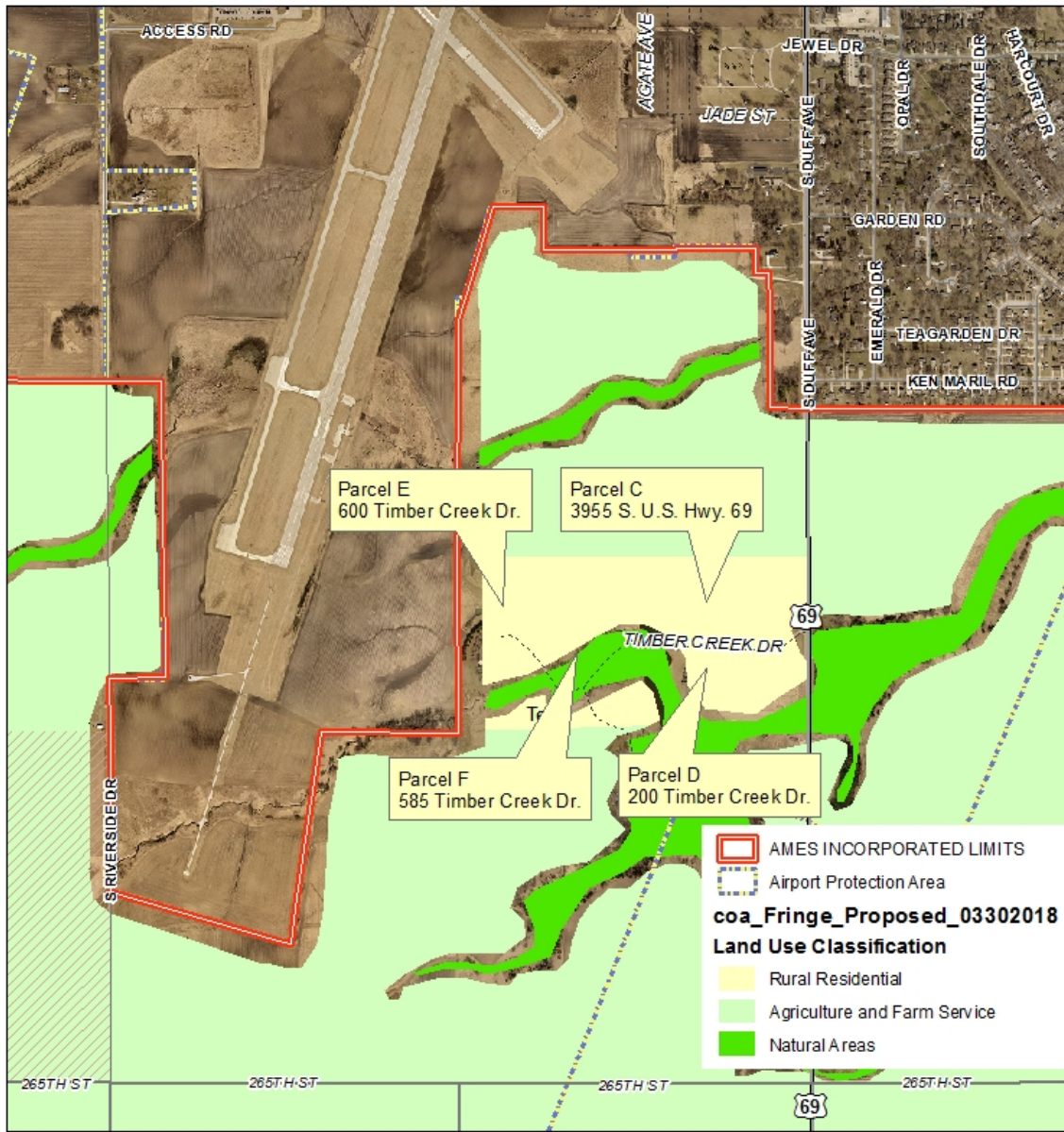


## Proposed Rural Residential Designation



0 370 740 1,480 2,220 Feet

## **Attachment B: Proposed AUF Map**



## Proposed Rural Residential Designation



0 370 740 1,480 2,220 Feet

## Attachment C: Applicant's Narrative for LUPP Change



Story County Planning and Development  
Administration Building  
900 6<sup>th</sup> Street, Nevada, Iowa 50201

Ph. 515-382-7245 Fax 515-382-7294  
[www.storycountyiaowa.gov](http://www.storycountyiaowa.gov)

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CITY OF AMES, IOWA  
DEPT. OF PLANNING & HOUSING

### MEMORANDUM

**DATE:** March 9, 2018  
**TO:** City of Ames Planning and Zoning Commission & City Council  
**FROM:** Jerry L. Moore, Story County Planning and Development Director  
**RE:** Requested Ames Urban Fringe Plan Land Use Framework Map amendment for four parcels:  
1. 3935 U.S. HWY 69 (Parcel C, 19.35 acres)  
2. 600 Timber Creek Drive (Parcel E, 33.08 acres)  
3. 585 Timber Creek Drive (Parcel F, 6.08 acres)  
4. 200 Timber Creek Drive (Parcel D, 16.51 acres)

#### 1. Consistency with the goals and policies set forth in the Ames Urban Fringe Plan (AUFPP)

The four parcels/subject properties are located contiguous to the City's corporate limits and west of U.S. HWY 69. The AUFPP Land Use Framework Map designation for the subject property area is Rural Service and Agricultural Conservation, Agriculture and Farm Service and Natural Areas. Creeks/drainage extend through the properties and part of Parcel D west of the existing dwelling contains floodplain. The property to the west of the subject properties is part of the airport and located inside the City limits, and the land north, east and south is designated Agriculture and Farm Service and Natural Area. The City's Land Use Policy Plan designations closest to the subject properties, less than ¼ mile to the north, are Low-Density Residential on the east side of road and Highway-Oriented Commercial on the west side of the road.

The policies of the Agriculture and Farm Service AUFPP designation are primarily focused on protecting farming and agricultural production. Land in this designation is intended to be moderate to high value agricultural land. Non-agricultural dwellings are limited and permits existing dwellings on larger parcels associated with an agricultural setting. Also, subdivisions for the creation of new residential development lots is not supported within the Agriculture and Farm Service designation.

The current land use of the subject property is not consistent with the Agriculture and Farm Service designation. The parcels were created in 1996 when each quarter quarter was divided once into two parcels. A single-family dwelling,



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Page 1 of 5





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constructed in 1952 was located on the east quarter quarter. Since the division, three single-family dwellings were constructed in 1996, 1997 and 2001, all occurring prior to the establishment of the AUPF. In 2012, a Conditional Use Permit was obtained by the property owner for Parcel C for a golf course facility that is used by the Iowa State University golf teams. The properties' Land Evaluation Site Assessment (LESA) scores are low (LESA is a system the County uses to identify how productive land is for agricultural crop use).

The Rural Residential designation of the Land Use Framework Map permits a maximum average net density of one unit per acre. Full urban infrastructure is not required. Environmental resources and Natural Areas are to be protected and residential development is not to occur on prime farm ground. These policies more closely match the existing and planned use of the subject property. The planned eight lots on nearly 80 acres far exceed the one-acre minimum lot size and are consistent with rural residential developments.

**2. Demonstrate why the AUPF map designation for this property should be changed. Explain why the property cannot be developed under current designation.**

Since the late 1990's, the nearly 80-acre area has transitioned from rural agricultural land use to rural residential and a golf course training facility. The property owner obtained access for a driveway from U.S. HWY 69 from the State of Iowa, and constructed a driveway through the establishment of a recorded ingress/egress easement. Zoning permits were issued by the County for the construction of three dwellings.

The golf course has a separate access and parking lot area located approximately 500 feet to the north of the access drive that is used for the dwellings. A maintenance building and meeting/instruction room is also located on the golf course property. The balance of Parcel C (the Golf Facility and Plat 3) requires approval of a CUP modification to construct a single-family dwelling. There are also four additional separate parcels located to the south of the subject property containing single family dwellings constructed in 1996, 1997, 1998, and 1999. These parcels contain approximately 5 to 14 acres in size and take access through the same driveway used by the residents of the subject properties. There are also five single-family dwellings in the area located on the east side of HWY 69 on one to 10-acre parcels.

With the submittal of Timber Creek Acres, Plats 1-4, the property owner's plan was to divide each parcel once and construct a new single family dwelling on each new



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Page 2 of 5







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lot. Under Story County Land Development Regulations, this plan is achievable in the A-1 District in part as the regulations for Residential Parcel Subdivisions require a dwelling to be established on a parcel prior to division to create a second parcel buildable for a single-family dwelling. The current Agriculture and Farm Service designation of the Land Use Framework Map in the AUPF, however, does not support subdivisions that create new residential lots.

The Story County Board of Supervisors approved the Timber Creek Acres, Plats 1-4 on February 20, 2018. At this meeting, the Board also directed Story County Planning and Development staff to pursue an amendment to the AUPF Land Use Framework Map requesting to change the designation from Agriculture and Farm Service to Rural Residential to more accurately reflect the current and proposed use of the property. The Ames Planning and Housing director has also expressed support for the requested Land Use Framework Map amendment.

**3. Determine if there is a lack of developable property in the City, which has the same designation as that proposed. If not explain the need for expanding the amount of land included in the designation proposed for this property.**

While the subject property is contiguous to the City, the Agriculture and Farm Service designation primarily supports agricultural use and does not support subdivisions for rural residential development. The subject property offers a larger lot size than a standard City residentially zoned lot. As previously stated, the Story County Board of Supervisors directed Story County Planning and Development staff to pursue an amendment to the AUPF Land Use Framework Map to more accurately reflect the current and proposed use of the property. There are four existing dwellings on large lots and four future dwellings on large lots to be located within the subject property. There are also several single-family dwellings located to the south of the subject property and on the east side of HWY 69. Also, less than ¼ mile to the north, there is a dense single-family residential development located within the Ames City limits.

**4. As a result of this action, will there be an adverse impact upon:**

**Other undeveloped property in the designation proposed for this site.**

No, all of the land and single-family dwellings within the proposed AUPF designation amendment are owned by the property owner.

**Other development property in the designation proposed for this site, which may be subject to redevelopment/rehabilitation.**



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Page 3 of 5

## Attachment C: Applicant's Narrative for LUPP Change



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The property owner currently only intends to construct one additional dwelling on each of the new lots.

**5. Demonstrate that the new designation of the site would be in the public interest. What is the public need or community benefit?**

The goal of the AUPP Land Use Framework Map amendment request is to more accurately reflect the current and proposed use of the property and to designate it accordingly. The area is no longer consistent with the policies identified in the Agriculture and Farm Service designation. This change will also likely assist the City during the consideration of nearby land use during the City's comprehensive plan update process.

**6. What impact will the proposed change have upon the following:**

**Transportation**

The existing driveway extends to U.S. HWY 69. Iowa Department of Transportation Annual Daily Traffic Counts for U.S. HWY 69 in 2015 were 6600 vehicles. Using an average of 6 trips generated per household per day, the four existing dwellings currently create approximately 24 total daily trips. If four additional dwellings are constructed, another 24 total daily trips could be added to the existing trips, doubling the total. A total of 48 daily trips could potentially be generated from the development onto U.S. HWY 69 creating a limited overall impact of approximately .003% increase of additional daily traffic on U.S. HWY 69.

**Sanitary Sewer**

All of the existing and proposed dwellings would be served with on-site septic systems meeting the Story County Environmental Health Department requirements.

**Water**

All existing and proposed dwellings would be served with Xenia Rural Water Service.

**Storm Sewer**

All existing and proposed dwellings would be required to meet erosion control and stormwater requirements of the Story County Land Development regulations.

**Housing and Employment**

Using the estimate of 2.4 persons per household, approximately 10 persons may reside in the four existing dwellings. Using the same standard could potentially yield



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an additional 10 persons in the four new dwellings for a total of 20 persons in the subject property area.



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**Attachment D: Common Goals for the Urban Fringe**  
***(Excerpt from the Ames Urban Fringe Plan)***

## **Common Goals for the Urban Fringe**

The six principles discussed in the first section of this report guide the cooperation to plan and manage land uses in the Ames Urban Fringe, including intergovernmental coordination, prime agricultural land preservation, targeted growth, growth management, transitional land uses, and environmental protection. These principles are embodied in the following goals for the Urban Fringe.

*Common Goal 1.1*

To provide a balanced mix of land uses that is arranged to avoid conflicts and to maximize efficient delivery of municipal and county services and facilities.

*Common Goal 1.2*

To prevent premature development and preserve the most high value farmland in appropriate locations.

*Common Goal 1.3*

To provide a variety of housing opportunities in the Ames Urban Fringe in appropriate locations.

*Common Goal 1.4*

To provide adequate opportunities for commercial and industrial development in appropriate locations.

*Common Goal 1.5*

To coordinate development decisions with the efficient provision of public facilities and services.

*Common Goal 1.6*

To protect and preserve sensitive natural resources, including floodplains, woodland areas, wetlands, and other sensitive natural areas.

*Common Goal 1.7*

To secure a system of public and private open spaces throughout the Ames Urban Fringe that serves as a visual and recreational amenity.

**Attachment E: Rural Service and Agricultural Conservation Area**  
**Key Issues and Goals**  
***(Excerpt from the Ames Urban Fringe Plan)***

## **Rural Service and Agricultural Conservation Area**

The Rural Service and Agricultural Conservation Area is intended to be rural and agricultural in use and character throughout the life of the Plan. It should be protected from development that would damage the rural character of Boone and Story County. It is not intended for urban-scale growth. Inappropriate development includes both residential and non-residential development not characteristic of the countryside or a rural community.

### **Key Issues and Goals for Rural Service and Agricultural Conservation Area**

#### Land Use

The Rural Service and Agricultural Conservation Area is intended for agricultural and other very low intensity uses. Limited residential development should only occur as it relates to farming. Provisions may be made to cluster farm related developments on a limited scale; however, adequate road access and quality potable water supply must exist. All rural area development in the Rural Service and Agricultural Conservation Area should be designed to avoid interference with agricultural operations. It shall be developed in unison with the rural agricultural environment.

#### Water and Wastewater

Since there will be limited growth in the Rural Service and Agricultural Conservation Area, there is not an immediate need for centralized wastewater systems. Rural development may use existing rural water supplies or well water. Wastewater may be treated with on-site systems in accordance with the Iowa Department of Natural Resources and County Boards of Health regulations and standards. Agricultural activity and limited commercial/industrial development servicing the agricultural industry will be encouraged to provide on-site systems.

#### Transportation

The Rural Service and Agricultural Conservation Area will continue to use the existing county road systems that include dirt, gravel, and hard-surfaced roads. Boone and Story County shall have a limited paving program and generally will not pave roads or add new roads in the Rural Service and Agricultural Conservation Area unless and until increases in traffic volumes indicate the need in order to provide safe roads. System expansions must be done within the fiscal means of the county and should provide flexibility to evolve as needs and technology change. The location and design of new facilities should be compatible with municipal street networks and transportation plans. Street systems shall protect the character of existing areas. Transportation system planning is an on-going process that should be flexible, but comprehensive, open to public participation, and focused on the long-term.

#### Public Facilities and Services

Development within the Rural Service and Agricultural Conservation Area should not expect the same level of public facilities and services as the urban growth areas of the Cities of Ames and Gilbert. New public facilities and services are likely to be built and provided in identified growth areas as the communities develop. Services shall be provided as the density of population increases, making the provision for services efficient and cost-effective. In rural areas, the affected county will maintain its existing levels of law enforcement and emergency services.



**Attachment E: Rural Service and Agricultural Conservation Area**  
**Key Issues and Goals**  
***(Excerpt from the Ames Urban Fringe Plan)***

In addition to the goals stated above for all areas, the following goals guide planning and management of land use in the Rural Service and Agricultural Conservation Area.

*RSACA Goal 2.1*

To maintain the rural character of the countryside.

*RSACA Goal 2.2*

To maintain the county road systems in areas designated to remain rural to minimize long-term costs while providing adequate access.

*RSACA Goal 2.3*

To protect and preserve sensitive natural resources, including floodplains, woodland areas, wetlands, and other sensitive natural areas.

*RSACA Goal 2.4*

To secure a connected system of public and private open spaces throughout the Ames Urban Fringe that serves as a visual and recreational amenity

*RSACA Goal 2.5*

To prevent premature development and preserve the most productive farmland.

*RSACA Goal 2.6*

To ensure that all areas have safe and adequate water and wastewater service.

*RSACA Goal 2.7*

To maintain the identities of both Gilbert and Ames as separate and distinct communities.

## **Attachment E: Agriculture and Farm Service Area Key Policies**

### **Agriculture and Farm Service (AFS)**

The designation encompasses large areas of highly valuable farmland, with farming and agricultural production as the primary activity. This designation also includes areas where the landowner has chosen not to use the land for agricultural production. The vegetative cover of this land may be native (either original or re-established) or introduced, but not part of the Natural Areas land use designation.

AFS Policy 1 Recognizing that agricultural land is a natural resource of the Ames Urban Fringe that should be protected, farming and agricultural production is and will continue to be the predominant land use of areas given the Agriculture and Farm Service designation. Land given this designation has been determined to be moderate to high value agricultural land with regard to one or more of the following general factors: soil productivity, effect of surrounding land uses on agricultural use, and physical characteristics that affect the ease with which the land can be utilized for agriculture. (Relates to RSACA Goals 2.1, 2.5)

AFS Policy 2: Recognizing that industrial and commercial land uses dependent on proximity to local agricultural land uses are essential to the continued feasibility of farming in Story County and Boone County, support these services within the Agriculture and Farm Service designation. (Relates to RSACA Goals 2.1, 2.5)

AFS Policy 3: Strategically locate such industrial and commercial uses in order to:

- utilize existing adequate access and road capacity and otherwise assure the existence of adequate public facilities;
- protect productive soils and environmental resources;
- support the continued use of these areas for farming and agricultural production.

(Relates to RSACA Goals 2.1, 2.2, 2.3, 2.6)

AFS Policy 4: Limit non-agricultural residences in the Agriculture and Farm Service designation to homes existing at the time of this Plan or remaining scattered building sites where farmstead homes once existed or homes on very large parcels of ground typical of the agricultural setting. Otherwise, subdivision for the creation of new residential development lots is not supported within the Agriculture and Farm Service designation. (Relates to RSACA Goals 2.1, 2.5)

AFS Policy 5 Allow the clustering of agricultural-related development at a limited scale where properties have adequate access to a public road. Such development shall be configured and designed to be harmonious with agricultural activities and avoid negative impacts to agricultural operations.



## **Attachment E: Rural Residential Area Key Policies**

### **Rural Residential (RR)**

Residential land uses within Rural Residential designated areas are developed at a rural density and in areas where urban infrastructure may not be in place for a time period beyond the Ames Urban Fringe Plan. The Rural Residential designation recognizes a residential market segment seeking large lots in a rural setting, benefiting from agricultural activities on a small scale

RR Policy 1: This land use designation includes all single-family residential land uses/developments that involve maximum average net densities of one unit per acre.

RR Policy 2: Full urban infrastructure standards are not required. (Relates to RSACA Goal 2.6)

RR Policy 3: Decentralized wastewater treatment facilities and wells shall meet IDNR, county, and city standards. (Relates to RSACA Goal 2.6)

RR Policy 4: Encourage clustering of residential sites within these land areas to limit the short-term and long-term costs associated with infrastructure improvements and the distribution of public services. (Relates to RSACA Goal 2.6)

RR Policy 5: Make provisions to protect environmental resources, environmentally sensitive areas and adjacent Natural Areas. (Relates to RSACA Goal 2.3, 2.4)

RR Policy 6: Mitigate and manage stormwater run-off, soil erosion, and wastewater discharge from Rural Residential land uses according to IDNR and county standards. . (Relates to RSACA Goal 2.3)

RR Policy 7: Protect the rural character of the Rural Service and Agricultural Conservation Area through residential density requirements, buffering requirements between conflicting land uses and other appropriate transitions from urban to rural areas. (Relates to RSACA Goal 2.1)

RR Policy 8: Limit rural residential development on prime agricultural land. Assure that the development on prime agricultural land is farm-related and has adequate access to road systems and potable water. Development should not interfere with agricultural-related activities. . (Relates to RSACA Goal 2.1, 2.2, 2.5, 2.6).

RR Policy 9: Minimize the impact of non-agriculture development in rural areas on existing agricultural operations. . (Relates to RSACA Goal 2.1, 2.5)

ITEM #: 63  
DATE: 05-08-18

### **COUNCIL ACTION FORM**

**SUBJECT:**      **PRELIMINARY PLAT FOR IOWA STATE UNIVERSITY RESEARCH PARK PHASE 3, 3<sup>rd</sup> ADDITION**

#### **BACKGROUND:**

A preliminary plat for Iowa State University Research Park, Phase 3 was approved by the City Council on July 14, 2015. A location map is found in Attachment A. The first preliminary plat was based upon a master plan for Phase 3 that included 22 developable lots and three outlots for storm water management. Since that preliminary plat, two final plats have been approved establishing 7 lots for development, an outlot for the Tedesco Environmental Learning Corridor, and outlots for future development and storm water management.

The ISU Research Park has been approached by a firm seeking to build on a particular area within the Research Park along South Riverside Drive. This requires a new Preliminary Plat to create Lot 8 for development and to extend public infrastructure to serve the new lot. The proposed preliminary plat includes a developable lot (Lot 8), an outlot for storm water management (Outlot B), and an outlot for future development (Outlot X). **The proposed infrastructure for this development includes the extension of water and sanitary sewer to the site and an extension of pavement improvements along Riverside Avenue to the site.**

An included revised Master Plan (Sheet G2.1 of the included preliminary plat, an excerpt of which is in Attachment B) shows a concept of the full buildout of the remainder of Phase 3, including the extension of utilities to all lots.

Future development is expected to fill in the area between this site and the existing area of development north of the site. Separate plat approvals are needed for additional development.

#### **Planning and Zoning Commission Recommendation:**

At a public hearing on April 18, 2018, the Planning and Zoning Commission voted (5-0) to recommend that the City Council approve the proposed preliminary plat. Two adjacent owners spoke, asking questions about the impact on them, especially regarding street paving, and access to sewer and water.

#### **ALTERNATIVES:**

1. The City Council can approve the Preliminary Plat for Iowa State University Research Park Phase 3, 3<sup>rd</sup> Addition as consistent with the master plan and development standards of Chapter 23 of the Ames Municipal Code.

2. The City Council can deny the Preliminary Plat for Iowa State University Research Park Phase 3, 3<sup>rd</sup> Addition, 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.
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 RECOMMENDED ACTION:**

This preliminary plat proposal includes a single developable lot and an adjacent outlot for storm water management. The minimum infrastructure to serve the lot is proposed. Although this lot is not immediately adjacent to existing development, it is anticipated that the Research Park will eventually fill in these gaps and provide a more efficient development pattern.

**Due to the location of Lot 8 in relation to existing public improvements there are substantial road paving and utility extensions needed to serve the site. The developer is responsible for constructing such improvements and is required to financially secure their installation at the time of Final Plat approval.**

**The ISU Research Park officials have indicated that they intend to seek outside funding in the form of Federal, State, City incentives to pay for the needed improvements for this phase of the Research Park expansion. Due to the timing of such grant applications, the ISU Research Park may seek a temporary deferral of some of the public improvements at the time of Final Plat approval. However, should the outside funding sources not be secured prior to the approval of the Final Plat, the ISU Research Park will be expected to provide a letter of credit to secure the requirement to complete the necessary infrastructure improvements.**

**Therefore, the City Manager recommends that the City Council act in accordance with Alternative #1, approving the Preliminary Plat for Iowa State University Research Park Phase 3, 3<sup>rd</sup> Addition. A final determination on public improvement schedules and financial assistance in partnership with the City will need to be reviewed and approved by the City Council prior to Final Plat approval.**

## **Addendum**

### ***General Site Info***

This preliminary plat proposal includes a single developable lot. Although Sheet G2.1 (Attachment B) shows the full buildout of the site, it is intended to be only a concept/master plan showing how the Research Park can meet full build-out. Like the master plan approved as part of the 2015 preliminary plat (Attachment C), the new master plan is intended to provide a degree of flexibility of lot arrangement to serve the development expectations of the Research Park. As such, the preliminary plat does not anticipate full buildout of utilities as part of this addition. It does show, however, that all future lots can eventually be served by public sanitary sewer and water.

### ***Streets***

South Riverside Drive will be extended as a 31' paved street about 1,500 feet from where the paving currently ends. This will extend to the south edge of the proposed Lot 8. The current right-of-way is a 66' easement (33' each side of the quarter section line). In anticipation of an 80' future right-of-way, the project will dedicate 40' of right-of-way abutting that quarter section line. Only the ISU Research Park is obligated to dedicate right-of-way—the private owner (Riley) on the west side of South Riverside Drive is not.

### ***Water***

A public water main currently exists in the corridor of the planned extension of Collaboration Way, although the right-of-way has not been established nor that portion of the street paved. A new public main will be installed in South Riverside Drive to the south edge of Lot 8, although service to the Lot 8 will be a private service line across Outlot B.

### ***Sewer***

A public sanitary sewer line will be installed across Outlot B, extending north to tie in to an existing sanitary sewer line. This line will provide service for future lots yet to be platted. The extension of this line to the northeast corner of Lot 8 allows for future extension to the south and to allow the May house on the east side of the street to connect at some future point (if they wish and at their cost).

### ***Sidewalks and Trails***

A shared-use path will be installed along the west side of South Riverside Drive as part of the road improvements within right-of-way dedicated with the proposed project.

### ***Storm Water Management***

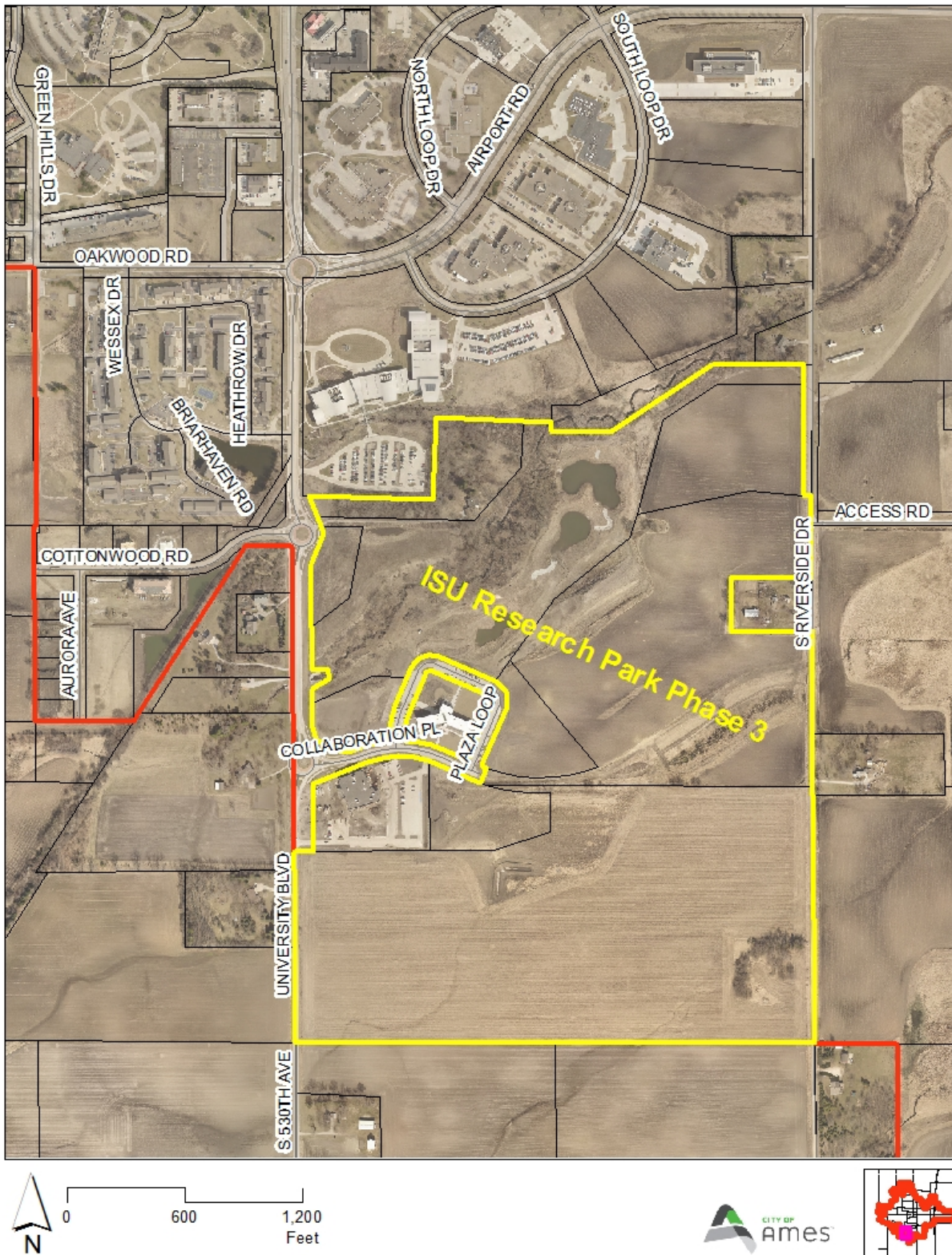
Storm water facilities for development on Lot 8 will be accomplished with the detention pond proposed in Outlot B. The master plan indicates an enlargement of this storm water area as development in the Park to the west and south of Lot 8 moves forward.

### ***Final Plat Requirements***

At the time that final plat approval is sought, the City subdivision regulations require that all required public improvements be installed or financial security provided. In this case, City staff and the Iowa State University Research Park are continuing discussions about

the timing for street paving and sanitary sewer and water extensions as they related to serving the proposed Lot 8. The targeted tenant hopes to begin construction on their test facility as soon as possible and complete construction during the winter, but cannot do so until the legal lot is created—that is, when the final plat is approved and recorded. A determination of the timing of improvements will be decided with the approval of the Final Plat and may include a request to defer completion of street paving until the summer of 2019.

## ATTACHMENT A: LOCATION MAP





**3RD ADDITION PUBLIC UTILITY IMPROVEMENTS**

**LEGEND**

- SANITARY SEWER
- STORM SEWER
- WATER MAIN

**Proposed Development**

**Lot Details:**

Lot	Area (sq.ft.)	Area (acres)
LOT 1	89047	2.06
LOT 2	127421	2.93
LOT 3	126280	2.94
LOT 4	176235	4.05
LOT 5	261407	6.00
LOT 6	197630	4.54
LOT 7	417802	9.59
LOT 8	218151	5.01
LOT 9	105271	2.42
LOT 10	109770	2.52
LOT 11	215282	4.94
LOT 12	214449	4.92
LOT 13	306988	7.05
LOT 14	92738	2.12
LOT 15	193436	4.44
LOT 16	197382	4.53
LOT 17	193990	4.45
LOT 18	194889	4.47
LOT 19	209903	4.82
LOT 20	269701	6.18
LOT 21	270568	6.21
LOT 22	149544	3.39
LOT 23	224053	5.14
LOT 24	384997	8.84
LOT 25	94963	2.16
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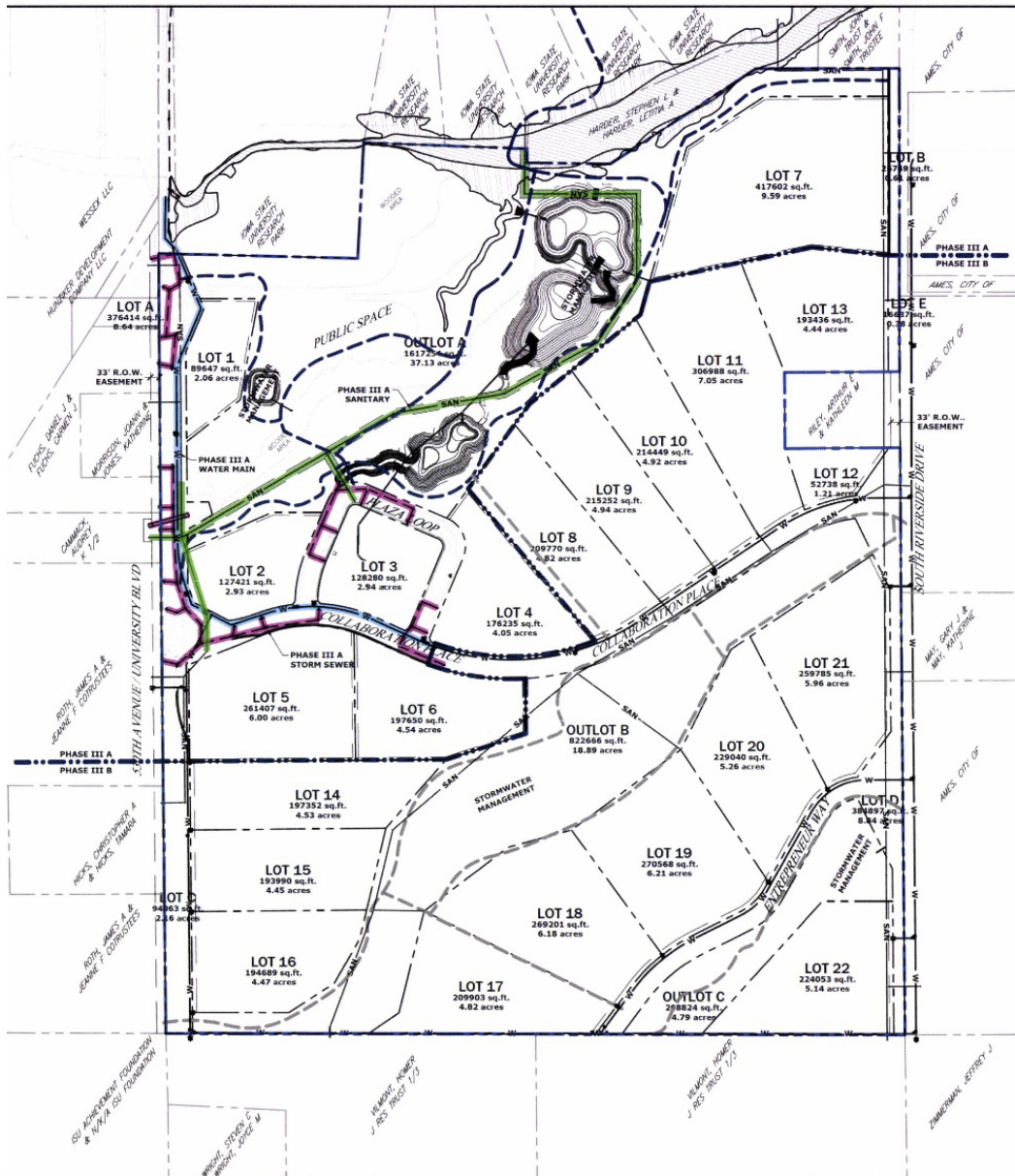
**Outlot Details:**

Outlot	Area (sq.ft.)	Area (acres)
OUTLOT A	1935973	44.13
OUTLOT B	2722244	62.33
OUTLOT C	258834	5.92

**Other Features:**

- Public Space:** LOT 23, LOT 24, LOT 25, LOT 26, LOT 27, LOT 28, LOT 29, LOT 30, LOT 31, LOT 32, LOT 33, LOT 34, LOT 35, LOT 36, LOT 37, LOT 38, LOT 39, LOT 40, LOT 41, LOT 42, LOT 43, LOT 44, LOT 45, LOT 46, LOT 47, LOT 48, LOT 49, LOT 50, LOT 51, LOT 52, LOT 53, LOT 54, LOT 55, LOT 56, LOT 57, LOT 58, LOT 59, LOT 60, LOT 61, LOT 62, LOT 63, LOT 64, LOT 65, LOT 66, LOT 67, LOT 68, LOT 69, LOT 70, LOT 71, LOT 72, LOT 73, LOT 74, LOT 75, LOT 76, LOT 77, LOT 78, LOT 79, LOT 80, LOT 81, LOT 82, LOT 83, LOT 84, LOT 85, LOT 86, LOT 87

## ATTACHMENT C: 2015 MASTER PLAN LOT LAYOUT





## ATTACHMENT D: 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):

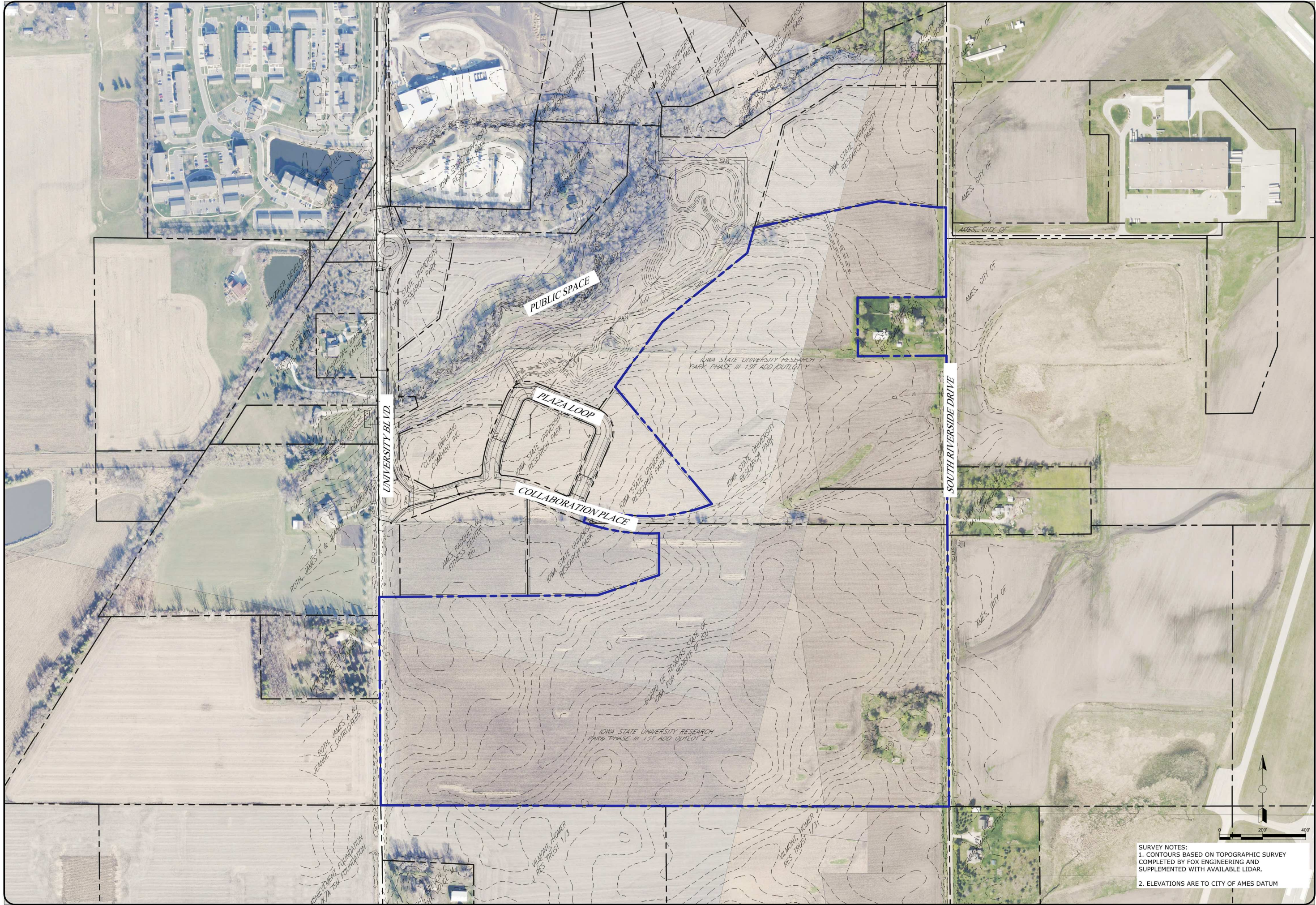
- (4) Planning and Zoning Commission Recommendation: Following such examination and within 30 days of the regular meeting of the Planning and Zoning Commission at which a complete Application is first formally received for consideration, the Planning and Zoning Commission shall forward a report including 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.*

**ATTACHMENT E: PROPOSED PRELIMINARY PLAT AS A SEPARATE ATTACHMENT**









SURVEY NOTES:  
1. CONTOURS BASED ON TOPOGRAPHIC SURVEY  
COMPLETED BY FOX ENGINEERING AND  
SUPPLEMENTED WITH AVAILABLE LIDAR.  
2. ELEVATIONS ARE TO CITY OF AMES DATUM

EXISTING CONDITIONS  
IOWA STATE UNIVERSITY RESEARCH PARK  
PHASE THREE PRELIMINARY PLAT - 3RD ADDITION  
IOWA STATE UNIVERSITY  
AMES, IOWA

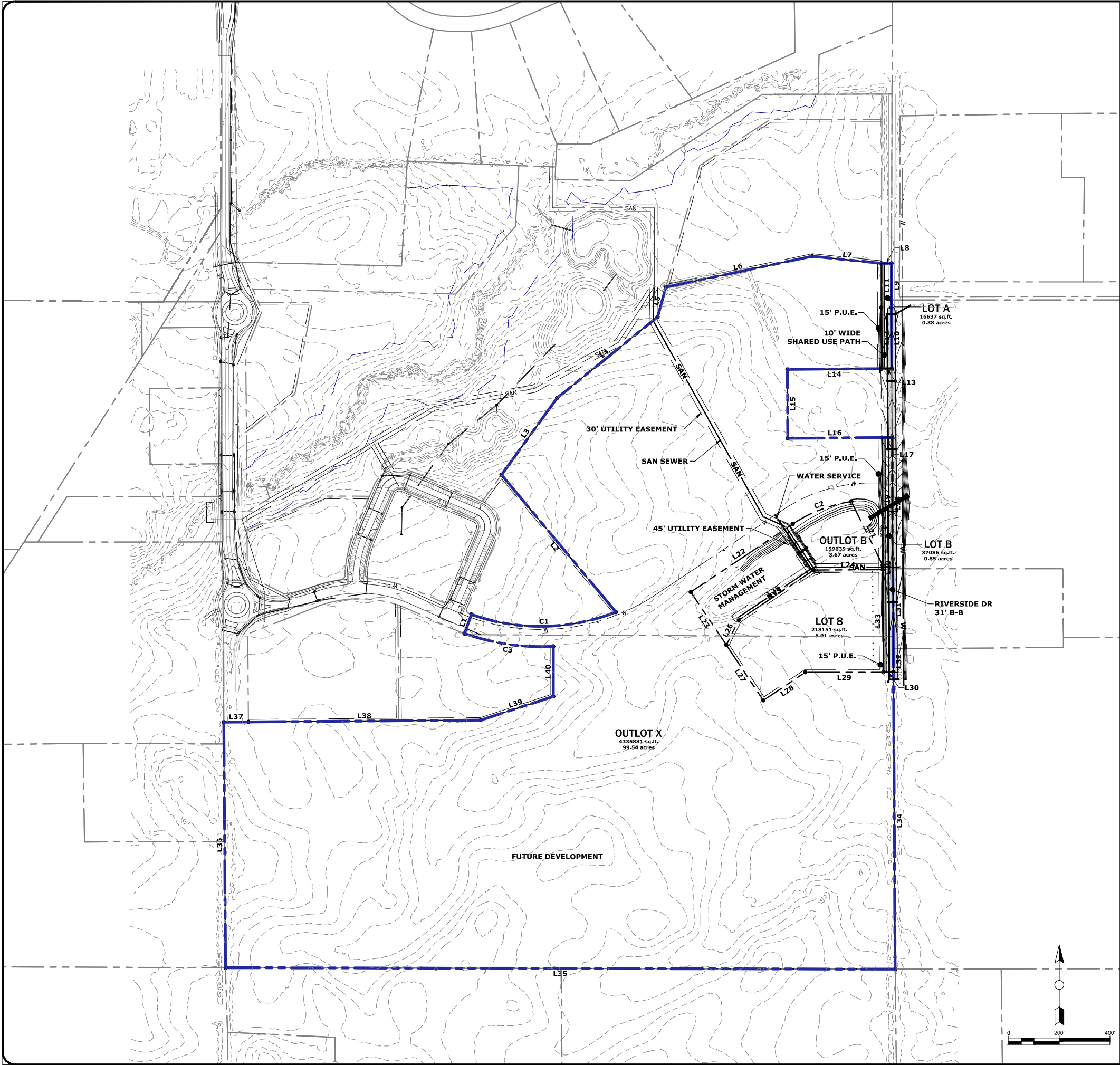


FOX Engineering Associates, Inc.  
414 South 17th Street, Suite 107  
Ames, Iowa 50010  
Phone: (515) 233-0000  
FAX: (515) 233-0103

PROJECT NO.  
5136-17A  
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C1.1

DATE	REVISION	BY	DATE
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		ELT	04/18
		CHECKED:	
		LAST UPDATE:	04/04/19

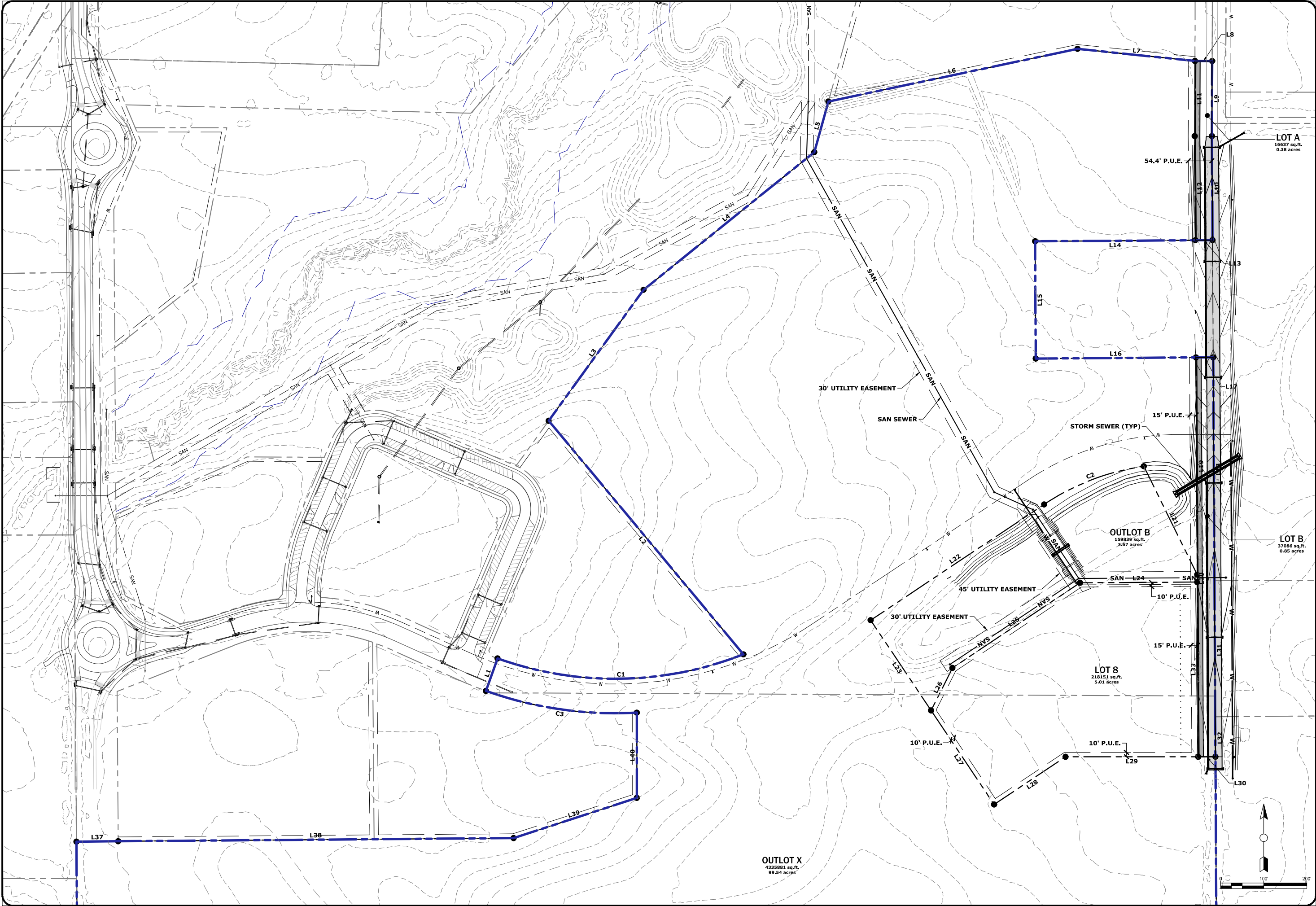




Parcel Line Data		
Line Number	Bearing	Distance
L1	N19°41'02"E	80.00'
L2	N39°49'19"W	705.95'
L3	N35°54'39"E	375.42'
L4	N51°07'52"E	509.09'
L5	N15°31'36"E	122.07'
L6	N78°03'58"E	591.22'
L7	S84°05'51"E	274.12'
L8	S89°49'34"E	40.00'
L9	S0°10'26"W	174.28'
L10	S0°19'19"E	241.46'
L11	S0°10'26"W	174.45'
L12	S0°19'19"E	241.64'
L13	S89°40'41"W	40.00'
L14	S89°36'11"W	371.96'
L15	S0°19'27"E	272.09'
L16	N89°35'58"E	371.95'
L17	N89°35'58"E	40.00'
L18	S0°19'19"E	519.82'
L19	S0°19'19"E	504.36'
L20	S0°19'19"E	17.16'
L21	N26°12'36"W	280.53'
L22	S56°16'49"W	484.25'
L23	S33°49'00"E	252.16'
L24	S89°40'41"W	272.03'
L25	S56°16'49"W	356.20'
L26	S26°37'18"W	110.45'
L27	S33°49'00"E	262.68'
L28	N56°16'49"E	199.46'
L29	N89°59'59"E	307.98'
L30	N89°59'01"E	40.00'
L31	S0°19'19"E	320.00'
L32	S0°19'22"E	87.49'
L33	S0°19'21"E	405.52'
L34	S0°19'22"E	1172.51'
L35	N89°52'24"W	2644.20'
L36	N0°24'00"W	969.62'
L37	N89°27'41"E	96.99'
L38	N89°32'18"E	918.12'
L39	N71°55'43"E	300.87'
L40	N0°00'00"E	197.76'

Parcel Curve Data			
Curve Number	Length	Radius	Delta
C1	583.51'	810.00'	41°16'29"
C2	249.77'	560.00'	25°33'18"
C3	356.42'	890.00'	22°56'43"

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PLOT STYLE TABLE	
FoxGrayScale.ctb	
LAYER INGR NAME	
C2.2	



REVISION		DATE	BY	DATE
DESIGNED	ELT	04/18		
DRAWN	ELT	04/18		
CHECKED				
LAST UPDATE:		04/04/19		

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414 South 17th Street, Suite 107	
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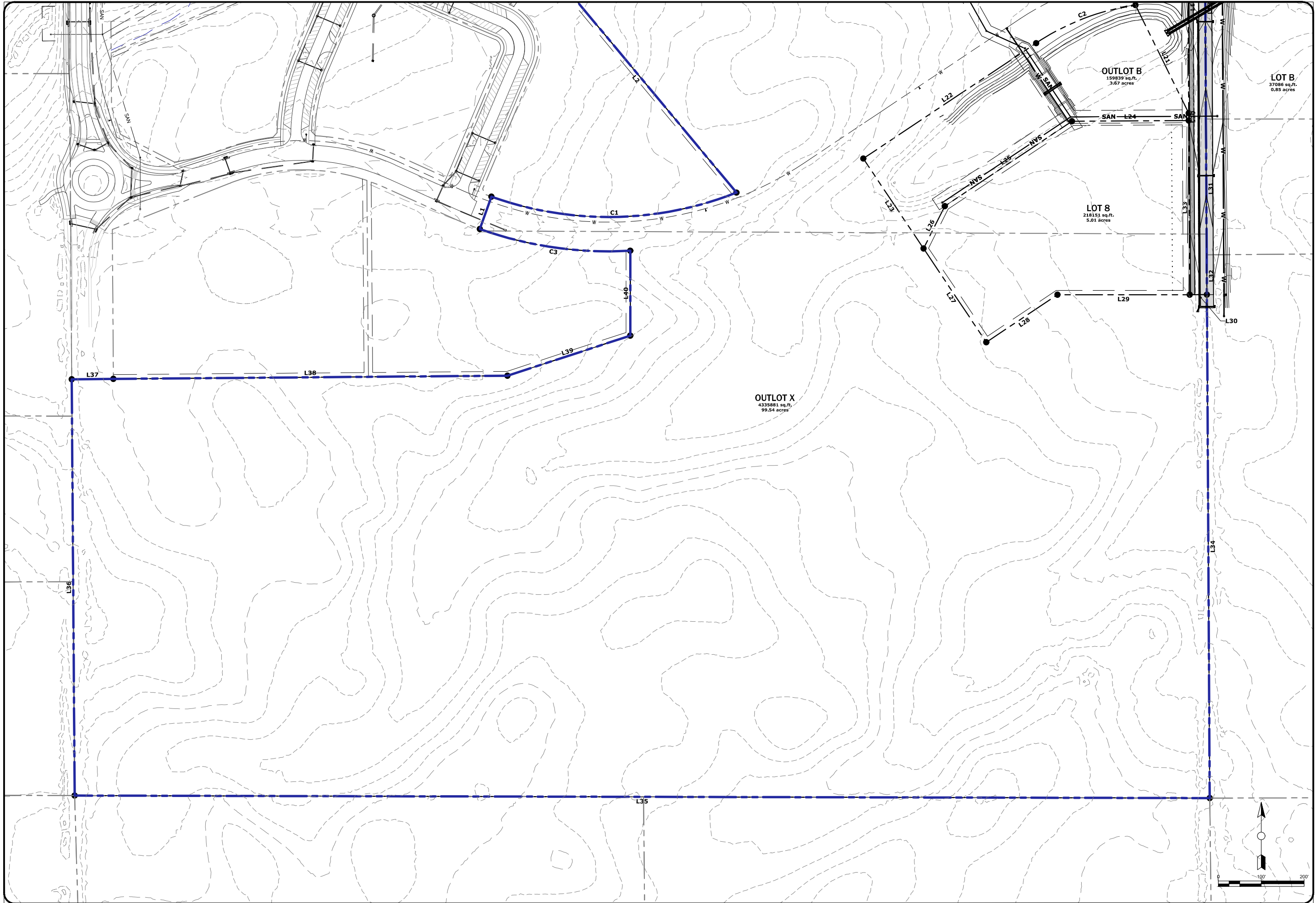
FOX Engineering	
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PHASE III - 3RD ADD. PRELIMINARY PLAT (NORTH)	
IOWA STATE UNIVERSITY RESEARCH PARK	
PHASE THREE PRELIMINARY PLAT - 3RD ADDITION	
IOWA STATE UNIVERSITY	
AMES, IOWA	

PROJECT NO.	5136-17A
SHEET	C2.2



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PHASE III - 3RD ADD. PRELIMINARY PLAT (SOUTH) IOWA STATE UNIVERSITY RESEARCH PARK PHASE THREE PRELIMINARY PLAT - 3RD ADDITION IOWA STATE UNIVERSITY AMES, IOWA		 FOX Engineering Associates, Inc. 414 South 17th Street, Suite 107 Ames, Iowa 50010 Phone: (515) 233-0000 FAX: (515) 233-0103			
PROJECT NO. 5136-17A		SHEET C2.3		DATE	
				REVISION	
				DESIGNED: ELT 04/18	
				DRAWN: ELT 04/18	
				CHECKED:	
				LAST UPDATE: 04/04/18	

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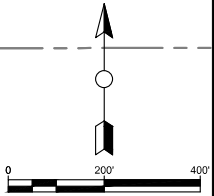
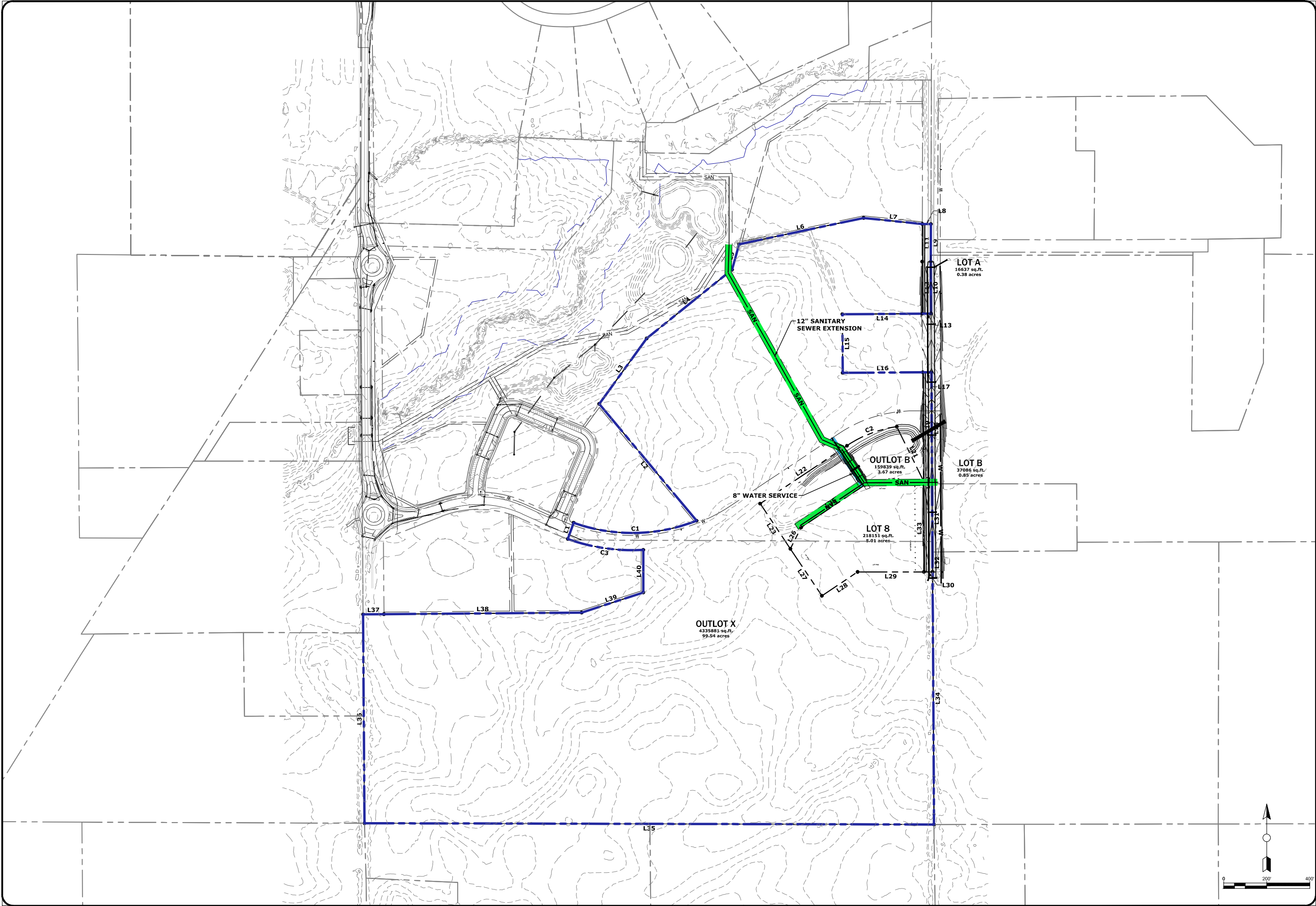
FoxGrayScale.ctb

LAYER MNGR NAME

C3.1

LAYOUT NAME

C3.1



PROJECT NO.

5136-17A

SHEET

C3.1

PUBLIC IMPROVEMENTS PLAN OVERVIEW

IOWA STATE UNIVERSITY RESEARCH PARK

PHASE THREE PRELIMINARY PLAT - 3RD ADDITION

IOWA STATE UNIVERSITY

AMES, IOWA

FOX Engineering

FOX Engineering Associates, Inc.

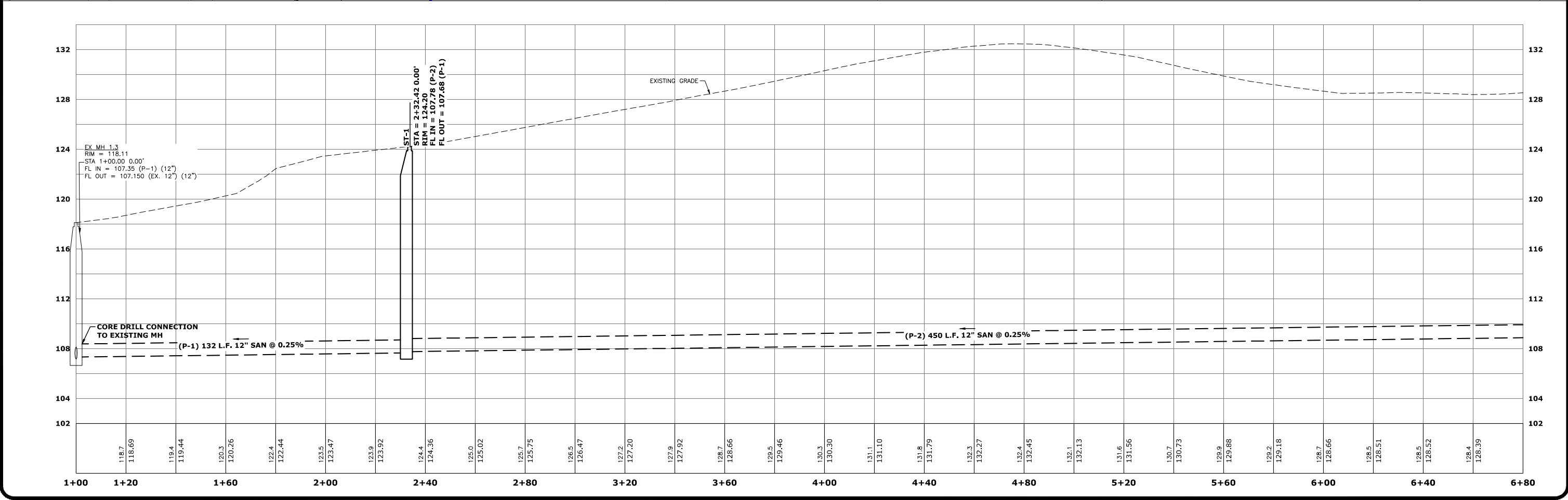
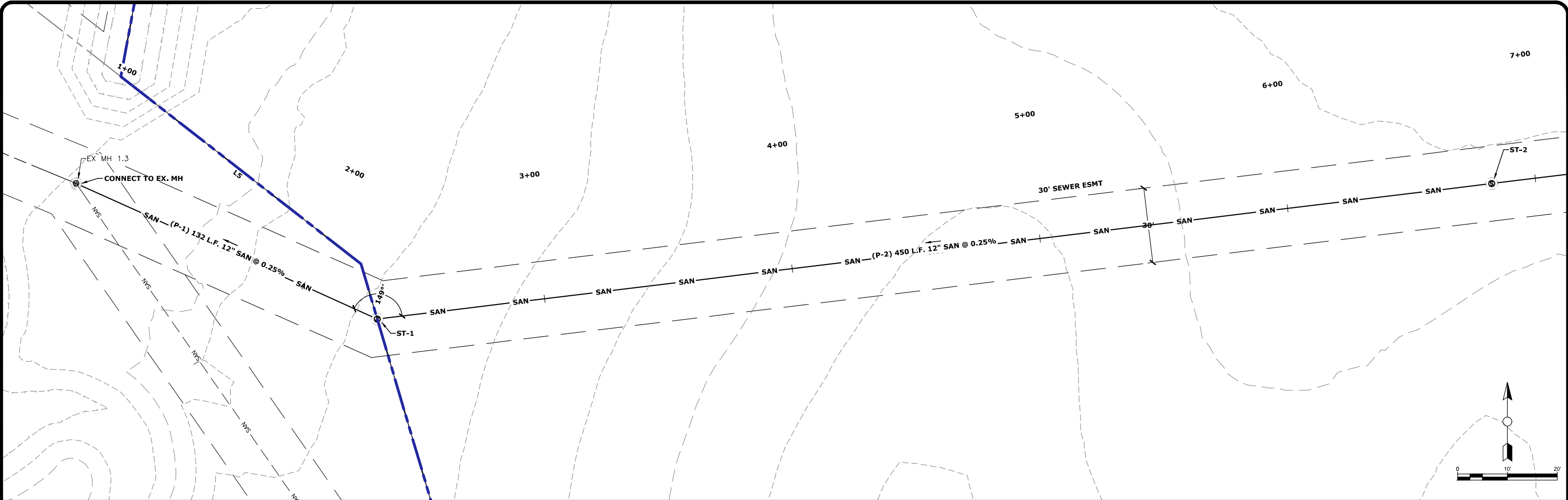
414 South 17th Street, Suite 107

Ames, Iowa 50010

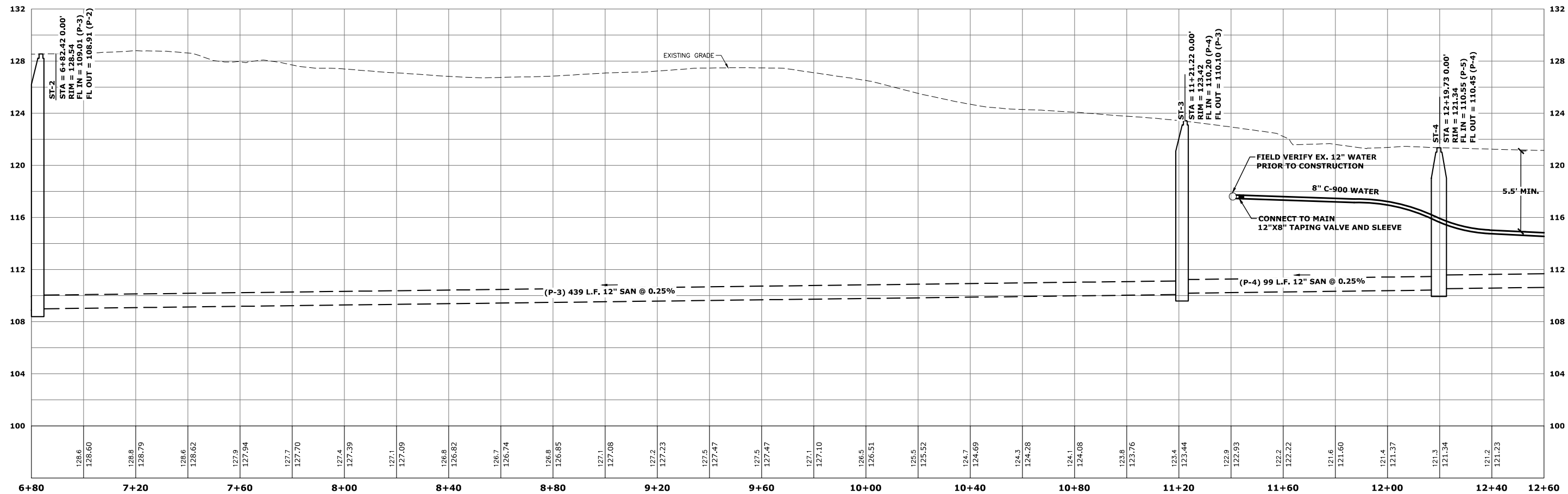
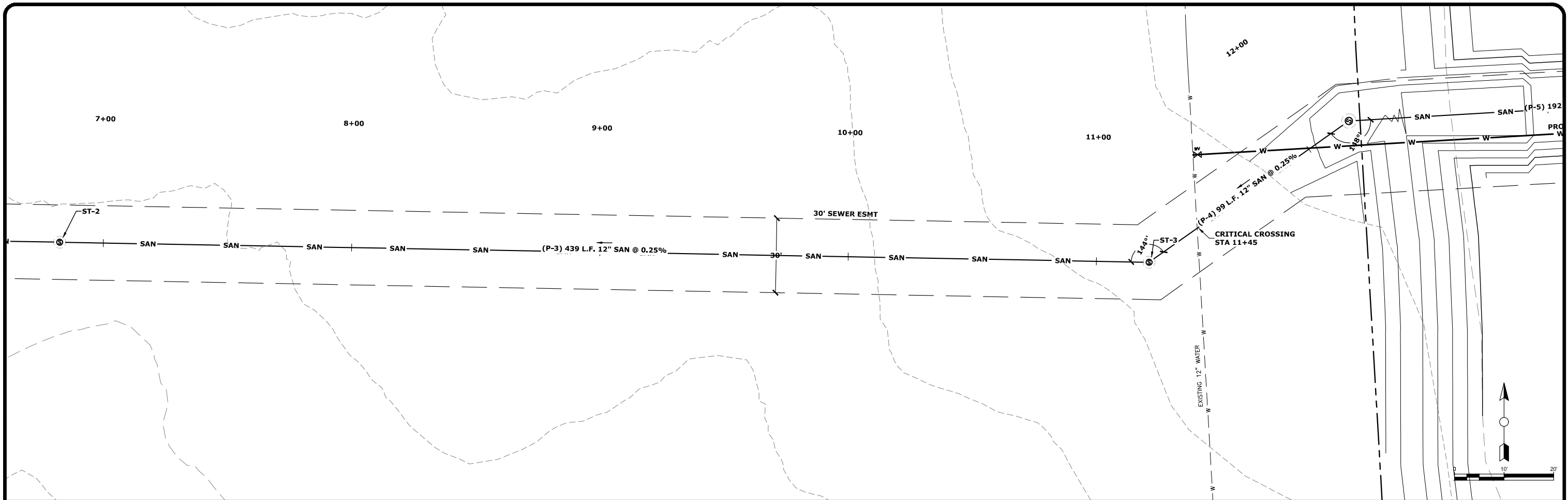
Phone: (515) 233-0000

FAX: (515) 233-0103

DATE	BY	REVISION
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04/18	ELT	DRAWN
04/18	ELT	CHECKED
04/04/18	ELT	LAST UPDATE







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LAST UPDATE:  
04/04/18

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Ames, Iowa 50010  
Phone: (515) 233-0000  
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AMES, IOWA

DATE

REVISION

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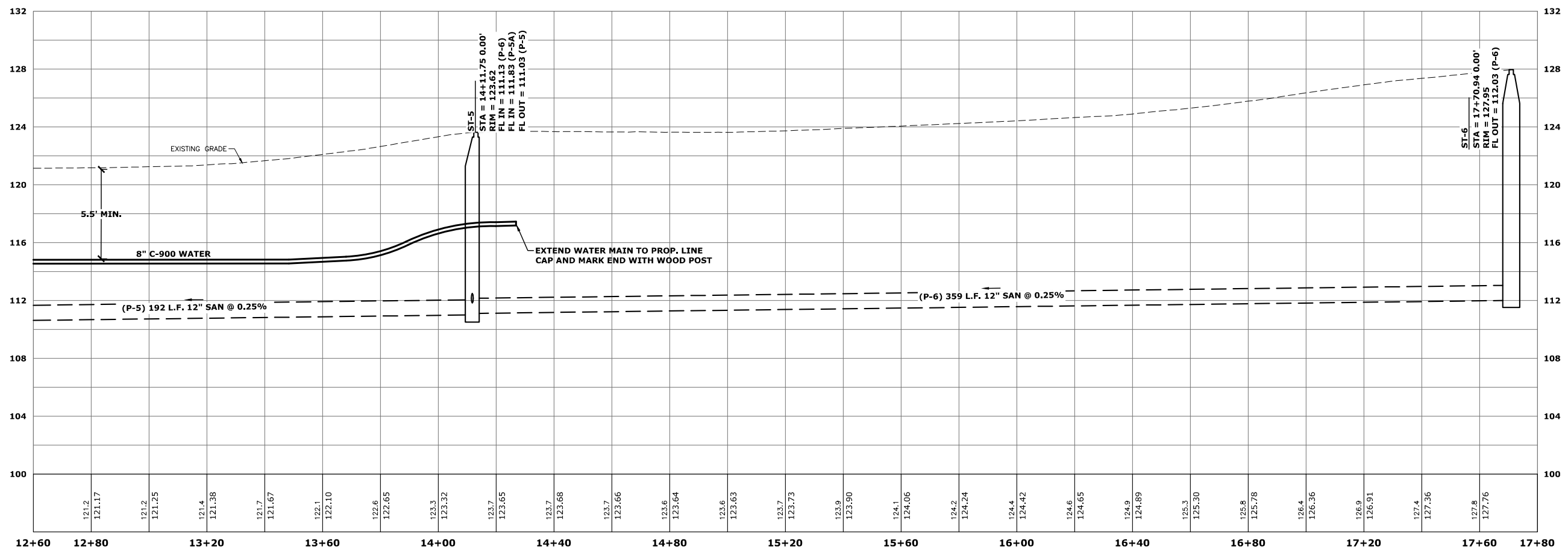
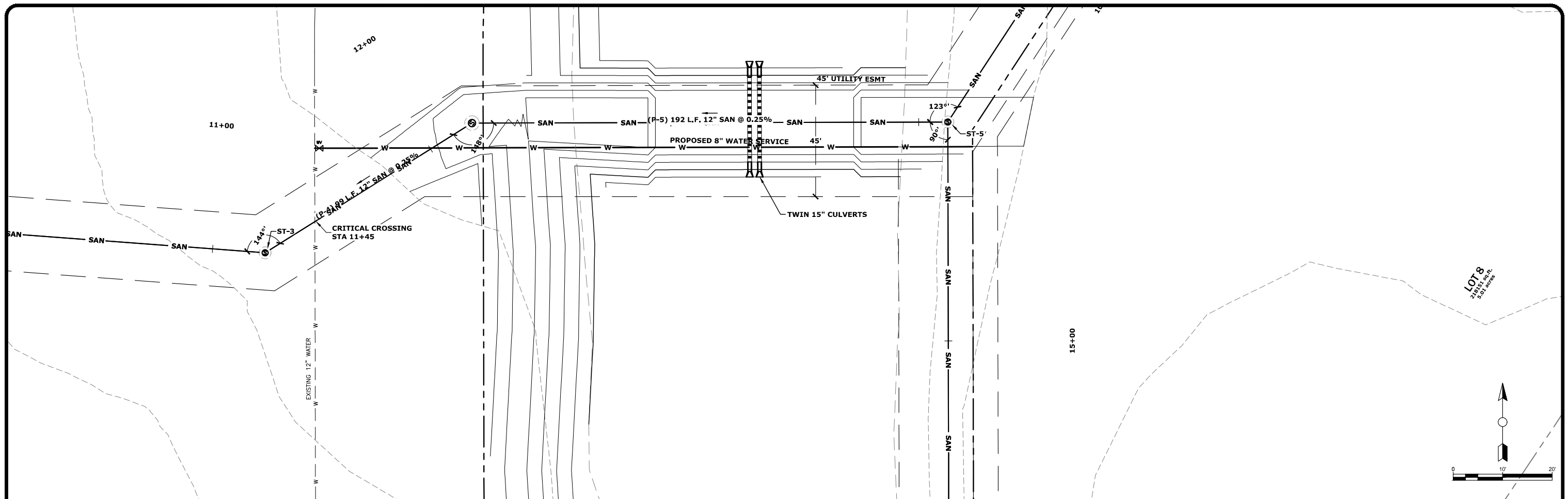
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UTILITY PLAN AND PROFILE  
PHASE THREE PRELIMINARY PLAT - 3RD ADDITION

PROJECT NO.  
5136-17A

LAST UPDATE:  
04/04/18

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GRADE

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04/04/18

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Engineering

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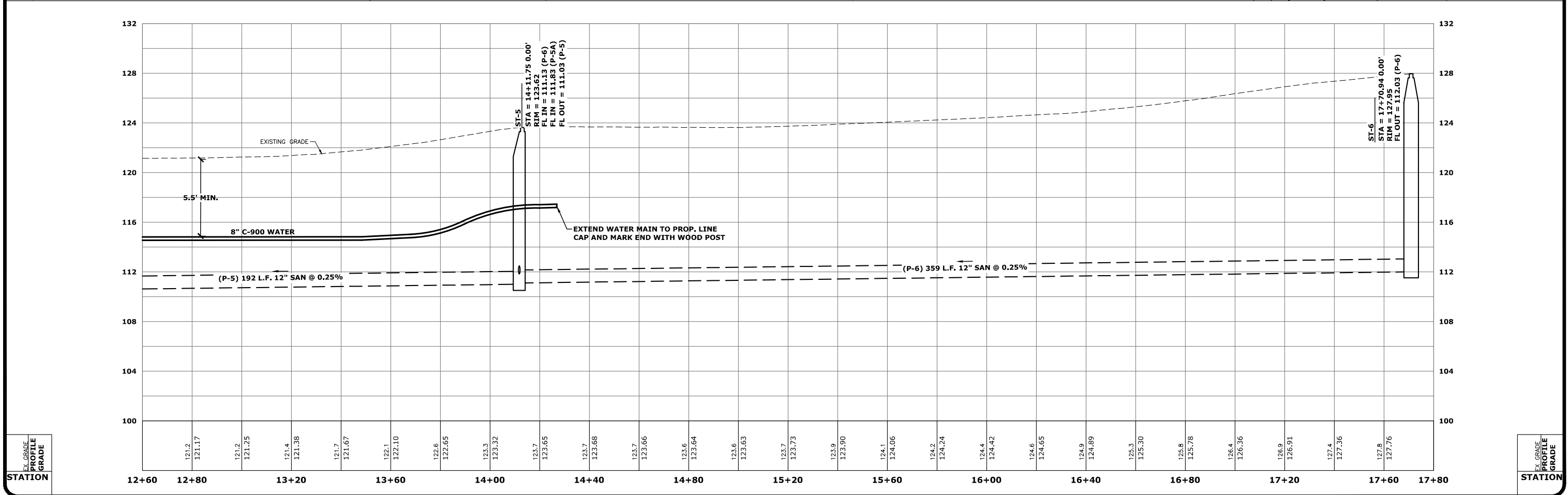
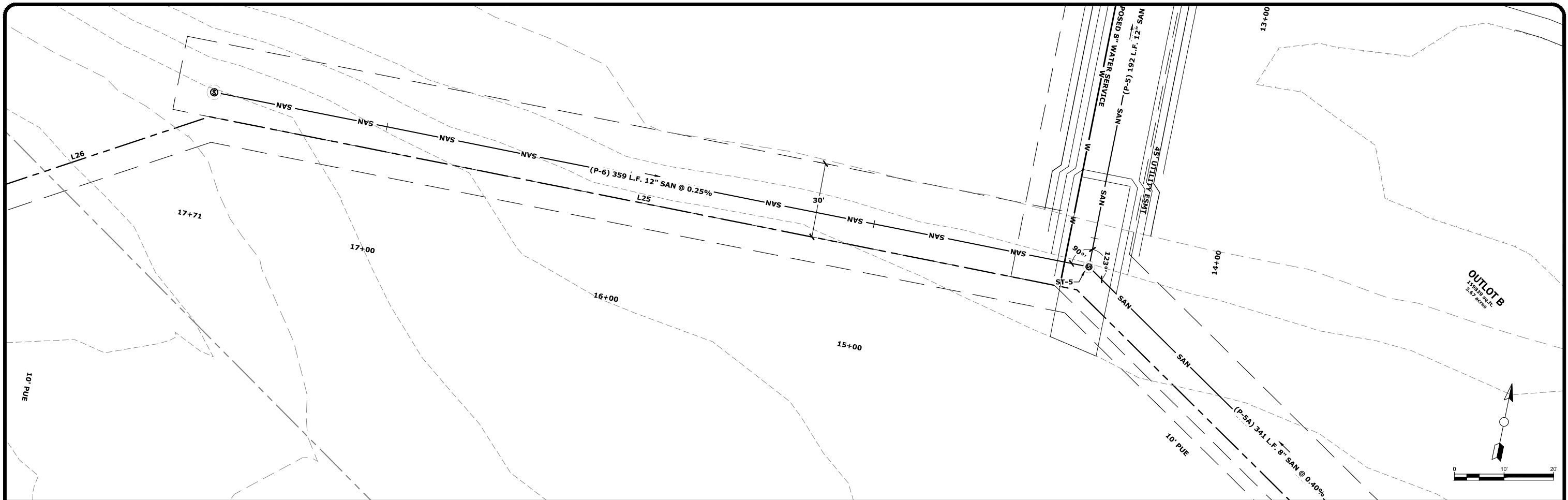
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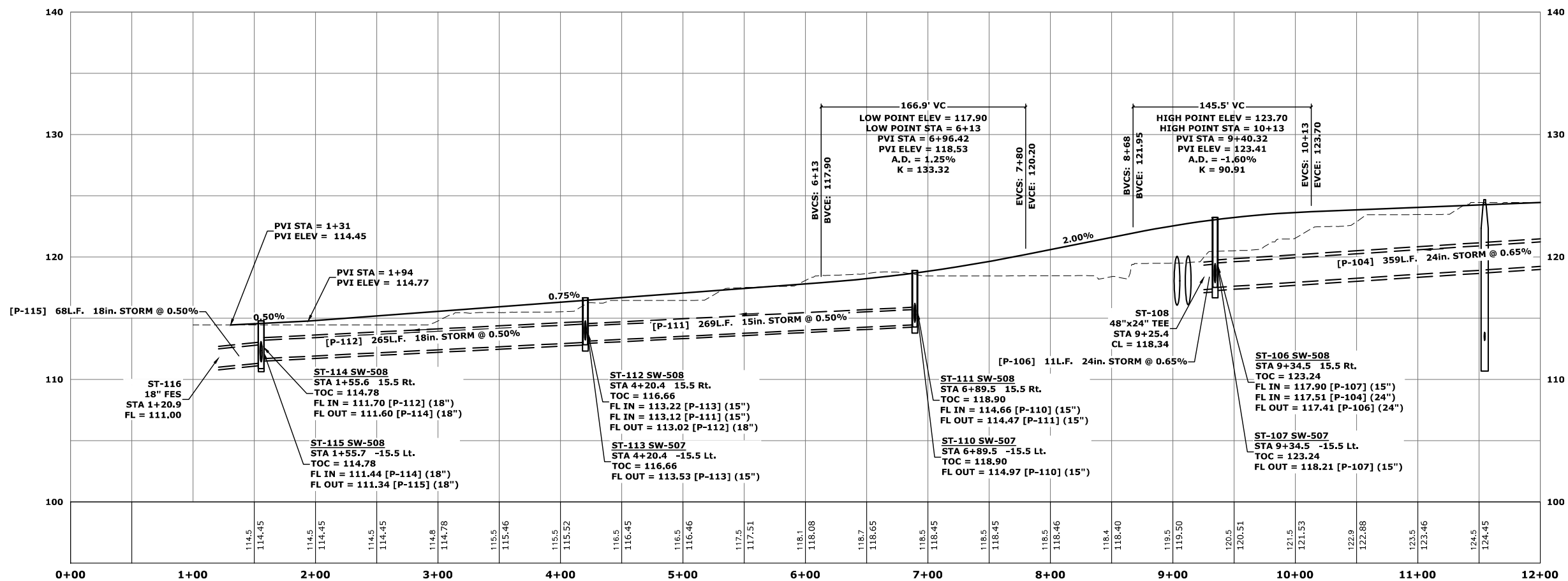
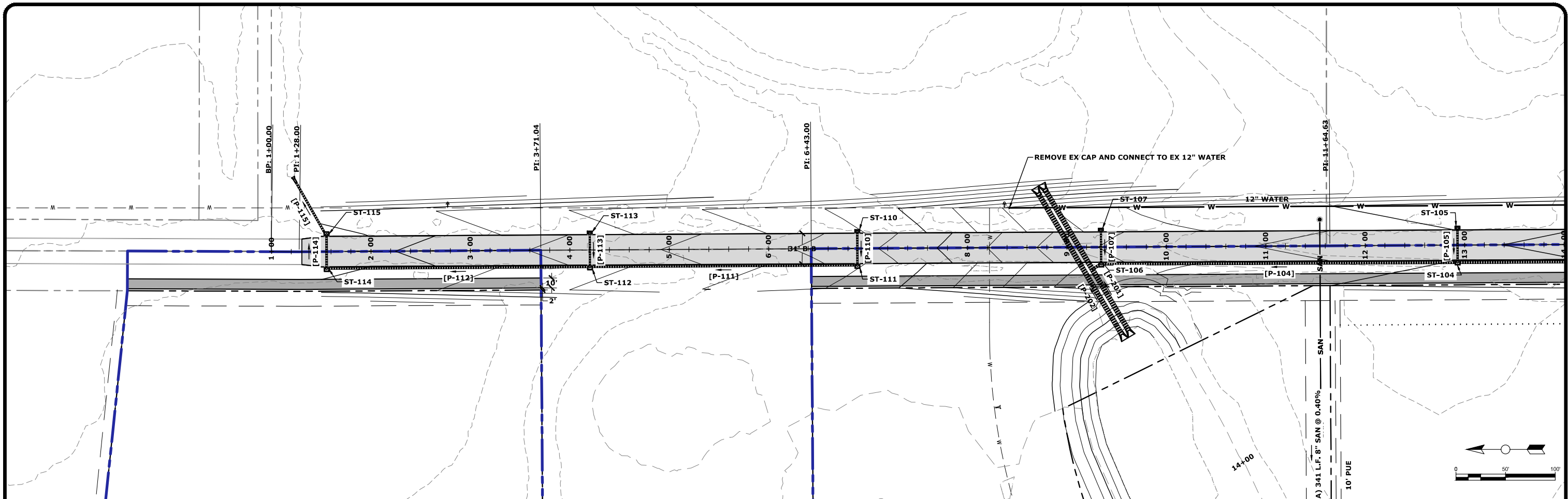
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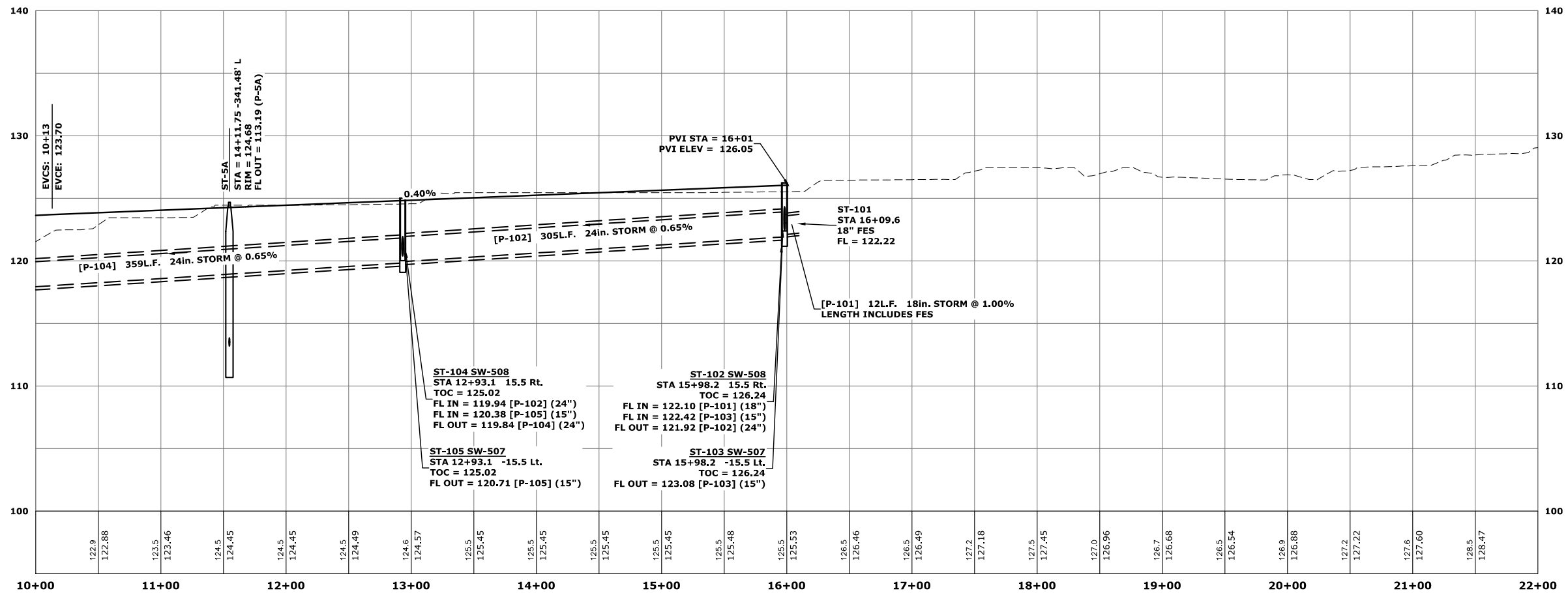
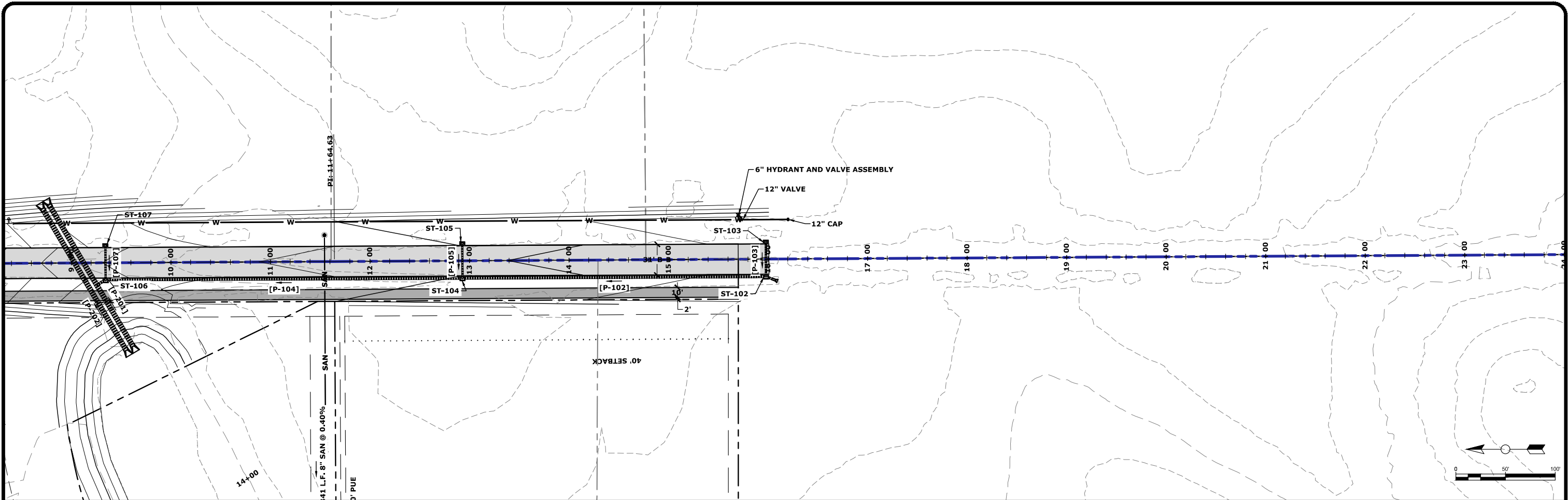
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LAST UPDATE:  
04/04/18

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**COUNCIL ACTION FORM**

**SUBJECT: ELIMINATING PROHIBITION ON BIKE RIDING ON HARD-SURFACED PATHWAYS IN BROOKSIDE PARK**

**BACKGROUND:**

At the March 27, 2018, City Council meeting, City staff provided a list of ordinances that would need temporary modification to accommodate the arrival of the RAGBRAI bike ride on July 24. In reviewing the *Municipal Code*, staff discovered a section (Sec. 19.12) that among other areas prohibits the riding of bicycles on the hard-surfaced paths of Brookside Park. Brookside Park is a proposed campground area for RAGBRAI.

As staff reviewed this existing ordinance, it was not entirely clear why such a prohibition was in effect for these hard surfaced pathways in Brookside Park. It does not appear that this section has been enforced for some time, nor is this ban well-known to the public. Staff surmises that the ban on bike riding on these paths was put into effect when there was no wide shared-use path paved in the park. City staff cannot identify a rationale for continuing to prohibit bicycle riding on these particular paved trails. **The City Council has, therefore, directed that an ordinance be prepared to permanently remove the hard-surfaced paths in Brookside Park from the list of locations where bicycle riding is prohibited.**

**The existing Code section also prohibits bike riding in Munn Woods, East River Valley Park, and on the Audubon Trail in Brookside Park (an unpaved trail through forested portions of Brookside Park). These prohibitions would remain in effect under the proposed ordinance change.** Because Brookside Park is on property leased from Iowa State University, City staff has consulted with ISU regarding this proposed change, and ISU has indicated its approval.

It should be noted that the Mayor and City Council plan to host a community bike ride on May 12. A portion of that route involves riding bicycles through Brookside Park. Because a permanent ordinance change to allow bicycle riding on these paths in Brookside Park will require three readings (and would, therefore, not be in effect until sometime in June), **staff is also requesting that the City Council suspend enforcement of this ordinance with respect only to the hard surfaced paths in Brookside Park beginning May 9<sup>th</sup>.**

**ALTERNATIVES:**

1. a. Approve first reading of the attached ordinance to remove the hard surfaced pathways of Brookside Park from the list of locations where bicycling is prohibited under Sec. 19.12 of *Municipal Code*
- b. Suspend enforcement of Sec. 19.12 with respect only to the hard surfaced pathways in Brookside Park effective May 9, 2018.
2. Do not approve a permanent ordinance change, and direct staff to plan an alternative route for the Mayor and Council's Bike Ride on May 12<sup>th</sup>.

**CITY MANAGER'S RECOMMENDED ACTION:**

It appears the existing prohibition on bike riding on these particular paved trails in Brookside Park is a remnant from prior to them being paved. It does not appear that removing this prohibition will have a detrimental effect to the park. These trails are a valuable recreational and transportation amenity to bicycle riders in the community.

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

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY AMENDING CHAPTER 19, SECTION 19.12 THEREOF, FOR THE PURPOSE OF PROHIBITING BIKE RIDING IN CERTAIN PARKS; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; 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 amending Chapter 19, Section 19.12 as follows:

**“CHAPTER 19  
PARKS AND RECREATION**

...

**Sec. 19.12. BIKE RIDING PROHIBITED IN CERTAIN PARKS.**

Bike riding is prohibited in Munn Woods; East River Valley Park; and in Brookside Park on the Audubon Trail. See also 19.14.  
(*Ord. No. 3439, Sec. 1, 9-9-97*)

...”

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

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

Section Four. 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

\_\_\_\_\_  
John A. Haila, Mayor