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MEMO

To: Mayor and City Council

From: Kelly Diekmann, Planning & Housing Director

Date: June 14, 2022

Subject: Rezoning of 2105 Dayton Avenue – Zoning Agreement

On May 10, 2022, the City Council approved on first reading the rezoning of the 61.44-acre parcel at 2105 Dayton Avenue to General Industrial with a Master Plan. The Master Plan designates 11.57 acres in the northwest corner of the site as open space. This area will not be developed; the remainder of the site will be developed with industrial uses.

The developer intends to subdivide the site into 13 lots. The site is part of a proposal for an industrial subdivision with a development agreement with the City that would utilize tax increment financing (TIF) for installation of infrastructure. **The development agreement related to TIF will occur at a later time with subdivision approval.**

The City requires a rezoning with a Master Plan be accompanied by a Zoning Agreement signed by the property owner prior to the third reading of the rezoning ordinance. **The applicant will deliver to staff the attached Zoning Agreement signed by the property owner in time for the third reading. This agreement should be approved by the City Council before approving the rezoning of third reading.**

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 1.

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

**ZONING AGREEMENT FOR ADOPTION OF
THE MASTER PLAN FOR 2105 & 2421 DAYTON AVENUE**

THIS AGREEMENT, made and entered into this _____ day of June 2022, by and between the City of Ames, Iowa, (hereinafter “City”) and **Dayton Avenue Development, LLC**, (hereinafter “Developer”), an Iowa limited liability company, 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 2105 and 2421 Dayton Avenue (hereinafter referred to as the “Site”) and legally described as:

The Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Thirty-six (36); the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), of Section Thirty-six (36) **except** the North 1 rod and **except** a part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 36-T84N-R24W of the 5th P.M., Story County, Iowa, described as follows: Beginning at a point on the East line, 16.5 feet South of the NE Corner of said NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; thence N88°41’W 925.0 feet, parallel and 16.5 feet distant from the North line of said NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; thence South 275.0 feet, thence S88°41’E 925.0 feet to the East line of said NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; thence North 275.0 feet to the point of beginning; and

WHEREAS, the City approved the annexation of the property on February 22, 2022, by Resolution No. 22-097, which was received and filed by the Iowa Secretary of State on or about April 6, 2022, as required by Iowa Code §368.7; and

WHEREAS, the Site is designated on the Ames Plan 2040 as “Employment,” which has an allowable zoning category of General Industrial, and the Developer is seeking

rezoning of the Site from the current zoning of Agricultural (A) to General Industrial (GI) 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 §29.1507;

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

WHEREAS, Ames Municipal Code §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.

2105 & 2421 DAYTON AVENUE MASTER PLAN ADOPTED

The Master Plan set forth at Attachment A and incorporated by reference in this agreement shall be the Master Plan for 2105 & 2421 Dayton Avenue. 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. The Master Plan designates that portion of the property which is to be developed and that portion of the property that is to remain open and undeveloped.

II.

NON-INCLUSION OF OTHER OBLIGATIONS

The Parties acknowledge and agree that this Agreement is being executed to fulfill a specific requirement of §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 §29.1507(5). The terms of all prior Agreements affecting this Property in which the City is a party, including any pre-annexation agreements, are hereby reaffirmed in their entirety.

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)

DRAFT

DAYTON AVENUE DEVELOPMENT, LLC

By:

Charles E. Winkleblack, Manager

STATE OF IOWA, COUNTY OF STORY, SS.:

This instrument was acknowledged before me on _____, 2022, by Charles E. Winkleblack, as Manager of Dayton Avenue Development, LLC.

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

STATE OF IOWA, COUNTY OF STORY, SS.:

This instrument was acknowledged before me on _____, 2022, by John A. Haila and Diane R. Voss, as Mayor and City Clerk, respectively, of the City of Ames, Iowa.

NOTARY PUBLIC

ATTACHMENT 'A' – MASTER PLAN



Figure 1: Master Plan
March 2022

2105 DAYTON AVE
Hunziker Land Development



| LEGEND | | | |
|--------|------------------------------------|--------|------------------------|
| COLOR | USE | ZONING | NET AREA EXCLUDING ROW |
| | DEVELOPABLE ACRES | CI | 61.44 AC |
| | OPEN SPACE (RETENTION AND BUTTERS) | A | 11.57 AC |

EXISTING ZONING: CI (AGRICULTURAL ZONE)
PROPOSED ZONING: CI (COMMERCIAL INDUSTRIAL)

PREPARED BY:
DAYTON AVENUE DEVELOPMENT LLC
1519 BALTIMORE DRIVE
AMES, IA 50010
SUBMITTAL DATE:
MARCH 7, 2022

OWNER:
DAYTON AVENUE DEVELOPMENT LLC
AMES, IOWA 50010
ARCHITECT:
HUNZIKER, INC.
AMES, IOWA 50010

TOTAL AREA: 72.99 ACRES
DEVELOPABLE ACRES: 61.44 AC
OPEN SPACE: 11.57 ACRES
(RETENTION AND BUTTERS)