

COUNCIL ACTION FORM

SUBJECT: REZONE PARCELS AT 4605 & 4514 HYDE AVENUE (PROPOSED AUBURN TRAIL SUBDIVISION) FROM “A” (AGRICULTURAL) TO “FS-RL” (SUBURBAN LOW-DENSITY RESIDENTIAL) WITH A MASTER PLAN AND CONTRACT ZONING AGREEMENT

BACKGROUND:

The proposed rezoning includes two parcels totaling 75.17 acres, addressed as 4605 Hyde Avenue and 4514 Hyde Avenue. Annexation for the property at 4605 Hyde Avenue was approved on December 12, 2017, and annexation for 4514 Hyde Avenue was approved on March 23, 2021. A general location map is included as *Attachment A*. Hyde Avenue bisects the two properties. Most of the 4605 Hyde property has been farmed and is devoid of trees. The property at 4514 Hyde Avenue includes one existing house.

The properties are proposed to be rezoned together with a Master Plan to allow for a future development of both sites as a combined development. A Master Plan addresses the general layout of development and open space areas along with planned transportation connections, however, it does not depict precise locations of future improvements. The future development, i.e., subdivisions, must be in conformance with an approved Master Plan.

The Master Plan would permit the development of multiple housing types with a maximum total of 181 dwelling units. The Contract rezoning addresses needed off-site improvements related to the development of the site for an extension of a shared use path and streets to the north.

The property at 4605 Hyde was the subject of a pre-annexation agreement in 2013. The owner entered into an agreement with the City for, among other things, buyout of rural water rights and cost sharing of infrastructure. In this Agreement, the Developer also agreed that infrastructure would be designed to mitigate the environmental impact of development within the Ada Hayden Watershed and that the site would be subject to the Conservation Subdivision Ordinance. The proposed rezoning is consistent with the 2013 Agreement. Infrastructure improvements that were included in the Agreement are discussed in the Addendum.

The subject site has a Village/Suburban Residential Land Use Designation (see *Attachment B*). **The owner proposes the development of a residential subdivision to be known as Auburn Trail and is requesting a rezoning from Agricultural (A) to Suburban Residential Low Density (FS-RL). FS-RL is a consistent zoning district with the underlying land use designation.** FS-RL requires a minimum net development density of 3.75 units per acre and a maximum density of 10 units per acre.

The proposed Master Plan illustrates two categories of development: Single-Family Attached/Detached with 98 to 111 dwelling units and Single-Family Townhomes/Small Lots with 50 to 70 dwelling units, on approximately 36.29 acres. The applicant will likely apply for a Planned Unit Development (PUD) Overlay in the future for the development of part of the site as small lot homes.

The density within the developable area is estimated at approximately 4.1 to 5 dwelling units per acre. Note that with the Master Plan, the unit count is controlling along with the minimum and maximum net density standards of FS-RL zoning. **The Plan depicts the extension of existing streets from the south into the site and new streets that would extend to the north connecting into future development. A new “spine road” would connect from Hyde Avenue into Hayden’s Preserve on the north.**

In addition to identifying developable area, the Master Plan shows approximately 22.58 acres, more than the required 25% of the property, as interconnected conservation areas and open space distributed throughout the development.

The Master Plan identifies the planned approach to meeting the requirements of the City’s Conservation Subdivision Ordinance that will apply to development of the property. The open space is oriented around a first order stream, wetlands, and natural drainage ways as identified on a Natural Resource Inventory of the properties. A buffer is shown on the north side of the first order stream which is located on the eastern parcel (4514 Hyde Avenue). Notably, the 4514 Hyde property has a 100-foot shared boundary with the City’s Ada Hayden park.

At the time of annexation, a 50-foot strip of property was required to remain along the north property line to connect to unincorporated land located to the north and east of the site. The 50-foot strip is also owned by Hunziker but is under county jurisdiction. This strip of land is known as Outlot A and requires public improvements to connect to the future development to the north known as Hayden’s Preserve,

Staff recommends addressing planned off-site infrastructure extensions through the 50-foot strip with the rezoning of this site through a Contract Rezoning Agreement (see Attachment I) that includes the requirement for the property owner to extend infrastructure from the site through the abutting properties that are under their control. This would require the construction of the shared use path along Hyde Avenue and for the future improvements of the public street extension of the spine road and water and sewer lines to the north. The timing of the Hyde Avenue path construction matches the recent Hayden’s Preserve agreement, the path must be built within two years of the approval of the 1st Addition of the project.

Planning and Zoning Commission. The Planning and Zoning Commission reviewed the request on June 2, 2019 and voted 5-0 to recommend the City Council approve the rezoning with master plan for the property at 4605 Hyde Avenue and 4514 Hyde Avenue to FS-RL Suburban Residential Low Density. At the meeting members of public were

present and provide comments on the proposed rezoning. Numerous residents of Bloomington Heights West and Bloomington Court (to the south) spoke of stormwater drainage concerns related to existing conditions. The Bloomington Heights West development has existing storm water conveyance easements and storm sewers located partially along the shared boundary with the proposed Auburn Trail. A drainage channel also exists to the east of Hyde Avenue and it carries water from existing development and will also carry water from the planned development of Auburn Trail to Ada Hayden. Although the Master Plan depicts general drainage patterns and planned open spaces for the development of the site, there is not a precise storm water management plan available for the site at this time. A storm water management plan is required as part of the Conservation Subdivision review of the site, which is the next step for development of the site, after rezoning.

Public Notice. Notice was mailed to property owners within 200 feet of the subject site and a sign was posted on the subject property in accordance with the notification requirements of Chapter 29.

ALTERNATIVES:

1. A. Approve a Contract Rezoning Agreement for the 75.17- acre property at 4605 Hyde Avenue and 4514 Hyde Avenue (*see Attachment I*)
 - B. Approve on first reading the request for rezoning the 75.17- acre property at 4605 Hyde Avenue and 4514 Hyde Avenue from Agricultural (A) to Suburban Low Density Residential (FS-RL) with the attached Master Plan (*see Attachment F*), based upon the findings and conclusions as found in the addendum.
2. Deny the request for rezoning.
3. Refer this item back to City staff and/or the applicant for additional information.

CITY MANAGER'S RECOMMENDED ACTION:

As noted in the attached addendum, the proposed rezoning is consistent with the Land Use Policy Plan land use designations and policies. The applicant has generally designated open space in areas identified as wetlands and where existing grades currently convey or collect stormwater with housing located around these areas.

The proposed housing types are allowed in the proposed zoning. Further information regarding density and open space measures will be specified with the subsequent preliminary plat. The Master Plan is consistent with the limitations noted in the pre-annexation agreement approved by the City Council in 2013.

Terms of the proposed Contract Rezoning Agreement will ensure there is no gap between the development of this site and future development to the north. The Contract includes

the requirement for the construction of the shared use path along Hyde to be completed as part of Phase 1 of the development.

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

ADDENDUM

REZONING BACKGROUND:

Existing Land Use Policy Plan. The LUPP designation of the entire subject area is Village/Suburban Residential. The proposed change of zone to FS-RL is consistent with that designation. The LUPP designations of this and adjoining properties can be found in *Attachment B*.

The applicant has provided support materials (*see Attachment H*) regarding the proposed rezoning and its conformance with the Land Use Policy Plan. While the rezoning of an area designated as Village/Suburban Residential on the LUPP to FS-RL is supported, there are several goals that can support the proposed rezoning.

Goal No. 2. In preparing for the target population and employment growth, it is the goal of Ames to assure the adequate provision and availability of developable land. It is the further goal of the community to guide the character, location, and compatibility of growth with the area’s natural resources and rural areas.

Goal No. 3. It is the goal of Ames to assure that it is an “environmentally-friendly” community and that all goals and objectives are integrated with this common goal. In continuing to serve as a concentrated area for human habitat and economic activity, Ames seeks to be compatible with its ecological systems in creating an environmentally sustainable community.

Existing Zoning. The site is zoned Agricultural (A). When a property is annexed into the City it receives a default zoning of Agricultural (A) until at such time that the property owner chooses to rezone.

To the east are scattered homesteads within the county, zoned Agricultural (A-1). To the north, the proposed Hayden’s Preserve Subdivision (formerly Rose Prairie) is zoned FS-RL with some scattered county homesteads in the county zoned Agricultural Residential (A-R) and a communication tower. To the south, Bloomington Heights West is zoned RL and F-PRD and Bloomington Court is zoned F-PRD. West of the site are large properties outside of the City limits and zoned Agricultural (A-1). An excerpt of the zoning map can be found in *Attachment C*. The proposed rezoning is reflected in *Attachment D*.

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

Direction from Subject Property	Existing Land Uses
Subject Property	Farmland
North	Farmland, Proposed Hayden’s Preserve Subdivision, Communication Tower, and One Home

East	Scattered Homesteads and Ada Hayden Further to the East
South	Single-Family Detached & Attached Homes (Bloomington Heights West) and Condominiums & Townhouses (Bloomington Court)
West	Railroad Track, Northridge Heights Stormwater Pond and Farmland

Master Plan. A Master Plan is intended to provide a general description of the intended development of a property. A Master Plan must address natural areas, buildable areas, building types, range of uses, and basic access points as described in zoning requirements of Section 29.1507(4) (see *Attachment F*).

The submitted Master Plan proposes two housing types- Single-Family Attached/Detached with 98 to 111 dwelling units and Single-Family Townhomes/Small Lots with 50 to 70 dwelling units, on approximately 36.29 acres, with a minimum net development density of 3.75 units per acre.

In addition, the Master Plan shows approximately 22.58 acres, more than the required 25% of the property, as interconnected conservation areas and open space distributed throughout the development. The open space is oriented around a first order stream, wetlands, and natural drainage ways as identified on a Natural Resource Inventory of the properties. A buffer is planned on the north side of the first order stream which is located on the eastern parcel (4514 Hyde Avenue). A buffer to each side of the drainage corridor that weaves throughout the development will be included. The Conservation Subdivision requires that mass grading of the site be avoided. The majority of the property has been farmed and is devoid of trees.

Development of the site will be under the Conservation Subdivision standards of Ames *Municipal Code*. The Ames Conservation Subdivision standards are to protect the quality of water in Ada Hayden Lake, protect existing surface drainage systems, promote interconnected greenways, provide commonly owned open space and conservation areas. Conservation easements will be established for all conservation areas and maintained according to a conservation area management plan that is required during the subdivision process.

Layout and specific design of the site will be evaluated at the time of preliminary plat review. Attached single-family homes also require an administrative site development plan review after subdivision. The minimum density standard is 3.75 dwelling units per net acre. Full review of net acreage limitations will occur with the subsequent preliminary plat subdivision review.

The subject site has a Village/Suburban Residential Land Use Designation (see *Attachment B*). The owner proposes the development of a residential subdivision to be known as Auburn Trail and is requesting a rezoning from A-Agriculture to FS-RL Suburban Residential Low Density. FS-RL is a consistent zoning district with the

underlying land use designation. FS-RL requires a minimum net development density of 3.75 units per acre. A Master Plan accompanies the rezoning request. A full description of the rezoning process and plan is included in the attached addendum.

Infrastructure. During the Land Use Policy Plan review associated with the initial annexation request, an analysis of the necessary infrastructure to accommodate residential development was undertaken.

Water - The property at 4605 Hyde was also part of a buyout of service territory agreement with Xenia Rural Water Association in January 2014. The property at 4514 Hyde is presently served by Xenia Rural Water. The division of this parcel would require any new parcels/lots to connect to City water services. An agreement with the property owner and Xenia would be necessary for this to occur. Auburn Trail is within a City water connection district. The City previously undertook the extension of water service to the property. Connection fees would be paid at the time of development. This is addressed by the current pre-annexation agreement.

Sewer- Auburn Trail is within a City sanitary sewer connection district. The City previously undertook the extension of sanitary sewer service to the property. Connection fees would be paid at the time of development.

Electric- Auburn Trail lies within the Ames Electric service territory. The 2013 Agreement directed that the developer would provide easements at no cost to the City for electric distribution or transmission lines and public utilities.

Special Assessments and Off-site traffic improvements- The 2013 Agreement included an assessment for the improvement of Grant Avenue from West 190th Street (at the north end) to Hyde Avenue (at the south end). An assessment schedule was included. Also included within the assessment was the developer's share of costs associated with traffic signals at Hyde Avenue / Bloomington Road and Grand Avenue / Bloomington Road with the provision that the amount could be updated based upon cost at the time of Final Plat.

Given the 2013 Pre-annexation Agreement cost-sharing requirements for infrastructure extension and roadway improvements, City staff believes that these have been sufficiently addressed.

Access. Primary access to the site would be from Hyde Avenue. The developer is completing an assessment of intersection operations for access to the site to be included with the future subdivision. Staff expects that the study will support a requirement for the developer to provide turning lanes at the intersection of Hyde and the new spine road. Auburn Trail will be well-connected with public roads to existing development both to the south and to future development to the north. Crestmoor Avenue and Welbeck Drive which are existing streets currently stubbed at the south property line would be extended into the site. Two street connections to the north will connect into the street network from Hayden's Preserve (formerly Rose Prairie). Auburn Trails will be responsible to connect through the 50-foot county piece to the north into Rose Prairie. An Acquisition Plat would

be recorded to address the public right-of-way dedication and city maintenance of the infrastructure through the county parcel (Outlot A). The extension of the infrastructure is needed to avoid having a gap in the system and are part of the proposed Contract Rezoning Agreement (see *Attachment I*). An additional stub street will be made to the north for future connection into land that is currently in the county and undeveloped. Internal circulation will be reviewed at the time of subdivision.

Shared Use Paths and Trails- The 2013 Agreement also directed that the developer would provide easements at no cost to the City for shared use paths. A 10' shared use path would be extended along the Hyde frontage of Auburn Trail and would include an internal shared use path along the new spine road connection to Hayden's Preserve. These improvements need to extend to adjacent properties to avoid having a gap in the system and are part of the proposed Contract Rezoning Agreement (see *Attachment H*). The contract rezoning agreement includes the requirement for the shared use path along Hyde to be constructed with the first phase of development. *Notably that with the completion of this 1,400 linear feet of path, the developer of Hayden's Preserve to the north will then be required to connect to the path and eliminate any gap for the shared use path extending all the way to 190th Street.*

Additionally, the applicant is proposing a trail system that would extend along the south perimeter of the property, across Hyde Avenue, and beyond into Ada Hayden Park. The total cost of the trail construction and its connection into the trail network within Ada Hayden would be the developer's responsibility. Details on the location of this crossing and final location of the trail are still being discussed and would be finalized as part of the preliminary plat approval. For this reason, the Ada Hayden trail is not illustrated on the Master Plan.

Applicant's Statements. The applicant has provided an explanation of the reasons for the rezoning in *Attachment H*.

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

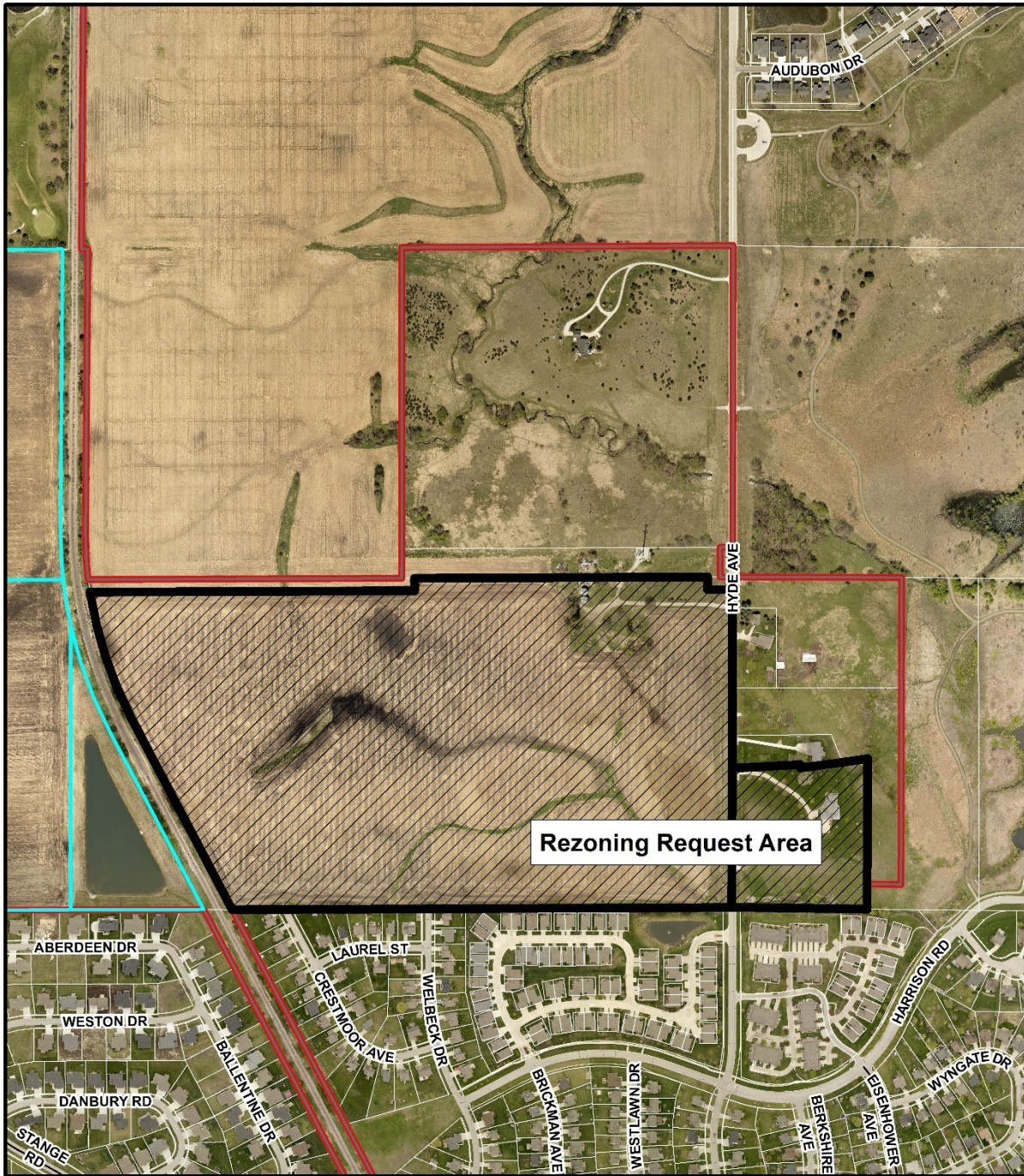
1. Ames Municipal Code Section 29.1507(2) allows owners of 50 percent or more of the area of the lots in any district desired for rezoning to file an application requesting that the City Council rezone the property. The property represented by the applicant is entirely under one ownership representing 100 percent of the property requested for rezoning.
2. The subject property has been designated on the Land Use Policy Plan (LUPP) Future Land Use Map as "Village/Suburban Residential."
3. The "Village/Suburban Residential" land use designation supports the "FS-RL Suburban Low Density Residential" zoning designation. Under a "FS-RL" zoning designation, detached and attached single-family housing types are allowed. FS-RL is consistent with the pre-annexation development agreement.

4. Infrastructure is adequate to serve the site. Auburn Trail is within a City water connection district and a City sewer connection district. The City previously undertook the extension of infrastructure to the property. Connection fees would be paid at the time of development as addressed in the pre-annexation development agreement.
5. The Master Plan identifies developable areas and range of uses consistent with the proposed FS-RL zoning district. Subsequent development will be subject to subdivision review.
6. Ames Municipal Code Sec. 29.1507(5) requires approval of a zoning agreement for an application with a master plan and that all subsequent development comply with the master plan.

Conclusions. Based upon the analysis in this report, staff concludes that the proposed rezoning of the subject property is consistent with the Future Land Use Map, as well as the Goals and Objectives of the City of Ames Land Use Policy Plan. The proposed rezoning is consistent with the allowances of the proposed FS-RL zoning district and Master Plan requirements for rezoning.

Attachment A

Location Map



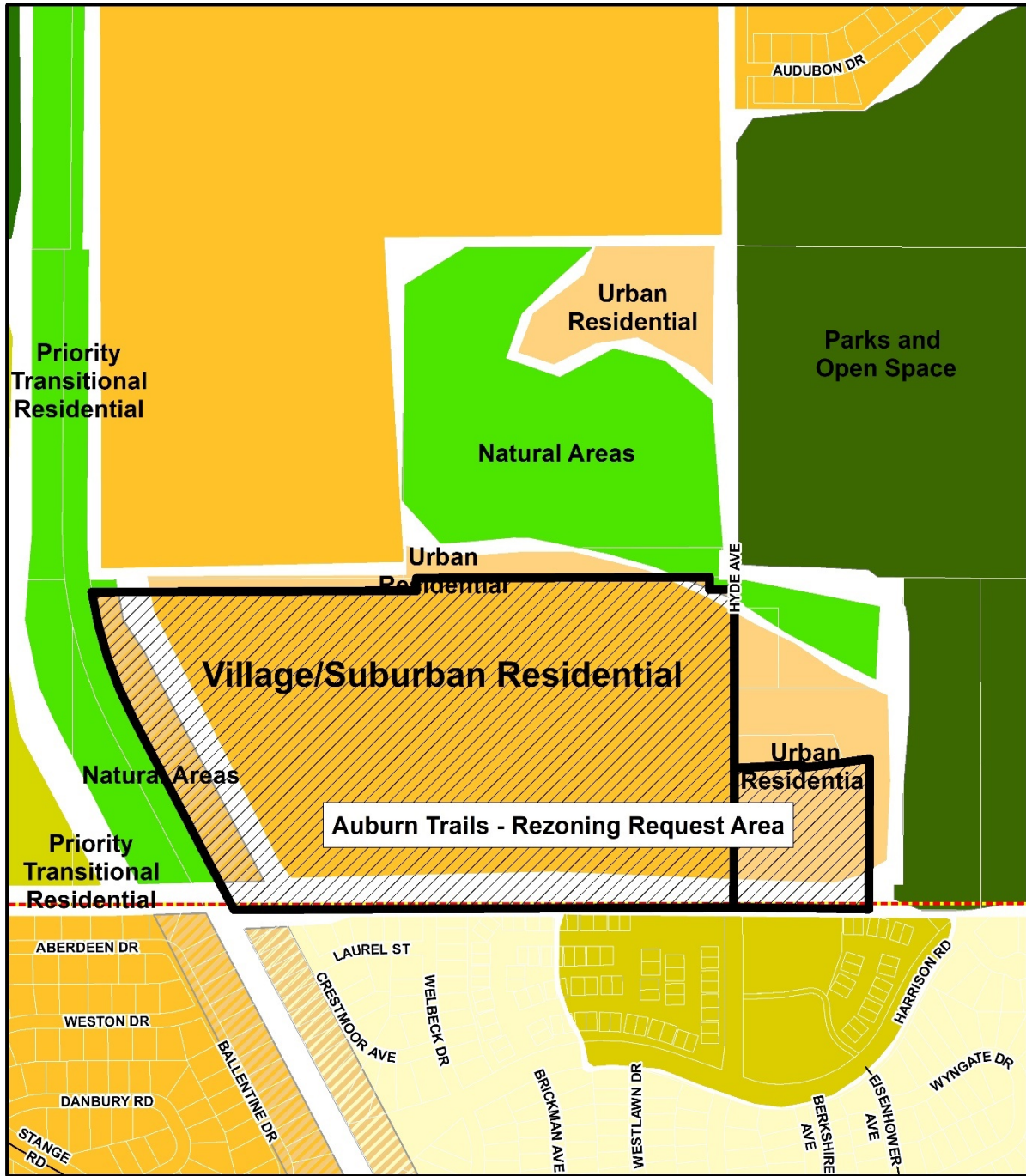
4514 & 4605 Hyde Ave Rezoning Request LOCATION MAP

Prepared by City of Ames, Planning Division, May 2021



Attachment B

LUPP Future Land Use Map



4514 & 4605 Hyde Ave Rezoning Request

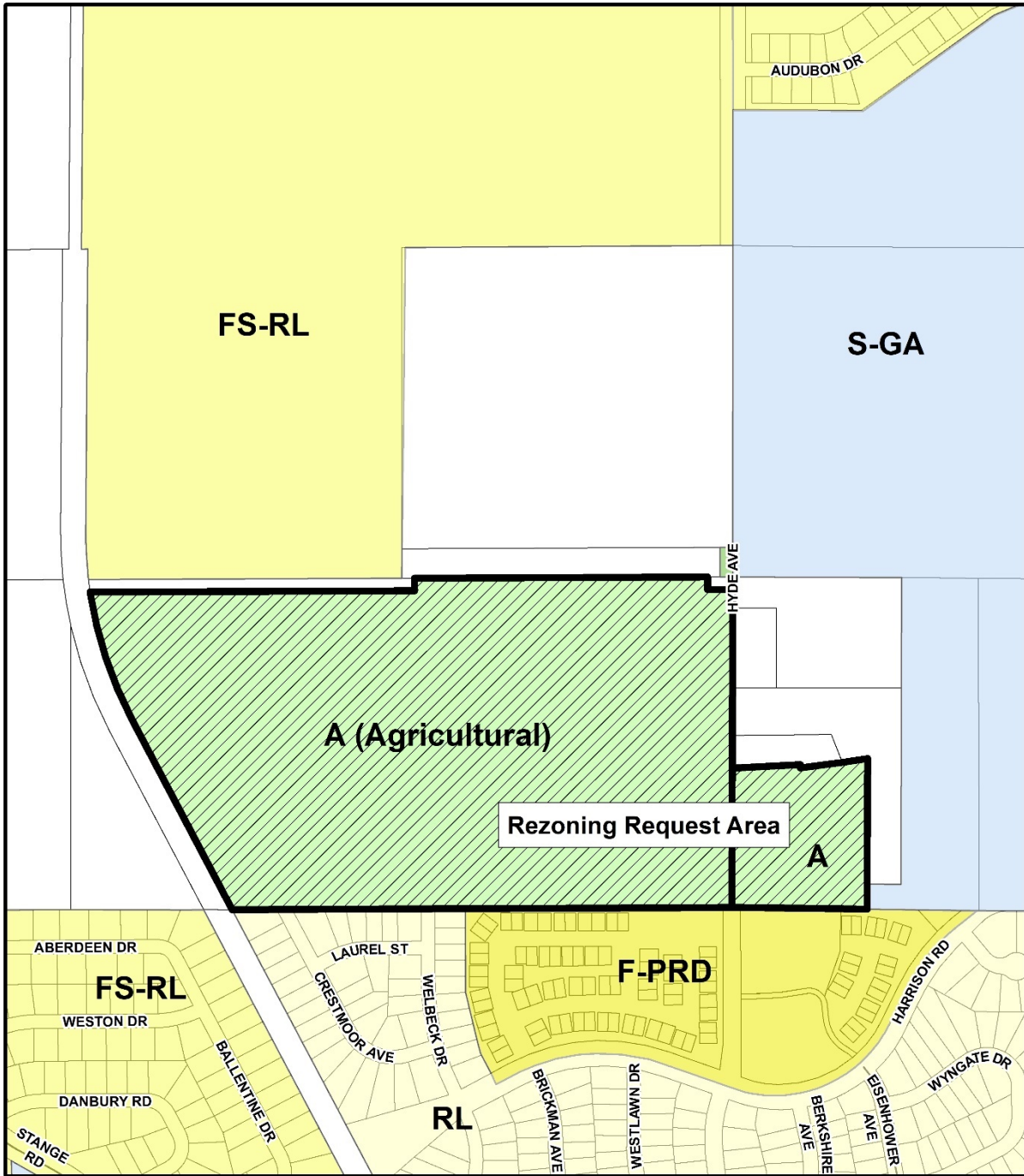
LUPP (Excerpt)

Prepared by City of Ames, Planning Division, May 2021



Attachment C

Existing Zoning



4514 & 4605 Hyde Ave Rezoning Request

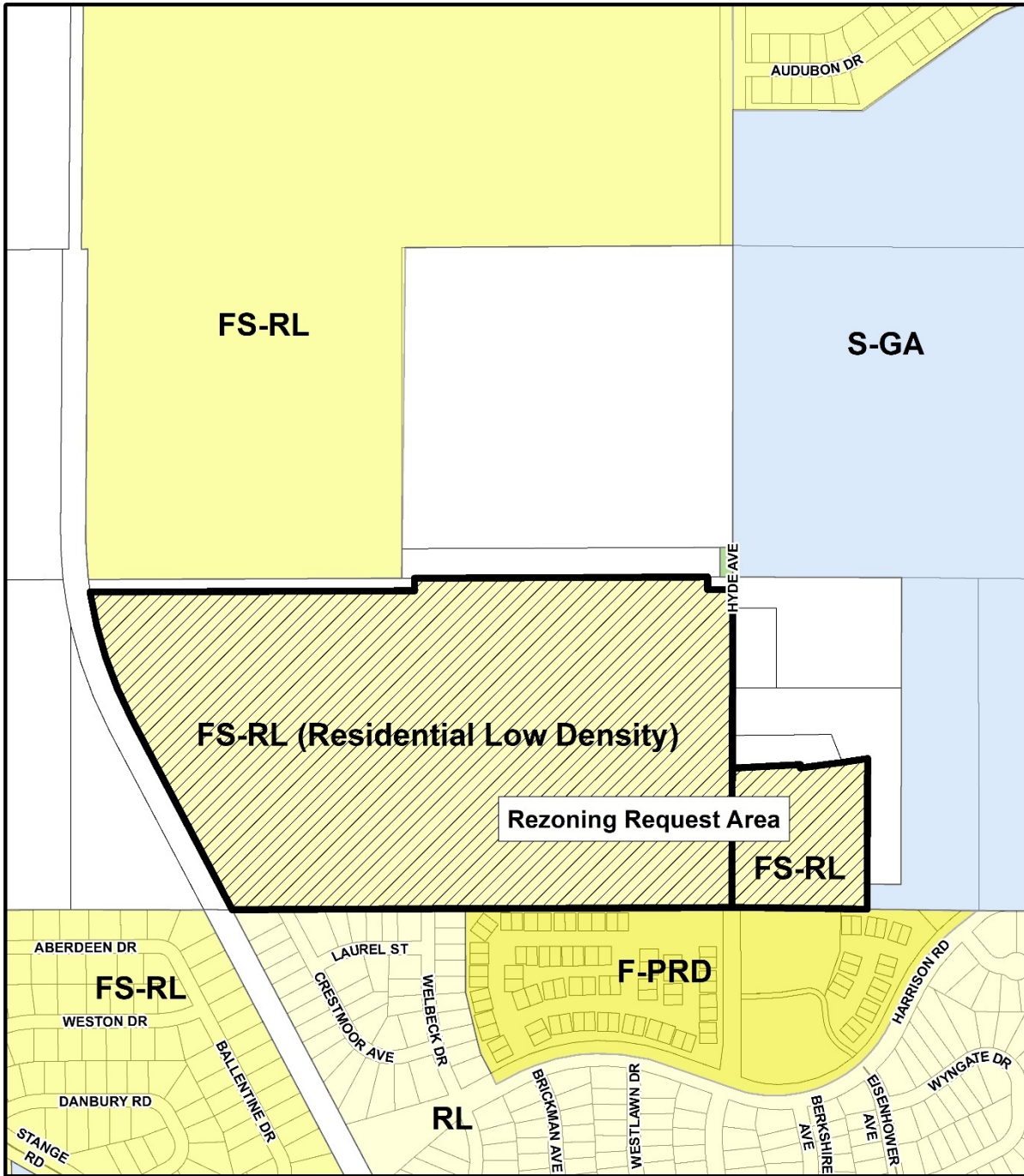
EXISTING ZONING

Prepared by City of Ames, Planning Division, May 2021



Attachment D

Proposed Zoning



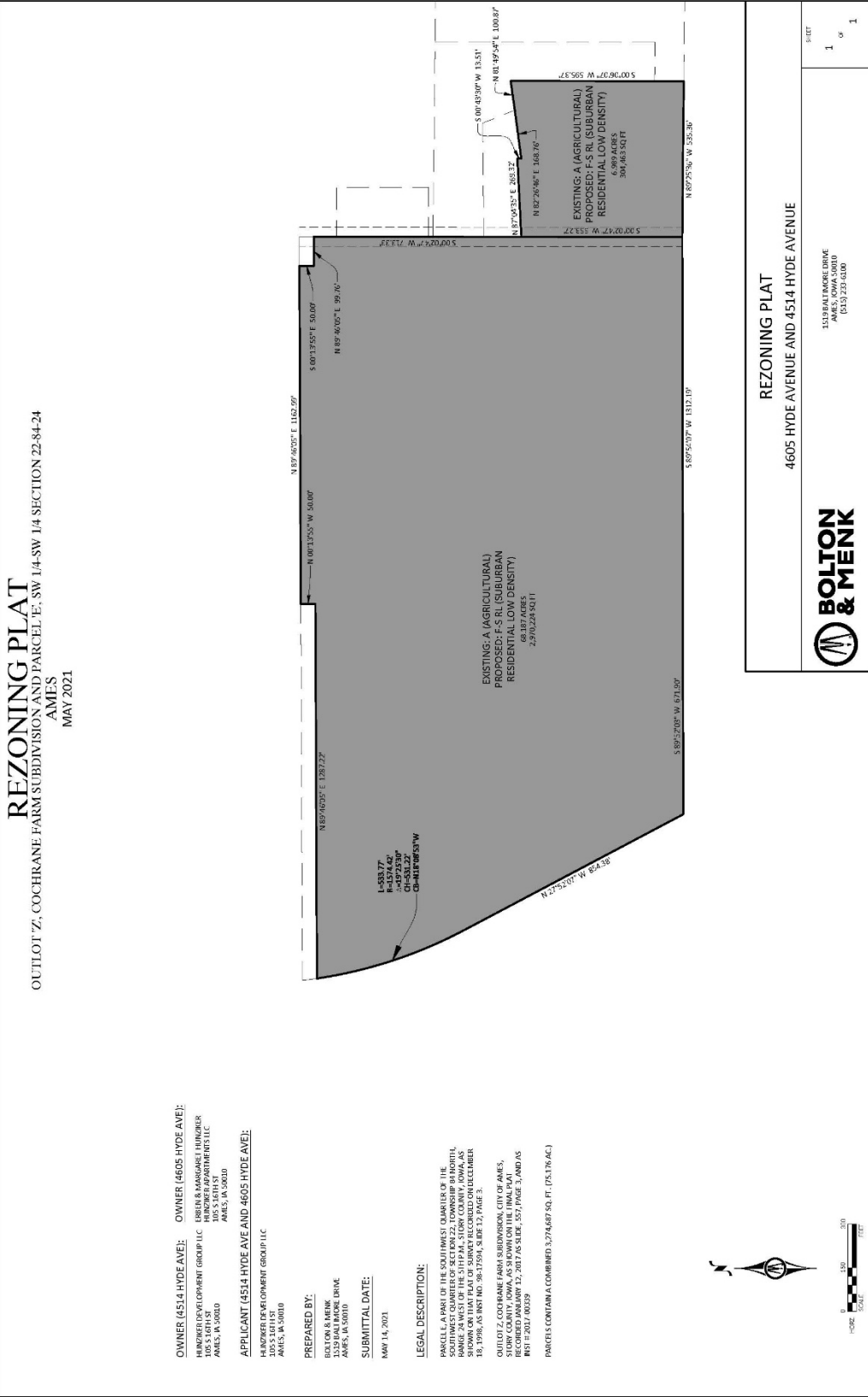
4514 & 4605 Hyde Ave Rezoning Request

PROPOSED ZONING

Prepared by City of Ames, Planning Division, May 2021



Attachment E Rezoning Plat



REZONING PLAT
 OUTLOT Z, COCHRANE FARM SUBDIVISION AND PARCEL T, SW 1/4-SW 1/4 SECTION 22-84-24
 AMES
 MAY 2021

OWNER (4514 HYDE AVE): OWNER (4605 HYDE AVE):
 HUNZNER DEVELOPMENT GROUP LLC ERIK B. MANGRUM & HUNZNER
 105 S. 10TH ST HUNZNER APARTMENTS LLC
 AMES, IA 50002 105 S. 10TH ST
 AMES, IA 50002

APPLICANT (4514 HYDE AVE AND 4605 HYDE AVE):
 HUNZNER DEVELOPMENT GROUP LLC
 105 S. 10TH ST
 AMES, IA 50002

PREPARED BY:

BOLTON & MENK
 1133 BENT PARKER DRIVE
 AMES, IA 50010

SUBMITTAL DATE:

MAY 14, 2021

LEGAL DESCRIPTION:

PARCEL 1, A PART OF THE SOUTHWEST QUARTER OF THE
 SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 94 NORTH,
 RANGE 14 WEST, COUNTY 14 WEST, STATE OF IOWA,
 SHOWING THE PLAT OF SUBDIVISION OF LOTS 18,
 18, 19, 20, AS FIRST NO. 98-17594, SLIDE 12, PAGE 3.

OUTLOT Z, COCHRANE FARM SUBDIVISION, CITY OF AMES,
 STORY COUNTY, IOWA, AS SHOWN ON THE FINAL PLAT
 RECORDED JANUARY 12, 2017 AS SLIDE 157, PAGE 3, AND AS
 REVISED 06/21/2021

PARCEL 5 CONTAIN A COMBINED 3,746,687 SQ. FT. (75.176 AC.)



BOLTON & MENK
 1133 BENT PARKER DRIVE
 AMES, IOWA 50010
 (515) 273-0100

REZONING PLAT
 4605 HYDE AVENUE AND 4514 HYDE AVENUE

SHEET
 1 of 1

Attachment F

Master Plan

Figure 1: Master Plan
June 2021

Auburn Trail
Hunziker Land Development



Attachment G

Applicable Regulations

- Land Use Policy Plan (LUPP) Goals, Policies and the Future Land Use Map:

The Land Use Policy Plan (LUPP) Future Land Use Map identifies the land use designations for the property proposed for rezoning.

- Ames *Municipal Code* Chapter 29, Section 1507, Zoning Text and Map Amendments, includes requirements for owners of land to submit a petition for amendment, a provision to allow the City Council to impose conditions on map amendments, provisions for notice to the public, and time limits for the processing of rezoning proposals.
- Ames *Municipal Code* Chapter 29, Section 1200, Floating Zones, includes a list of uses that are permitted in the Village Residential, Suburban Residential and Planned Residential zoning districts and the zone development standards that apply to properties in those zones.

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

- a. Name of the applicant and the name of the owner of record.
- b. Legal description of the property.
- c. North arrow, graphic scale, and date.
- d. Existing conditions within the proposed zoning boundary and within 200 feet of the proposed zoning boundary: Project boundary; all internal property boundaries; public rights-of-way on and adjacent to the site, utilities; easements; existing structures; topography (contours at two-foot intervals); areas of different vegetation types; designated wetlands; flood plain and floodway boundaries; areas designated by the Ames Land Use Policy Plan as Greenways and Environmentally Sensitive Areas.
- e. Proposed zoning boundary lines.
- f. Outline and size in acres of areas to be protected from impacts of development.
- g. Outline and size in acres of areas proposed of each separate land use and for each residential unit type.
- h. Pattern of arterial streets and trails and off-site transportation connections.
- i. For proposed residential development provide the number of unit type for each area, expressed in a range of the minimum to maximum number to be developed in each area.
- j. For proposed residential development provide a summary table describing all uses of the total site area, including the number of units per net acre for each unit type and each zoning area.

Attachment H

Applicant's Statement

Auburn Trail Subdivision Rezoning

Reasons for Requesting Rezoning

We are requesting the parcel be rezoned from the current Agricultural – A to Suburban Residential – Low Density FS-RL to allow the development of the property as residential.

Consistency of this rezoning plan with the Land Use Policy Plan

The parcel requested for rezoning meets the consistency and goals of the Land Use Policy Plan (LUPP), as FS-RL zoning is an acceptable use for residential subdivisions. The LUPP identifies the parcel as part of the North Allowable Growth Area. We feel that this rezoning meets the following goals of the LUPP:

- 1. Recognizing that additional population and economic growth is likely, it is the goal of Ames to plan for and manage growth within the context of the community's capacity and preferences.** This expansion provides for additional housing to provide for the expanding population. It allows for the utilization of recently upgraded infrastructure to expand the City, making it an ideal location for a residential subdivision. The community also has a preference to locate here, as seen by recent construction.
- 2. In preparing for the target population and employment growth, it is the goal of Ames to assure the adequate provision and availability of developable land. It is the further goal of the community to guide the character, location, and compatibility of growth with the area's natural resources and rural areas.** This request fits the character and compatibility of growth of the surrounding area by expanding on the development of existing residential to provide sufficient land resources.
- 3. It is the goal of Ames to assure that it is an "environmentally-friendly" community and that all goals and objectives are integrated with this common goal. In continuing to serve as a concentrated area for human habitat and economic activity, Ames seeks to be compatible with its ecological systems in creating an environmentally sustainable community.** The development planned for this area is to include buffers, natural areas, and storm water management features based on the City's Conservation Subdivision overlay.
- 4. It is the goal of Ames to create a greater sense of place and connectivity, physically and psychologically, in building a neighborhood and overall community identity and spirit. It is the further goal of the community to assure a more healthy, safe, and attractive environment.** The development is intended to add to the connectivity of the community by having a physical connection to Ada Hayden Park which will allow for healthy and safe recreation and attractive views of the environment.
- 5. It is the goal of Ames to establish a cost-effective and efficient growth pattern for development in new areas and in a limited number of existing areas for intensification. It is a further goal of the community to link the timing of development with the installation of public infrastructure including utilities, multi-modal transportation system, parks and open space.** As noted in item 1, this development will be able to utilize the new infrastructure installed along Grant Avenue for the development for the North Allowable Growth Area.

Attachment H

Applicant's Statement, continued

6. **It is the goal of Ames to increase the supply of housing and to provide a wider range of housing choices.** This development will provide for additional lots for construction which will help with the availability of housing.
7. **It is the goal of Ames to provide greater mobility through more efficient use of personal automobiles and enhanced availability of an integrated system including alternative modes of transportation.** This development will include multiple trails and sidewalk which can both provide alternate modes of transportation. It will also include a direct connection to Ada Hayden.
8. **It is the goal of Ames to enhance the role of Downtown as a community focal point.** This project does not propose uses that would duplicate those offered by the downtown. It would increase population which will provide potential shoppers/customers/users of downtown.
9. **It is the goal of Ames to promote expansion and diversification of the economy in creating a base that is more self-sufficient and that is more sustainable with regard to the environment.** The subdivision provides additional housing for people to allow economic growth.
10. **It is the goal of Ames to maintain and enhance its cultural heritage.** The proposed site does not negatively impact the cultural heritage of Ames.

Current Zoning of the subject property

The property is currently zoned Agricultural – A

Proposed Zoning of the subject Property

The requested zoning is Suburban Residential – Low Density FS-RL

Proposed Use of the Property

The intended use of the property is single family residential housing.

Legal Description of the property proposed for rezoning.

PARCEL E, A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 84 NORTH, RANGE 24 WEST OF THE 5TH P.M., STORY COUNTY, IOWA, AS SHOWN ON THAT PLAT OF SURVEY RECORDED ON DECEMBER 18, 1998, AS INST NO. 98-17594, SLIDE 12, PAGE 3.

OUTLOT Z, COCHRANE FARM SUBDIVISION, CITY OF AMES, STORY COUNTY, IOWA, AS SHOWN ON THE FINAL PLAT RECORDED JANUARY 12, 2017 AS SLIDE, 557, PAGE 3, AND AS INST # 2017-00339

PARCELS CONTAIN A COMBINED 3,274,687 SQ. FT. (75.176 AC.)

Attachment I
Contract Rezoning Agreement
(Separate Attachment)

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

Legal description: See page

Return document to: City Clerk, P.O. Box 811, Ames IA 50010

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

**CONTRACT REZONING AGREEMENT FOR THE PROPOSED AUBURN
TRAIL SUBDIVISION LOCATED AT 4605 & 4514 HYDE AVENUE**

THIS AGREEMENT, made and entered into this _____ day of July 2021, by and between the City of Ames, Iowa, (hereinafter “City”) and two property owners, namely, **Erben Hunziker and Margaret Hunziker Apartments, L.L.C.** and **Hunziker Development Group, LLC**, (collectively, hereinafter “Developers”), and their successors and assigns,

WITNESSETH THAT:

WHEREAS, the Developers are seeking to improve and develop areas located within the corporate boundaries of the City at 4605 Hyde Avenue (Parcel ID No. 05-21-400-005), owned by Erben Hunziker and Margaret Hunziker Apartments, L.L.C., and 4514 Hyde Avenue (Parcel ID No. 05-22-300-375), owned by Hunziker Development Group, LLC, which is legally described as set forth in Exhibit ‘A’ attached hereto; and as depicted generally in Exhibit ‘B’ attached hereto (collectively, the “Site”); and

WHEREAS, the Developers have applied to the City for a rezoning of the Site from the present designation of Agricultural (A) to Suburban Residential Low Density (FS-RL) to develop a residential subdivision to be known as Auburn Trail; and

WHEREAS, the Developer and City desire to ensure reasonable conditions for the development of the site and offsite improvements are agreed to per Iowa Code 414.5; and

WHEREAS, the Developers have submitted to the City a Master Plan for the development of the Site as required by Ames Municipal Code §29.1507 and this Agreement is intended to meet the requirement of a “zoning agreement” to be approved by the City and agreed to by the owners of the real property as set forth by §29.1507(5); and

WHEREAS, the City desires to ensure that the Site will be compatible with infrastructure requirements and future incorporation into the City through an agreement between the Developer and the City with respect to public improvements.

WHEREAS, offsite improvements are necessary for the site to be compatible with infrastructure requirements.

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

I INTENT AND PURPOSE

- A. It is the intent of this Agreement to:
 - 1. Induce the City to rezone the Site.
 - 2. Provide for certain conditions binding upon the Developer that are the conditions necessary to induce the City to rezone the Site.
- B. It is the intent of the parties to conform to the approved Master Plan of Auburn Trail as reflected in the attached Exhibit 'B.'
- C. It is the intent and expectation of the Parties that the Site will be developed in two or more phases, or subdivisions of the Site.
- D. It is the intent of the Parties that neither the City nor the Developers shall be bound by the terms of this Agreement if the City Council does not approve the rezoning of the Site.
- E. The parties reaffirm the terms of the Pre-Annexation Agreement recorded August 20, 2015, as Instrument 2015-08125, as it pertains to the Site.

II AGREEMENT FOR PUBLIC INFRASTRUCTURE

- A. The Site shall be developed consistent with the Master Plan as attached to this agreement and as approved by the City Council. Any Preliminary Plat submitted and every subsequent development action upon the Site shall conform to the approved Master Plan as required by §29.1507(5) of the Code.
- B. The Developer will construct a shared use path along the west side of Hyde Avenue within two years of the date that the first final plat is approved by the City Council. The shared use path shall conform to City specifications. The shared use path shall be a minimum of ten feet in width. The shared use path shall extend north from the terminus of the existing sidewalk south of the Auburn Trail site to the south line of Outlot X, Rose Prairie Final Plat, including the frontage of Outlot B, Cochrane Farm Subdivision, Ames, Story County, Iowa, a distance of approximately 1,400 feet.
- C. As part of Phase Two of the Site development, the Developer will extend public infrastructure from the Site northward in conformance with the master plan approved by the City. The public infrastructure shall extend through Outlot A, Cochrane Farm Subdivision, Ames, Story County, Iowa, and the public infrastructure shall align with the Hayden's Preserve street network north of said Outlot A, in Cochrane Farm Subdivision. City Council may allow for deferral of these

improvements as part of the Final Plat approval.

- D. Developer shall be responsible for preparing improvement plans and plats necessary for right-of-way acquisition within Outlot A of Cochrane Farm Subdivision, as identified in paragraph II(C) above, for review and approval by the City. Developer shall be responsible for obtaining any and all necessary consents, transfers, and acquisition costs of real property dedicated for right-of-way purposes within Outlot A of Cochrane Farm Subdivision.
- E. "Public infrastructure" includes public right-of-way, street, street trees, sidewalks, shared use paths, water mains and lines, and sanitary and storm sewer lines.

III AGREEMENT FOR STREETS

- A. The Developer shall, with respect to all streets as shown on the Site, convey fee title for the street land to the City at no charge or cost to the City, said conveyance to occur at the time of subdivision platting.
- B. The Developer shall establish a street right-of-way developed in accordance with City standards.

IV. GENERAL PROVISIONS

A. Modification. The parties agree that this Agreement may be modified, amended, or supplemented only by written agreement of the parties.

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

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

V.
COVENANT WITH THE LAND

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

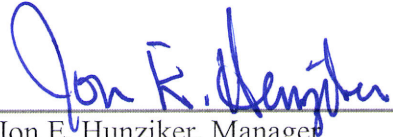
IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed effective as of the date first above written.

[SIGNATURES ON SUCCESSIVE PAGES]

Dated July 8, 2021.

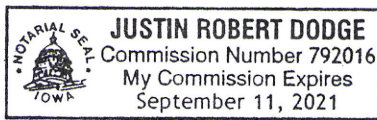
**ERBEN AND MARGARET
HUNZIKER APARTMENTS, L.L.C.**

By: 
Dean E. Hunziker, Manager

By: 
Jon E. Hunziker, Manager

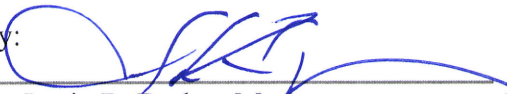
STATE OF IOWA, COUNTY OF STORY, SS.:

This instrument was acknowledged before me on July 8th, 2021, by Dean E. Hunziker and Jon E. Hunziker, as Managers of Erben and Margaret Hunziker Apartments, L.L.C.



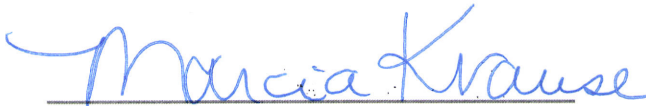

NOTARY PUBLIC

**HUNZIKER DEVELOPMENT
GROUP, LLC**

By: 
Justin R. Dodge, Manager

STATE OF IOWA, COUNTY OF STORY, SS.:

This instrument was acknowledged before me on July 8, 2021, by Justin R. Dodge, as Manager of Hunziker Development Group, LLC.


NOTARY PUBLIC



MARCIA KRAUSE
Commission Number 803010
My Commission Expires



Passed and approved on _____, 2021, by Resolution No. 21-_____
adopted by the City Council of the City of Ames, Iowa.

CITY OF AMES, IOWA

By:

John A. Haila, Mayor

Attest:

Diane R. Voss, City Clerk

STATE OF IOWA, COUNTY OF STORY, SS.:

This instrument was acknowledged before me on _____, 2021, by John A. Haila and Diane R. Voss, as Mayor and City Clerk, respectively, of the City of Ames, Iowa.

NOTARY PUBLIC

Exhibit 'A' – Legal Description

Outlot Z, Cochrane Farm Subdivision, Ames, Story County, Iowa

(approximately 67.23 acres and locally known as 4605 Hyde Avenue, Ames, Iowa)

Parcel E, a part of the Southwest Quarter of the Southwest Quarter of Section 22, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa, as shown on that Plat of Survey recorded on December 19, 1998, as Instrument No. 98-17594, Slide 12, Page 3.

(approximately 6.989 acres and locally known as 4514 Hyde Avenue, Ames, Iowa)

Exhibit 'B' – Depiction of Site – Master Plan



Figure 1: Master Plan
June 2021

Auburn Trail
Hunziker Land Development



LEGEND

LOOKUP	LOU	CONING	MLA EXCLUDING ROW	DWELLING UNITS	DENSITY
	DEVELOPABLE ACRES	P5-RI	74.48 AC	100-111	3.794 / 20
	ATTN: HED/DTM/HED	P5-RI	9.93 AC	50 / 0	5.04 / 05
	OPEN SPACE (DEFINITION AND BUFFERS)	P5-RI	77.58 AC	NA	NA

LOCAL RECORDS SECTION
SACILESS PLAT FOR THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 81 NORTH, RANGE 24 WEST OF THE 5TH P.M., STORY COUNTY, IOWA, AS SHOWN ON THE PLAT OF SURVEY RECORDED ON DECEMBER 18, 1958, AS NOTED 98-17586, SUB P. 1, PAGES 5.
OUTLOT 7, COCHAMANE FARMS SUBDIVISION, CITY OF AMES, STORY COUNTY, IOWA, AS SHOWN ON THE FINAL PLAT RECORDED JANUARY 12, 2017 AS SUEDE 357, PAGE 3, AND AS NOT # 2017-00339.

OPEN SPACE: 22.58 ACRES
LIVING CONING "K" (AGRICULTURAL CORN)
PROPOSED: 75-RI, SUBURBAN RESIDENTIAL, ZONE RESIDENTIAL LOW (ENTIRE SITE)
TOTAL AREA: 74.17 ACRES
OPEN SPACE: 22.58 ACRES
PROPOSED: 50-RI, 2 ACRES
NET AREA: 76.01 ACRES

PREPARED BY
BOLTON & MENK
AMES, IOWA 50010
SUBMIT DATE
JUNE 2021

OWNER
HUNZIKER LAND DEVELOPMENT CO
210 S. 20TH ST
AMES, IOWA 50010
APPLICANT
HUNZIKER LAND DEVELOPMENT CO
210 S. 20TH ST
AMES, IOWA 50010