



*Caring People ♦ Quality Programs ♦ Exceptional Service*

# MEMO

**To:** Mayor and City Council

**From:** Kelly Diekmann, Planning & Housing Director

**Date:** May 24, 2022

**Subject:** Rezoning of 802 Delaware Avenue- Zoning Agreement.

On April 26, 2022, the City Council approved on first reading the rezoning of the .75-acre parcel at 802 Delaware Avenue to Residential Medium-Density with a Master Plan. The Master Plan limits the number of units on the site to no more than six, requires at least two separate and distinct buildings, and restricts the design of the units to townhomes.

The City requires that to complete a rezoning with a Master Plan, a Zoning Agreement must be signed to by the property owner prior to the third reading of the rezoning ordinance. **The applicant has delivered to staff the attached signed zoning agreement by the property owner in time for the third reading.**

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

Prepared by: Mark O. Lambert, City of Ames Legal Department, 515 Clark Ave., Ames, IA 50010; 515-239-5146  
Return to: Ames City Clerk, Ames City Hall, 515 Clark Ave., P.O. Box 511, Ames, IA 50010

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**ZONING AGREEMENT FOR ADOPTION OF  
THE MASTER PLAN FOR 802 DELAWARE AVENUE**

**THIS AGREEMENT**, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between the City of Ames, Iowa (hereinafter called "City") and Penny Lane Townhomes, LLC, (hereinafter called "Developer"), its successors and assigns, both collectively being referred to as the "Parties,"

**WITNESSETH THAT:**

**WHEREAS**, the Parties hereto desire the improvement and development of real property in the City of Ames, locally known as 802 Delaware Avenue (hereinafter referred to as the "Site") and legally described as:

Parcel 'D' in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  -SE $\frac{1}{4}$ ), of Section 6, Township 83 North, Range 24 West of the 5<sup>th</sup> P.M., as shown in the "Plat of Survey" filed in the office of the Recorder of Story County, Iowa, on the 4<sup>th</sup> day of April 1997, and recorded in Book 14, at Page 183, as Inst. No. 97-03179; and

**WHEREAS**, the Site has an Established Residential Neighborhood 2 (RN2) designation in the Ames Plan 2040 and is zoned currently as "RL" Residential Low-Density and the Developer is seeking rezoning of the Site to Residential Medium-Density (RM) with Master Plan; and

**WHEREAS**, the City Council has determined that due to specific conditions that exist on or around the area proposed to be rezoned, or due to specific situations that require more careful consideration of how the layout and design of a site affects general health, safety and welfare, a Master Plan must be submitted as part of this rezoning request as set forth in Ames Municipal Code section 29.1507;

**WHEREAS**, the Developer has submitted a Master Plan in conformance with the requirements set forth in Ames Municipal Code section 29.1507(4); and

**WHEREAS**, Ames Municipal Code section 29.1507(5) requires approval of a zoning agreement when a Master Plan is required, and that all development of the Site comply with the Master Plan.

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

**I.**

**802 DELAWARE AVENUE MASTER PLAN ADOPTED**

The Master Plan, which is set forth at Attachment A and incorporated by reference in this agreement, shall be the Master Plan for the Site. Developer agrees that all development upon the Site shall be in compliance with the Master Plan on file with the Department. Developer further agrees that:

- (A) No more than six (6) separate and distinct housing units will be developed and built on the Site.
- (B) A minimum of two (2) buildings shall be developed and built upon the Site.
- (C) Townhomes shall be the only allowable housing type upon the Site.

**II.**

**NON-INCLUSION OF OTHER OBLIGATIONS**

The Parties acknowledge and agree that this Agreement is being executed to fulfill a specific requirement of section 29.1507(5) of the Ames Municipal Code. It is also understood that this Agreement supplements but does not replace or supersede any agreements made with the City or third parties. The Parties further acknowledge that all site development standards continue to apply to the Site.

The Parties understand that the Master Plan adopts a general conceptual plan for development, without review or approval of specific subdivision plats or site plans for development of the Site. The Parties therefore acknowledge that the Master Plan adoption does not anticipate or incorporate all the additional approvals or requirements that may be required to properly and completely develop the Site and does not relieve the developer of compliance with other provisions of the Ames Municipal Code, the Iowa Code, SUDAS, or other federal, state or local laws or regulations.

**III.**

**MODIFICATION OF AGREEMENT**

Any modifications or changes to the Master Plan shall be undertaken in accordance with the process provided for in Ames Municipal Code section 29.1507(5).

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

( S i g n a t u r e s   o n   f o l l o w i n g   p a g e )

Dated May 18<sup>th</sup>, 2022.

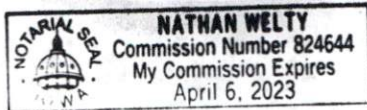
**PENNY LANE TOWNHOMES, LLC**

By: *Rena Sue Hall*  
Rena Sue Hall, Manager/Member

By: *Richard C Hall Jr*  
Richard Clark Hall Jr., Manager/Member

**STATE OF IOWA, COUNTY OF STORY, SS.:**

This instrument was acknowledged before me on May 18<sup>th</sup>, 2022, by Rena Sue Hall and Richard Clark Hall, Jr., both as Managers and Members of Penny Lane Townhomes, LLC.



*Nathan Welty*  
NOTARY PUBLIC

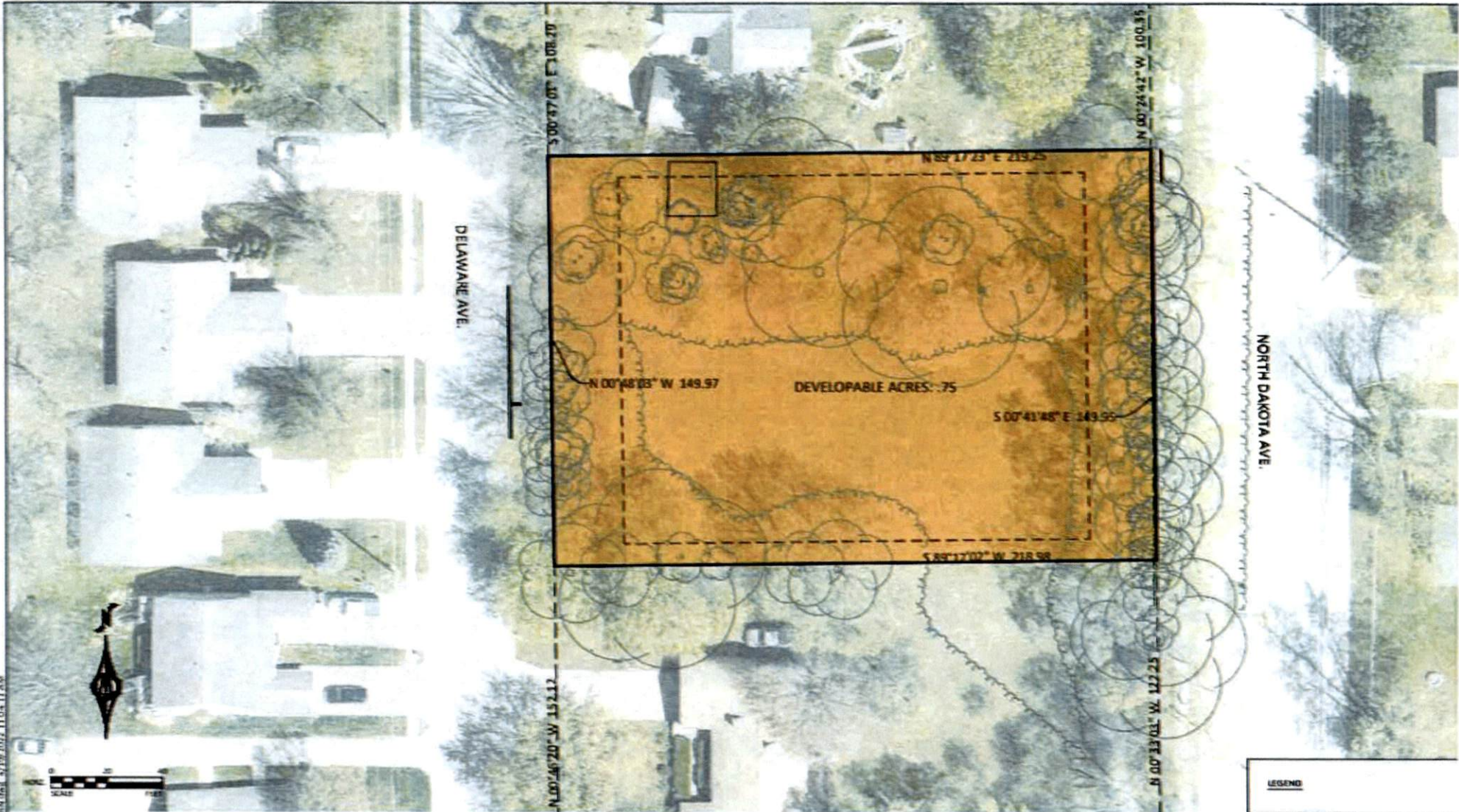
Passed and approved on \_\_\_\_\_, 2022, by Resolution No. 22-\_\_\_\_\_  
adopted by the City Council of the City of Ames, Iowa.

**CITY OF AMES, IOWA**

By: \_\_\_\_\_  
**John A. Haila, Mayor**

Attest: \_\_\_\_\_  
**Diane R. Voss, City Clerk**

NOV0411-04076-A010-0001-0001 - MASTER PLAN.dwg, 4/19/2022, 11:04:11 AM



OWNER  
PENNY GAME TOWNHOMES  
2336 230TH ST STE 304  
AMES, IA, 50014

APPLICANT  
HUNZIKER  
105 S. 16TH ST.  
AMES, IOWA 50010

PREPARED BY  
BOLTON & MENK  
1519 BALTIMORE DRIVE  
AMES, IA 50010

SUBMITTAL DATE  
MARCH, 2022

EXISTING ZONING: "RL" (RESIDENTIAL LOW DENSITY)  
PROPOSED: "RM" (RESIDENTIAL MEDIUM DENSITY)  
(ENTIRE SITE)

TOTAL AREA: .75 ACRES


LEGAL DESCRIPTION

PARCEL "D" PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6,  
TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE 5TH P.M., AMES, STORY COUNTY, IOWA.

GENERAL NOTES

1. THE SITE WILL BE DEVELOPED WITH AT LEAST 2 SEPARATE BUILDINGS.
2. BUILDINGS SHALL BE TOWNHOMES OR APARTMENTS, WITH NO MORE THAN 6 UNITS.

**EXHIBIT A**

LEGEND	
COLOR	USE
	DEVELOPABLE ACRES