

COUNCIL ACTION FORM

SUBJECT: REZONE PROPERTY AT 3709 TRIPP STREET AND PROPERTY AT 3803, 3807, 3811, 3815, 3819, 3905, 3911, AND 3917 TRIPP STREET FROM “FS-RM” (SUBURBAN RESIDENTIAL MEDIUM-DENSITY) TO “FS-RM PUD” (PLANNED UNIT DEVELOPMENT OVERLAY) ZONE ON BOTH PROPERTIES.

BACKGROUND:

The property at 3709 Tripp Street and the property at 3803, 3807, 3811, 3815, 3819, 3905, 3911, and 3917 Tripp Street are developed with multi-family structures. The owner has requested the Planned Unit Development (PUD) zoning overlay designation to allow use of the 61-unit Independent Senior Living Facility as an apartment dwelling in the FS-RM zone at 3709 Tripp Street.

The FS-RM zone limits the number of units in an apartment dwelling to no more than twelve units, unless it is for senior living. Approval of the PUD Overlay would replace the senior housing requirements and support providing for affordable housing within a larger building with reduced parking than would typically be permitted.

The PUD Overlay allows for a full range of uses as defined within the base zone of FS-RM, but also allows for design flexibility to meet specific purposes regarding residential development goals as defined within the Overlay standards. The applicant proposes to allow for the 61-unit building to be used for any age group based upon a proposal to provide for affordable housing at incomes level that do not exceed 60% of the household average median income. The affordability requirement would be based upon conformance to Low Income Housing Tax Credit (LIHTC) requirements as the applicant desires to secure tax credits to refurbish the apartments.

The proposed rezoning from FS-RM to FS-RM PUD includes two lots (Lots 1 & 2, South Fork Subdivision, First Addition) with a combined total of 8.27 acres. Lot 1 is addressed as 3709 Tripp Street and includes 3.65 acres. Lot 2 is addressed as 3803, 3807, 3811, 3815, 3819, 3905, 3911, and 3917 Tripp Street and includes 4.62 acres (*See Attachment A: Location Map*). *Note that the two previously approved site plans accompany the rezoning request instead of a Master Plan, since both lots are fully developed with existing multiple-family structures.*

Lots 1 and 2 are developed with multiple-family structures. Lot 1, South Fork Subdivision, First Addition (3709 Tripp Street) includes a three-story 61-unit structure which was approved as an Independent Senior Living Facility, known as Brighton Park, through the granting of a Special Use Permit (SUP) by the Zoning Board of Adjustment (ZBA) on March 6, 2002. A second SUP was granted by the ZBA on September 24, 2003, to allow the

construction of two carport structures over existing parking spaces. Zoning requirements for Independent Senior Living Facilities are notably different from apartment buildings in two aspects: 1) It is allowed to have any building size compared to an apartment building within the minimum and maximum density limits of the zoning district, and 2) It is allowed to have reduced parking of one space per unit compared to one space per bedroom for apartments.

Lot 2, South Fork Subdivision, First Addition (3803, 3807, 3811, 3815, 3819, 3905, 3911, and 3917 Tripp Street) includes seven separate three-story 12-unit apartment buildings and a community building, known as Windsor Pointe. A Major Site Development Plan was approved by the City Council for this development on April 23, 2002.

The applicant for the PUD Overlay, Windsor TWG LP, purchased Lots 1 and 2 in October 2020. Windsor TWG LP was aware at the time of purchase that use of the 61-unit building at 3709 Tripp Street was limited to Independent Senior Living. The applicant claims that this building has been used as rental units by the general population, not exclusively by seniors, for the last fifteen (15) years. **The prior owner indicated to TWG representatives that they intended to operate a senior facility but switched to general population very early in its operation through their LIHTC agreements with the state. The City was not a party to any of the original LIHTC approvals related to the site.**

The rezoning proposed addresses the prior use of the site, but more importantly would allow for continued use of the site without senior housing due to the applicant's proposal to commit to 30 years of affordable housing. The applicant previously requested approval of a use variance that was denied by the Zoning Board of Adjustment on October 13th.

The findings for a PUD Overlay are included within *Attachment G*. The applicant's application materials are included within *Attachment H*. The request accounts for use of the site as household living within apartment dwellings, no mandatory senior living facility, common area and open space, and a parking reduction of 36 parking spaces in relationship to the 36 3-bedroom apartment units. **The PUD overlay allows for a reduction of parking in relationship to three-bedroom units from three parking spaces to two parking spaces. All other parking requirements apply. With the PUD's allowable reduction, the site would meet minimum parking requirements.**

The applicant provided a Market Study with the previous Variance application for this property and the adjacent Windsor Pointe Apartments. The study compares the relative demand for low-income affordable housing to senior housing from the summer of 2021 for senior apartment facilities in Ames. The study concludes the following:

- *Vacancy Rate- "According to the contact at this property, the property is undergoing a change in management. The contact attributed the elevated vacancy rate to management by the previous company, the management transition, and the COVID-19 pandemic. However, the contact stated demand for affordable family housing in the area is high, and the property historically has been occupied at 97 percent or higher.*

- *“The senior (55+) properties in the PMA (Primary Market Area) report an occupancy level of 90.4 percent overall. None of the properties report a waiting list. This indicates there is a higher demand for affordable family/general tenancy housing in the PMA than senior housing.”*
- *“There is a higher demand for affordable family/general tenancy in the PMA (Primary Market Area) than senior housing.”* The study also concludes that: *“There is a larger number of family renter households than seniors in the lowest income cohorts (Income less than \$39,999: family 65.3%; senior 55+ 45.5%). This supports a higher need for low-income housing for families than seniors, which is also demonstrated by the previous affordable in the PMA Occupancy table.”*

Off-street parking requirements for apartment dwellings is 1.5 spaces for each one-bedroom unit and 1.0 space per bedroom for units of two bedrooms, or more. Parking requirements for a PUD may be reduced to a maximum of two parking spaces for each residential unit provided affordable housing is provided for low- and moderate-income households. This means that units with three, or more, bedrooms require only two parking spaces, instead of three, provided the units are reserved for low- and moderate-income households. The total number of parking spaces required and provided for the PUD is 276 due to the use as affordable housing.

The proposed Planned Unit Development (PUD), including Lots 1 and 2, has a total net density of 17.5 dwelling units per net acre. Approximately forty-four percent (44%) of the 8.27 acres (3.64 acres) is common open space and amenities. This includes the landscaped areas, playground, and clubhouse. It does not include the storm water detention pond on the east end of the development. The entire development is located **adjacent to the north side of Tripp Street. No public streets are included in the proposed PUD (See Attachment I – Open Space Graphic).**

The property owner proposes to reserve for a period of 30 years all 145 apartments for individuals or families whose income is sixty percent (60%) or less of the Area Median Income (AMI). This includes twenty-nine (29) one-bedroom, eighty (80) two-bedroom, and thirty-six (36) three-bedroom units. **A contract rezoning agreement would obligate the property owner to provide for affordable housing for 30 years (Draft Contract-Attachment J) in recognition of approval of the PUD Overlay and to provide annual documentation to the City to verify consistency with LIHTC standards for low-income households.**

Planning and Zoning Commission. The Planning and Zoning Commission reviewed the request on November 17, 2021. The Commission reviewed the PUD process, history of the site and senior housing, affordable housing requirements, and needs for different housing types. The Commission voted 6-0 to recommend the City Council approve the request for rezoning from FS-RM to FS-RM PUD conditioned upon approval of a contract rezoning agreement for a 30-year affordable housing commitment and that the owner include a shared parking agreement between the two sites. Staff supports the P&Z recommendation

to account for the perpetual sharing of parking between the two sites based on 36 space parking reduction included within the PUD proposal.

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. Approve on first reading the request for rezoning of Lots 1 and 2, South Fork Subdivision, First Addition located at 3709, 3807, 3811, 3815, 3819, 3905, 3911 and 3917 Tripp Street from FS-RM (Suburban Residential Medium Density) to FS-RM PUD (Suburban Residential Medium Density Planned Unit Development), with a shared parking agreement and a contract rezoning agreement including the following provisions for the PUD:
 - A. 145 units of housing affordable to households making 60% of AMI or less for a minimum of a 30-years
 - B. Reduction of required parking by 36 parking spaces
 - C. No requirement for senior living within the 61-unit residential building

NOTE- the applicant has requested suspending the rules and allowing for all three readings of the ordinance on November 23rd, or to hold a special meeting the following week to complete the rezoning process in order to make a state deadline of applying for LIHTC in December.

Additionally, the applicant would need to agree to the contract rezoning agreement prior to the close of the public hearing on the rezoning.

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 site was previously developed in conformance with zoning standards at the time of their site plan approval. The proposed PUD does not change the configuration of the site but does include a use allowance of the 61-unit building as an apartment building that is not an independent senior living facility and for a 36-space parking reduction based upon the number of three-bedroom apartments. The existing open space on site and amenity space are satisfactory in meeting the PUD Overlay requirements in relation to its use as affordable housing.

The requested change of permitted use from a mix of apartments and independent senior living units to apartment dwellings as affordable housing with a 30-year commitment to affordability is consistent with the market assessment and the City's Consolidated Housing

Plan Goals to expand affordable housing options within the City. Staff does not believe the site will operate in any substantially different manner that would cause concerns for change of use and parking reduction.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, 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-RM PUD” is consistent with that designation. The LUPP designations of this and adjoining properties can be found in *Attachment B – LUPP Future Land Use Map*.

The applicant has provided support materials (*see Attachment G*) 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-RM PUD is supported, Goal No. 6 and Objective 6.A. in the LUPP supports the rezoning, and reads as follows:

Goal No. 6. It is the goal of Ames to increase the supply of housing and to provide a wider range of housing choices.

- Objective 6.A. Ames seeks to increase the overall supply of low and moderate-income housing through the following means: (1) conservation of such units in existing areas that are not designated for redevelopment or intensification; and (2) inclusion of such units in new market-driven housing developments through zoning incentives.

Existing Zoning. The following table shows the existing zoning of the subject properties and the zoning of abutting properties in each direction.

NORTHWEST		NORTH		NORTHEAST	
<i>Jurisdiction:</i>	Ames	<i>Jurisdiction:</i>	Ames	<i>Jurisdiction:</i>	Ames
<i>Existing Zoning:</i>	Highway Oriented Commercial	<i>Existing Zoning:</i>	Highway Oriented Commercial	<i>Existing Zoning:</i>	Highway Oriented Commercial Government/Airport
<i>Overlay District:</i>	None	<i>Overlay District:</i>	None	<i>Overlay District:</i>	None
WEST		SUBJECT PROPERTIES		EAST	
<i>Jurisdiction:</i>	Ames	<i>Jurisdiction:</i>	Ames	<i>Jurisdiction:</i>	Ames
<i>Existing Zoning:</i>	Suburban Residential Low Density	<i>Existing Zoning:</i>	Suburban Residential Medium Density	<i>Existing Zoning:</i>	Low Density Residential Government/Airport
<i>Overlay District:</i>	None	<i>Overlay District:</i>	None	<i>Overlay District:</i>	None
SOUTHWEST		SOUTH		SOUTHEAST	
<i>Jurisdiction:</i>	Ames	<i>Jurisdiction:</i>	Ames	<i>Jurisdiction:</i>	Ames
<i>Existing Zoning:</i>	Suburban Residential Low Density	<i>Existing Zoning:</i>	Suburban Residential Medium Density Suburban Residential Low Density	<i>Existing Zoning:</i>	Low Density Residential
<i>Overlay District:</i>	None	<i>Overlay District:</i>	None	<i>Overlay District:</i>	None

An excerpt of the Zoning Map can be found in *Attachment C – Existing Zoning*. The proposed rezoning is reflected in *Attachment D – Proposed Zoning*.

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 Subject Properties	Existing Land Uses
North	Multiple-Family Residential Commercial Trade Retail and Services
East	Franklin Park and Single-Family & Two-Family Dwellings (Rental)
South	Multiple-Family Residential and Single-Family and Two-Family Dwellings (Rental)
West	Single-Family Dwellings (Rental)

Site Plans. The properties proposed for rezoning with a PUD Overlay Zone include two existing platted lots. Each platted lot has an approved site plan. The Minor Site Development Plan for Lot 1 (3709 Tripp Street) was approved as part of a Special Use Permit granted by the Zoning Board of Adjustment on September 21, 2003 (See *Attachment E.*). The Major Site Development Plan was approved by the City Council for Lot 2 (3803, 3807, 3811, 3815, 3819, 3905, 3911, and 3917 Tripp Street) on April 23, 2002.

The approved site plan for Lot 1 (3709 Tripp Street) includes a single 61-unit building originally approved for Independent Senior Living units. There are seventeen (17) one-bedroom units and forty-four (44) two-bedroom units in the 61-unit building. The applicant proposes that these units be used as apartments for low- and moderate- income tenants, instead of exclusively for those who qualify for independent senior living. The occupancy of an independent senior living facility is limited to persons of the age of 55 or greater; or, 'Handicapped' but not including those persons currently illegally using or addicted to a 'controlled substance' as defined in the Controlled Substances Act 21 U.S.C. Section 802(6).

The approved site plan for Lot 2 (3803, 3807, 3811, 3815, 3819, 3905, 3911, and 3917 Tripp Street) includes seven (7) 12-unit apartment buildings and a community building. There are twelve (12) one-bedroom units, thirty-six (36) two-bedroom units, and thirty-six (36) three-bedroom units. The applicant also proposes that these units be used as apartments for low- and moderate-income tenants.

There are 74 existing parking spaces on Lot 1 and 202 existing parking spaces on Lot 2, for a total of 276 parking spaces in the proposed PUD. One-bedroom units require 1.5 parking spaces per unit. Units with two bedrooms, or greater, requires 2.0 parking spaces per unit. There are 29 exiting one-bedroom units which requires 43.5, rounded to 44 parking spaces, 80 two-bedroom units and 36 three-bedroom units which requires 232 parking spaces. The total number of required parking spaces for the 145 units in the PUD is 276, which equals the number of existing parking spaces on the site (Lots 1 and 2).

Infrastructure. The existing 12-unit buildings, 61-unit building, and the community building are all served with municipal water and sanitary sewer. A storm water detention pond is located on the east end of the site to control the rate of storm water runoff. Existing sidewalks, both public and private provide adequate access to all areas of the proposed PUD. No changes are proposed by the property owner to the existing infrastructure.

Streets and Access The proposed PUD site abuts the north side of Tripp Street. The site also abuts the City's recently constructed bike path along the north edge of the property. All existing off-street parking areas are accessed from driveways that connect to Tripp Street. Public sidewalk has been constructed in the public right-of-way along the north side of Tripp Street. Private sidewalks on the site connect to the public sidewalk along Tripp Street. Public parking is permitted only on the north side of Tripp Street.

Open Space. A minimum of ten percent (10%) of the gross area shall be devoted to common open space. The intended purpose of the proposed open space must be set forth in the plan. The land provided for common open space must be improved for its intended purpose, and readily accessible to residents. Provide for the ownership and maintenance of the common open space.

Clubhouse, roof deck patios, and similar community amenities may be credited toward the open space requirement.

Development exceeding 50 dwelling units shall provide for usable open space and amenities to serve the residents of the development which may include a combination of common area and private usable yard areas located outside front yard setbacks.

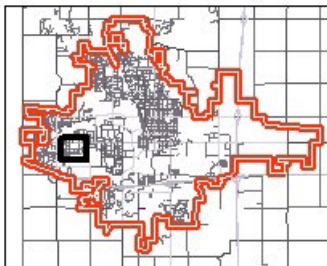
Development of medium and high-density developments may be exempt from providing common open space when recreational amenities, such as clubhouses, pools, or sport courts, are sufficiently provided for as an alternative.

The applicant states that forty-four percent (44%) of the gross area of the site is common open space. This includes all landscaped areas, playground, and clubhouse. It excludes the detention pond.

Community Building. The applicant states that amenities in the Community Building include a community room, business center, clubhouse, fitness room. Elevator, TV lounge, laundry facilities, and on-site maintenance. Residents are the only people to use these amenities and they can be accessed through secure entry.

Attachment A

Location Map



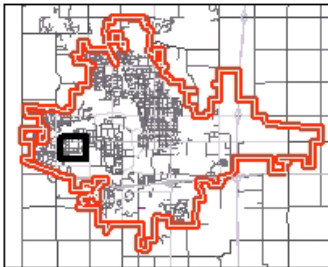
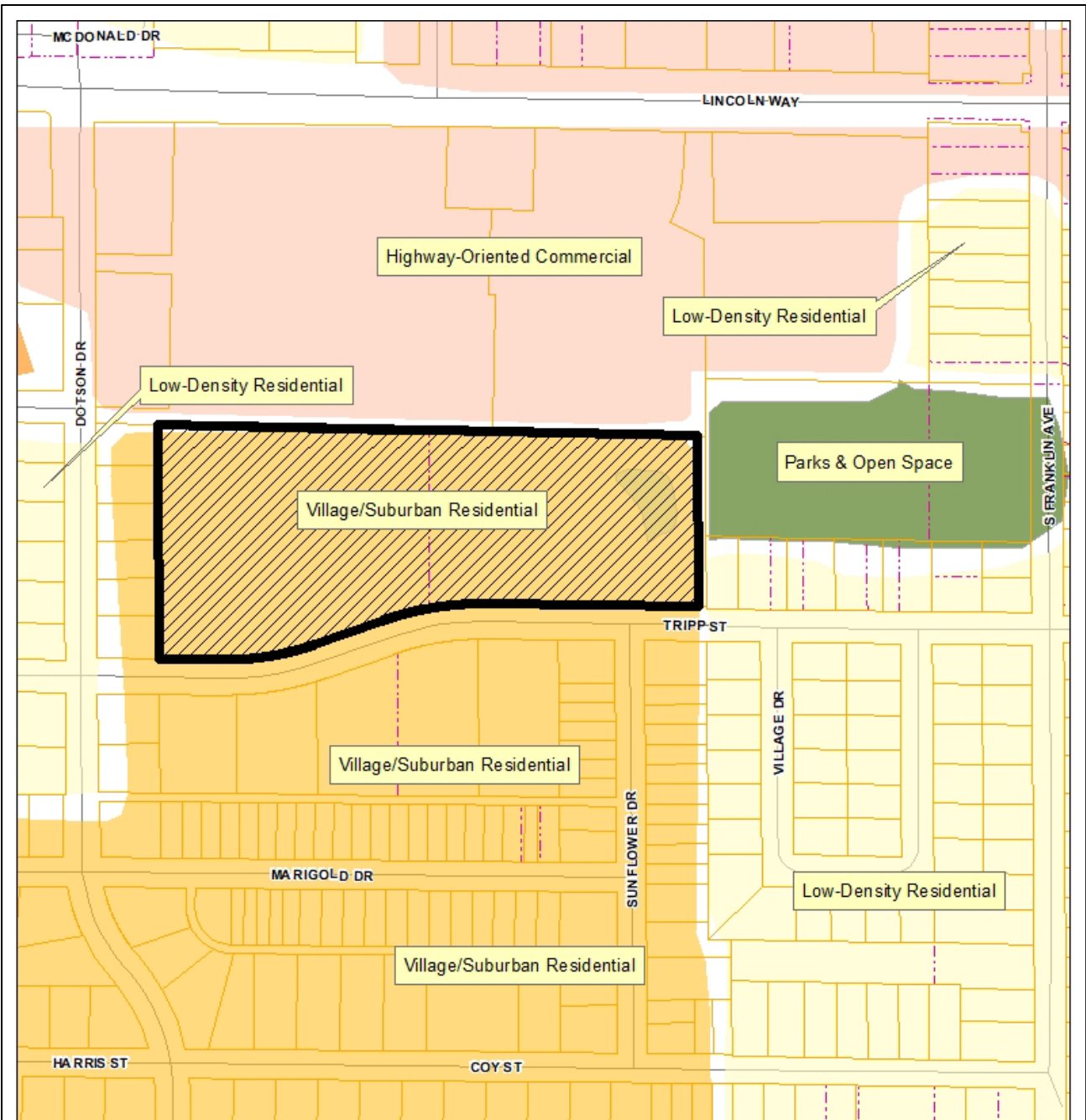
Location Map

3709, 3803, 3807, 3811, 3815, 3819,
3905, 3911, & 3917 Tripp Street



Attachment B

LUPP Future Land Use Map



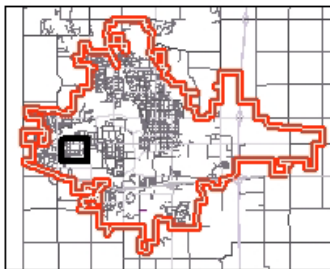
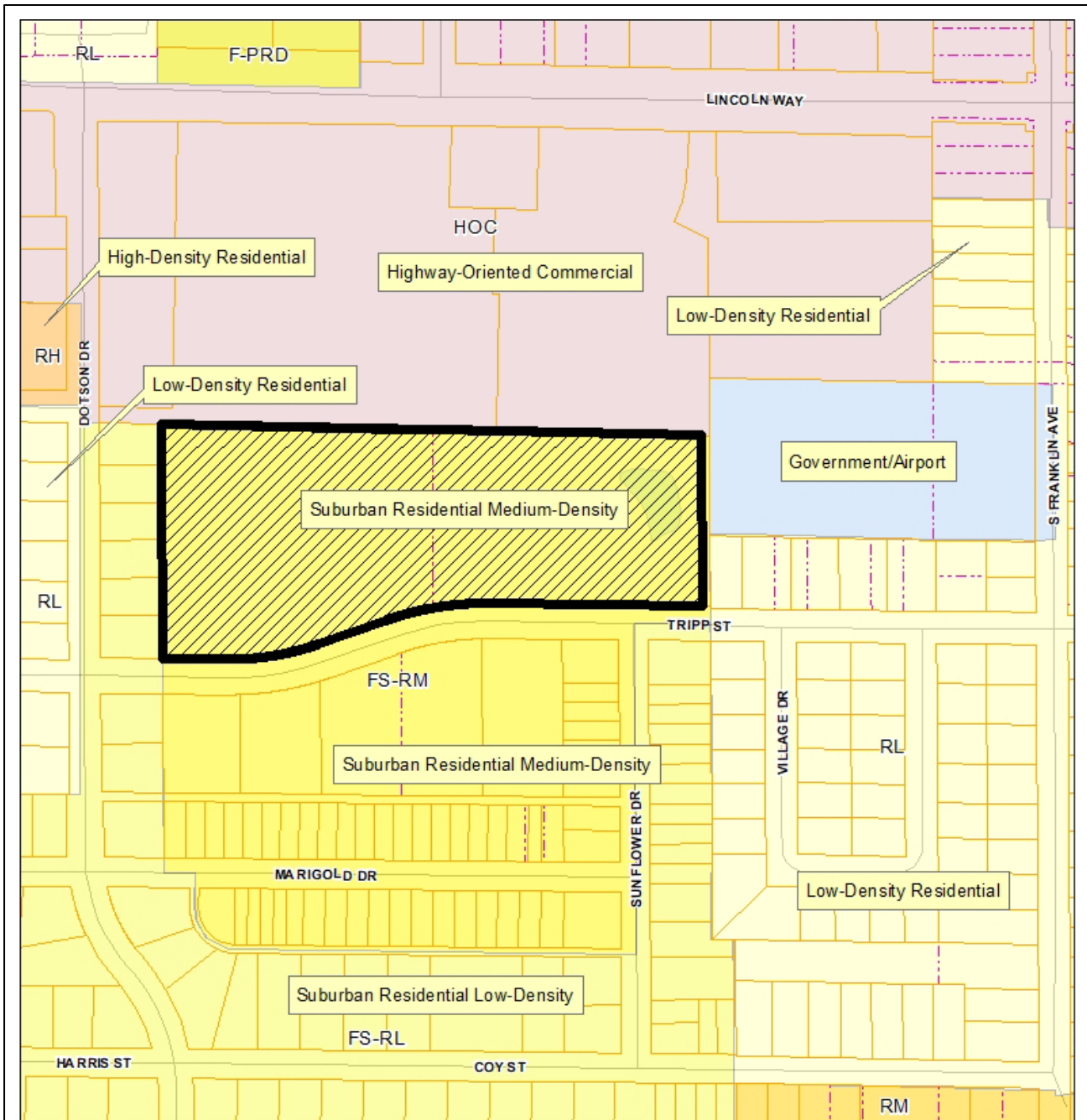
LUPP Future Land Use Map

3709, 3803, 3807, 3811, 3815, 3819,
3905, 3911, & 3917 Tripp Street



Attachment C

Existing Zoning



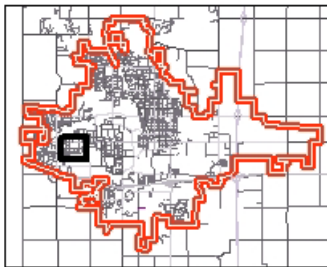
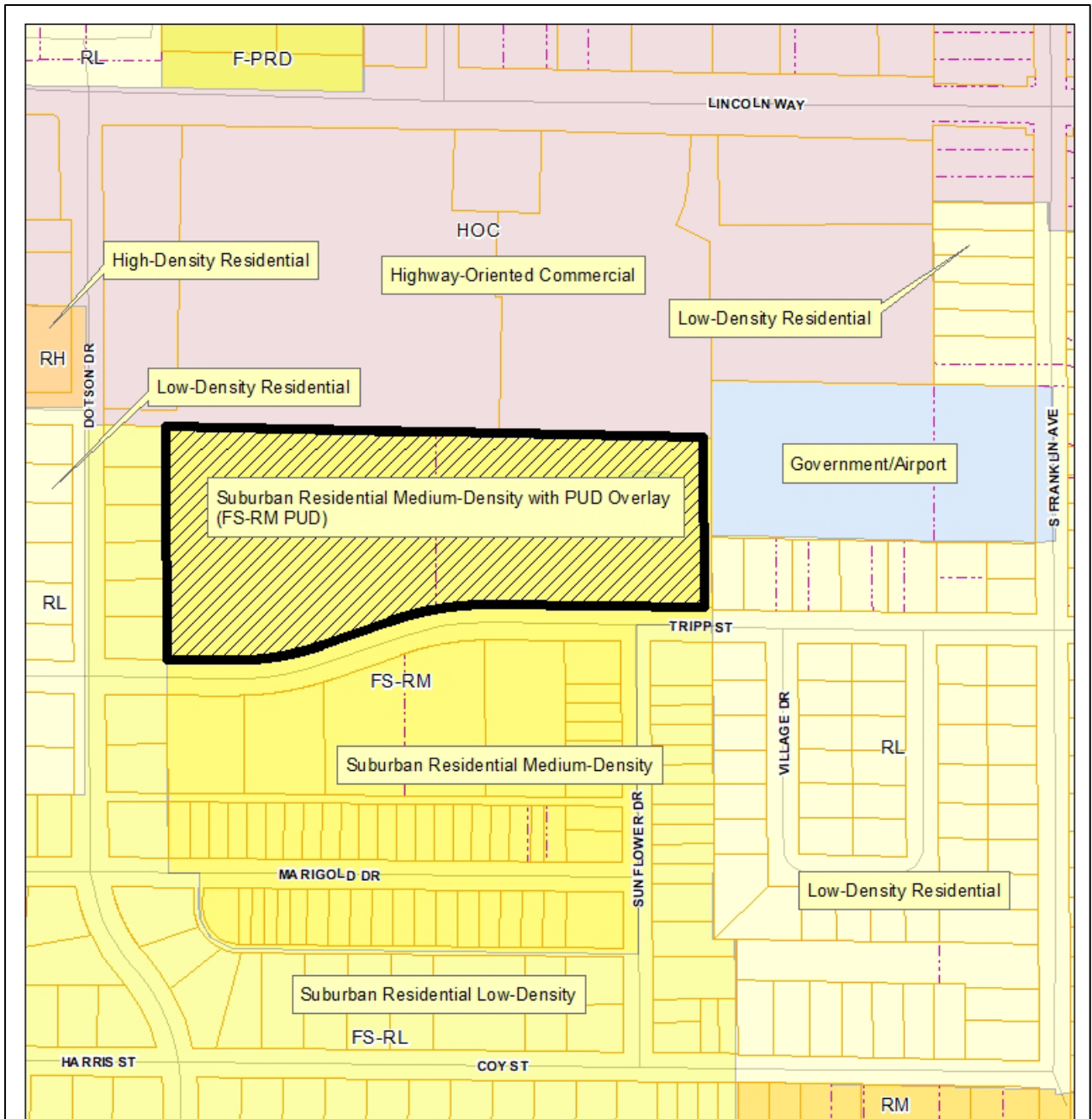
Current Zoning Map

3709, 3803, 3807, 3811, 3815, 3819,
3905, 3911, & 3917 Tripp Street



Attachment D

Proposed Zoning



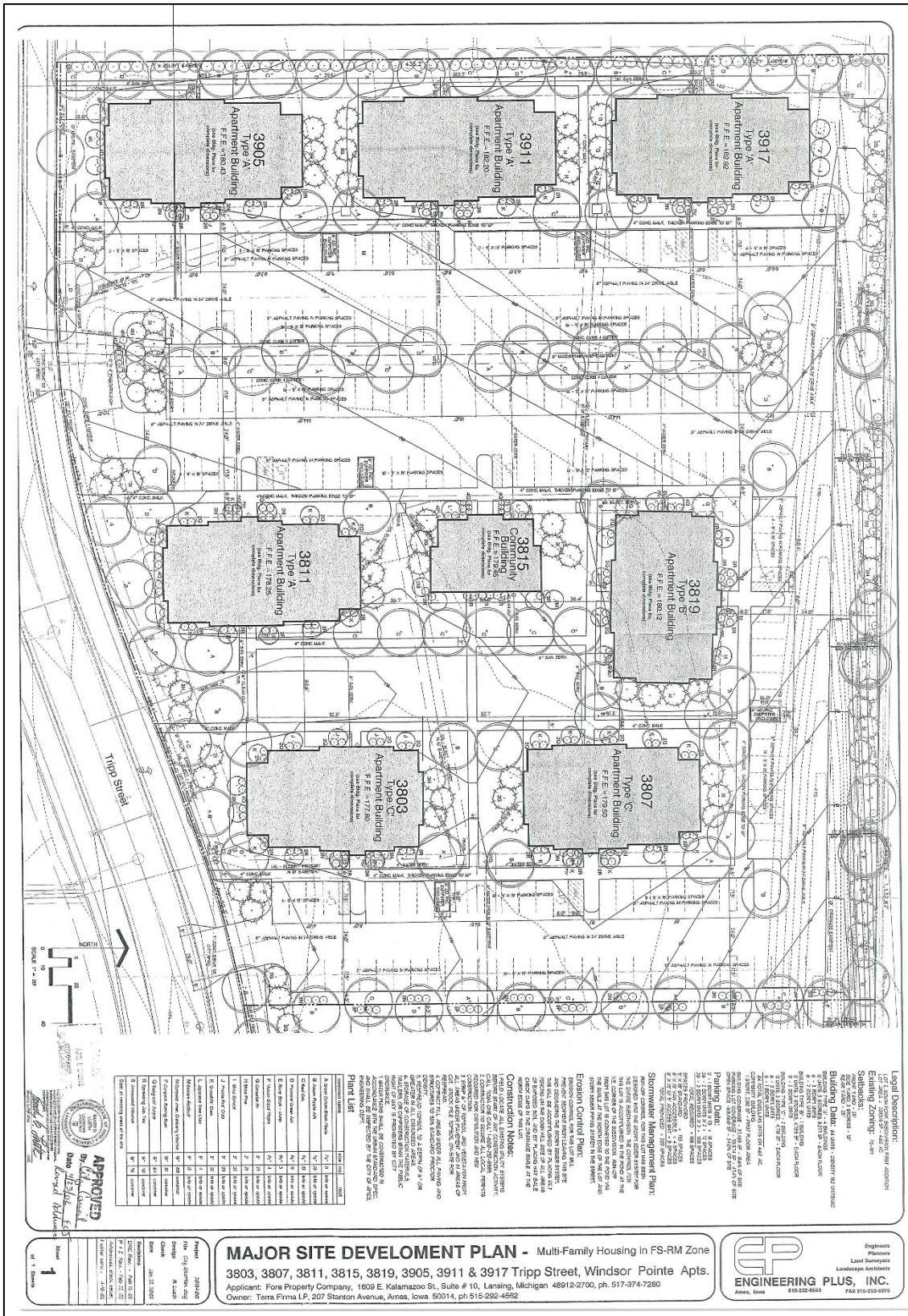
Proposed Zoning Map

3709, 3803, 3807, 3811, 3815, 3819,
3905, 3911, & 3917 Tripp Street



Attachment F

3803, 3807, 3811, 3815, 3819, 3905, 3911, & 3917 Tripp Street Approved Major Site Development Plan (04/23/02)



MAJOR SITE DEVELOPMENT PLAN - Multi-Family Housing in FS-RM Zone
 3803, 3807, 3811, 3815, 3819, 3905, 3911 & 3917 Tripp Street, Windsor Pointe Apts.
 Applicant: Fore Property Company, 1609 E Kalamazoo St., Suite # 10, Lansing, Michigan 48912-2700, ph. 517-374-7280
 Owner: Terre Firma L.P., 237 Stanton Avenue, Ames, Iowa 50014, ph. 515-292-4592



APPROVED
 By: [Signature]
 Date: 04/23/02

Attachment G

Applicable Regulations

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.

Sec. 29.1114 “PUD” PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (1)
Purpose.

(1) Purpose. The Planned Unit Development (PUD) Overlay zone is intended to allow flexibility in Zoning District and General Standards where design flexibility helps further the goals of the Comprehensive Plan and is compatible with its surroundings. The PUD zone is intended to:

- (a) Provide for innovative and imaginative development through flexibility in the design, placement of buildings, clustering of housing types, use of open space, and related site and architectural design considerations.
- (b) Increase the stock of diverse housing types for a variety of income levels.
- (c) Promote efficient land use and infrastructure construction, while maintaining high-quality living environments for privacy, architectural interest, streetscape, walkability, and open spaces for private and common use.
- (d) Provide for a variety of private and common open space areas corresponding to smaller lot sizes along with additional amenities for larger developments.
- (e) Encourage and preserve opportunities for energy efficient development; and
- (f) Encourage context-sensitive infill development.

(3) Establishment. The PUD Overlay zone applies to all lands that are zoned PUD on the Zoning Map. A Zoning Map Amendment may be approved provided the City Council makes the following findings:

- (a) The Zoning District and Overlay are consistent with the comprehensive plan.
- (b) The property on which the PUD is requested has a residential zoning of RL, RM, UCRM, RH, FS-RL, FS-RM, S-SMD, or is concurrently proposed to be changed to one of these Zoning Districts.
- (c) The existing and proposed infrastructure is sufficient in design and capacity to support the project with water, sanitary sewer, storm drainage, streets, and other transportation related facilities.
- (d) The PUD Master Plan includes interconnected pedestrian and bicycle circulation routes to the surrounding areas and within the development.
- (e) The proposed PUD Master Plan is consistent with the requirements of this ordinance and all deviations, exceptions, and limitations stated on the Master Plan are clear, identifiable, and necessary in support of the design concept and the purpose statements of the overlay.
- (f) The proposed PUD Master Plan is in harmony with the purpose of the overlay.
- (g) Findings for approval of a Master Plan with a PUD Overlay rezoning may be deferred when the City Council initiates a property rezoning.

Attachment H

Applicant's Statement

Reasons for Requesting a PUD

We are requesting to rezone both Lot 1 and Lot 2 or the South Fork Subdivision, First Addition, from FS-RM (Suburban Residential Medium Density) into the proposed zoning classification of FS-RM (Suburban Residential Medium Density) PUD Overlay. The existing infrastructure is sufficient in design and capacity to support the project with water, sanitary, sewer, storm drainage, streets, and other transportation related facilities. Through this application, you will see that the Findings included in Sec. 29.1114(3) are met.

TWG Development purchased Windsor Pointe from Fore Windsor Point, LP in October 2020. We have applied for Low Income Housing Tax Credits from Iowa Finance Authority in July 2021 to do a substantial rehab on the property and keep it an affordable housing project. This address falls out of a QCT in 2022, making the project unfeasible.

We are hoping to remove the Independent Senior Living overlay on the Brighton Park building to allow for the general population that has been living in the apartments for the last 15 years. We do not want to displace potentially 61 households. The subject property has been operating as a multi-family apartment building for at least the last 15 years. There has been no zoning violations or complaints regarding this land use.

Consistency with the Land Use Policy Plan

The future land use designation in the City's Land Use Policy Plan is Village/Suburban Residential. The Suburban Residential land use category supports residential uses with a net density of more than 5.0 dwelling units per acre. The subject property has a net density of more than 5.0 dwelling units per acre.

The future land use designation in the City's Land Use Policy Plan is Village/Suburban Residential. The Suburban Residential land use category supports residential uses with a net density of more than 5.0 dwelling units per acre. The number of units and type of housing provided is not proposed to change from how the site has operated for the last 15 years.

Proposed Use

The proposed use is to have the project continue operating as Multi-Family Affordable Housing for the general population. The subject property has been running as a multi-family apartments for over 15 years.

Attachment H

Applicant's Statement (continued)

Area Requirement - Total number of acres in proposed PUD

Approx. 8.3 acres

Density - Identify net density

17.5 units/acre

Minimum Lot Area/ Width/ Frontage

Per Ray - N/A to this existing development

Minimum Principal & Accessory Building Setbacks and Lot Coverage

Per Ray - N/A no changes are proposed

Street Trees and Minimum Landscaped Area - Landscaping shall comply with the approved site plans. Any missing landscaping must be replaced.

29 (1/35')

Maximum Height-Principal Building

Per Ray - N/A to this existing development

Parking Requirements - Explain how the proposed PUD satisfies resident parking requirements and how visitor parking is accommodated.

The proposed zoning classification of FS-RM (Suburban Residential Medium Density) PUD Overlay, satisfies the parking requirements for the residents and visitors. There has been no zoning violations or complaints regarding this land use. With the affordable housing parking standards, the whole property will have enough parking for both residents and visitors. We have 276 parking spaces. With Ames' new Affordable Housing Parking Standards, we need 276 parking spots. Please see Common Space and Landscaping Plans.

Lot 1 has 202

Lot 2 has 74

Street/Infrastructure Improvements

Attachment H

Applicant's Statement (continued)

Per Ray - N/A to this existing development

Common Open Space and Amenities - Describe the open space amenities provided and how residents will be able to access them. Include the percentage of the site that is open space. Identify what you are counting as open space on a copy of the approved site plan.

44% Common Open Space. This includes all softscaped areas, playground, and clubhouse. Excludes detention pond. Please see Common Space and Landscaping Plans.

Block Design

Per Ray - N/A to this existing development

Compatibility Standards & Other Conditions

Garages and Driveways

Per Ray - N/A to this existing development

Entrances

Per Ray - N/A no changes are proposed

Massing

Per Ray - N/A to this existing development

Use - Identify the types of principal and accessory uses that will be included in this PUD project, the number of each type of structure, and the number of dwelling units in each structure. Requirements of the Outdoor Lighting Ordinance would apply.

On this 8.3 acres on land, we have eight (8) three-story garden style apartment buildings and one (1) clubhouse/leasing office. Seven of the eight of those buildings feature 12 units. One of the eight buildings is elevator services featuring 61 units and interior amenity space, such as a fitness room and laundry facility. The one clubhouse/leasing office is a single-story building featuring a fitness facility.

Confirmation that sites have been development with approved site plans

Were the parking spaces constructed as shown on the approved site plans?

Yes

Attachment H

Applicant's Statement (continued)

How many accessible parking spaces have been provided on each of the two sites?

Please see Plan and Cost Review Set

Where are the accessible units located?

Please see Plan and Cost Review Set

Are the site features including landscaping, walkways, accessory structures such as carports, and other amenities in place as shown on the approved site plans? If not, what is missing or has been moved?

Please see Plan and Cost Review Set

Are any changes proposed to exterior lighting?

If we are able to get a PUD overlay to be awarded tax credits, we have \$75,000 in our budget to make improvements to our exterior lighting.

What amenities are available in the Community Building for use by tenants of the apartments?

Common Amenities include a community room, business center, clubhouse, fitness room, elevator, TV lounge, laundry facilities, and onsite maintenance. Residents are the only people to use these amenities and they can be accessed through secure entry.

Note any changes that have been made or are proposed for each of the two sites.

No changes have been made. If we are able to get a PUD Overlay then we can be awarded tax credits. We will then do a like for like substantial rehab that will be around \$35,000/unit. This includes site improvements, roofing, siding, doors, windows, LVT flooring, paint, signage, energy efficient appliances, kitchen cabinets and countertops, bathroom vanities, energy efficient HVAC and mechanicals, and accessible.

Number of Units and Bedrooms

Include a table that shows the total number units with one bedroom, two bedrooms, and three bedrooms

UNIT MIX	145 Total
1 br	29
2 br	80
3 br	36

Show calculations for the minimum number of parking spaces required for the units in the proposed PUD, based on 1.5 parking spaces for each one-bedroom unit, 2 parking spaces for each two-bedroom unit, and 2 parking spaces for each three-bedroom unit.

UNIT MIX	145 TOTAL	276 PARKING TOTAL
1 br	29	29*1.5=43.5

Attachment H

Applicant's Statement (continued)

2 br	80	$80*2=160$
3 br	36	$36*2=72$

In the table, include the number of existing parking spaces on each lot.

LOT 1	202
LOT 2	74

Has the bedroom mix changed from what was originally approved, as shown on each approved site plan?

The bedroom mix has not changed from what was originally approved. We have 145 units, 29 one-bedroom, 80 two-bedroom, and 36 three-bedroom.

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 5, Attachment "A."
Return document to: City Clerk, 515 Clark Avenue, Ames IA 50010
Document prepared by: Mark O. Lambert, City of Ames Legal Department, 515 Clark Ave., Ames, IA 50010 – 515-239-5146

**CONTRACT REZONING AGREEMENT PERTAINING TO THE
LAND AT 3709, 3803, 3807, 3811, 3815, 3819, 3905, 3911, 3917 TRIP STREET.**

THIS AGREEMENT, made and entered into this ____ day of _____, 202__, by and between the City of Ames, Iowa (hereinafter called "City") and Fore Windsor Pointe Apartments Limited Partnership, and Iowa limited partnership (hereinafter called "Developer"), its successors and assigns.

WITNESSETH THAT:

WHEREAS, the Developer owns real property of Lot 1 and Lot 2 of the South Fork Subdivision First Addition, which consists of apartment buildings and condominiums in Ames Iowa, including the addresses of 3709, 3803, 3807, 3811, 3815, 3819, 3905, 3911, and 3917 Tripp Street, as described in Attachment "A"; and,

WHEREAS, the property was previously developed under Floating Suburban Residential Medium density (FS-RM) zoning with a Major Site Development Plan and a Special Use Permit for household living within apartment dwellings and for part of the site to have an independent senior living facility and the Developer wishes to have the property zoned for use of the entire site as household living within apartment dwellings for low-income housing; and

WHEREAS, the City is willing to rezone the property to through a Planned Unit Development overlay based upon the standards and principles of the Ames Zoning Ordinance, subject to certain conditions; and,

WHEREAS, as contemplated by Iowa Code section 414.5, the City desires to impose certain additional conditions on the property owner in addition to existing regulations in connection with granting the Planned Unit Development zoning; and

WHEREAS, both City and the Developer expressly agree that said additional conditions are reasonable and imposed to satisfy public needs which are directly caused by the requested zoning change.

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. Recognize that the Developer is the owner of the real property being rezoned and expressly agrees to the imposition of additional conditions as authorized by Iowa Code section 414.5.
2. Confirm and document that the Parties recognize and acknowledge that a substantial benefit to the public will be realized by imposition of the additional conditions for rezoning.
3. Grant rezoning of the real property from FS-RM to FS-RM/PUD.

II. GENERAL PROVISIONS

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

B. General Applicability of Other Laws and Ordinances. The Developer understands and agrees that all work done by or on its behalf shall be made in compliance with Iowa Code, the Ames Municipal Code, Iowa Statewide Urban Design and Specifications and all other federal, state, and local laws of general application (including the Fair Housing Act as applicable), whether or not such requirements are specifically stated in this agreement. All ordinances, regulations and policies of the City now existing, or as may hereafter be enacted, shall apply to activity or uses on the site.

C. 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.

D. Violations of this agreement. Violations of this agreement by the

Developer may result in the PUD overlay being repealed, and the rezoning of the property at the City's discretion.

E. Signatures on Agreement. Prior to the approval of the third reading of the Ordinance rezoning the property, this rezoning agreement must be signed by the Developer and delivered to the City.

III. SPECIFIC PROVISIONS

A. The PUD overlay rezoning will allow for the use of a 61-unit building as an affordable housing apartment dwelling, and not as a senior living facility.

B. The Developer agrees that 100% of the units will be provided as affordable housing for a minimum of 30 years. "Affordable housing" means for occupancy by households making 60% or less of Area Median Income (AMI) as established by the U.S. Department of Housing & Urban Development, and in conformance with the federal Low Income Housing Tax Credit (LIHTC) requirements.

C. The Developer will provide to the City of Ames Planning and Housing Director annually, no later than April 1st, information necessary to verify operation of the site and qualifying of households within affordable housing consistent with LIHTC requirements for the prior calendar year. In the event the Planning and Housing Director determines that the Developer has not maintained and operated the site for affordable housing for 30 years consistent with LIHTC requirements, it shall be considered a municipal infraction for operating and using the site in a manner that is inconsistent with zoning.

D. The City agrees that it will approve a reduction in required parking by thirty-six (36) parking spaces, consistent with the 36 three-bedroom affordable housing units.

IV. COVENANTS RUN WITH THE LAND

This Agreement shall run with the site and shall be binding upon the Developer, its successors, subsequent purchasers and assigns.

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

[Signatures on next page]

<p>CITY OF AMES, IOWA</p> <p>By _____ John A. Haila, Mayor</p> <p>Attest _____ Diane R. Voss, City Clerk</p> <p>STATE OF IOWA, COUNTY OF STORY, ss:</p> <p>On this _____ day of _____, 2021, before me, a Notary Public in and for the State of Iowa, personally appeared John A. Haila and Diane R. Voss, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Ames, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation by authority of its City Council, as contained in Resolution No. _____ adopted by the City Council on the _____ day of _____, 2021, and that John A. Haila and Diane R Voss acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.</p> <p>_____ Notary Public in and for the State of Iowa</p>	<p>FORE WINDSOR POINTE APARTMENTS LIMITED PARTNERSHIP</p> <p>By _____</p> <p>STATE OF _____, COUNTY OF _____, ss:</p> <p>This instrument was acknowledged before me on this _____ day of _____, 2021, by _____, as Manager, Fore Windsor Pointe Apartments Limited Partnership.</p> <p>BY _____, Notary Public in and for the State of _____.</p>
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Attachment J

ATTACHMENT "A"

DESCRIPTION:

Real property in the City of Ames, County of Story, State of Iowa, described as follows:

UNITS 1 THROUGH 12, 3803 TRIPP STREET BUILDING;
UNITS 1 THROUGH 12, 3807 TRIPP STREET BUILDING;
UNITS 1 THROUGH 12, 3811 TRIPP STREET BUILDING;
UNITS 1 THROUGH 12, 3819 TRIPP STREET BUILDING;
UNITS 1 THROUGH 12, 3905 TRIPP STREET BUILDING;
UNITS 1 THROUGH 12, 3911 TRIPP STREET BUILDING;
UNITS 1 THROUGH 12, 3917 TRIPP STREET BUILDING;
UNITS 101 THROUGH 106, 113, THROUGH 117, 119, 121, 133, 134, 136, 137, 201 THROUGH
207, 211 THROUGH 216, 218, 220 THROUGH 223, 226, 227, 229, 230, 301 THROUGH 307,
311 THROUGH 316, 318, 320 THROUGH 323, 326, 327, 329 AND 330, 3709 TRIPP STREET
BUILDING;

ALL IN TRIPP STREET 3709 & 3815 CONDOMINIUMS, STORY COUNTY, IOWA; BEING
A CONDOMINIUM CREATED UNDER THE HORIZONTAL PROPERTY REGIME UNDER
CHAPTER 499B OF THE IOWA CODE (2003), BY A DECLARATION OF SUBMISSION OF
PROPERTY TO HORIZONTAL PROPERTY REGIME FOR TRIPP STREET 3709 & 3815
CONDOMINIUMS DATED OCTOBER 16, 2003 AND RECORDED DECEMBER 23, 2003 IN
THE OFFICE OF THE COUNTY RECORDER FOR STORY COUNTY, IOWA AS
DOCUMENT NO. 03-25315, AND AS AMENDED OR SUPPLEMENTED, TOGETHER WITH
THE UNDIVIDED INTEREST IN GENERAL AND LIMITED COMMON ELEMENTS
APPURTENANT TO SUCH UNITS AS PROVIDED IN THE AFORESAID DECLARATION.

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 3709, 3803, 3807, 3811, 3815, 3819, 3905, 3911, and 3917 Tripp Street is rezoned from Suburban Residential Medium-Density (FS-RM) to Suburban Residential Medium-Density Planned Unit Development (FS-RM PUD).

Real Estate Description: Lot 1, South Fork Subdivision, First Addition and Lot 2, South Fork Subdivision, First Addition.

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



TWG

DEVELOPMENT | CONSTRUCTION | MANAGEMENT

1301 EAST WASHINGTON STREET, SUITE 100, INDIANAPOLIS, IN 46202 | 317.264.1833 | TWGDEV.COM

11/02/2021

Kelly Diekmann
Planning & Housing Director
City of Ames
515 Clark Avenue
Ames, Iowa 50010

RECEIVED

NOV 03 2021

CITY OF AMES IA
DEPT. OF PLANNING AND HOUSING

RE: Request for Three Readings of Rezoning Ordinance on November 23rd

Dear Mr. Diekmann,

Please consider our request to have three readings of our rezoning ordinance for City Council meeting on November 23rd to have everything completed by the end of the month. Windsor Pointe Apartments is scheduled to be awarded for Low Income Housing Tax Credits this year with approval of zoning from the City of Ames. Unfortunately, if we are unable to get zoning, Windsor Pointe Apartments falls out of a Qualified Census Tract (QCT) in 2022, making this substantial rehab unfeasible. Iowa Finance Authority has requested the month of December to process paperwork if zoning is considered. We hope City Council understands the urgency of our situation and can accommodate the three readings on November 23rd. If we are unable to do three readings on November 23rd, we would like to request a special meeting the following week to complete the three readings. Please let us know which path would be best for City Council. We appreciate your help in getting this scheduled.

Sincerely,

Ryan Kelly
Acquisitions Director