

COUNCIL ACTION FORM

SUBJECT: REZONE PROPERTY AT 798 NORTH 500TH AVENUE FROM “A” (AGRICULTURAL) TO “FS-RL” (FLOATING SUBURBAN RESIDENTIAL LOW-DESNITY) ZONE WITH MASTER PLAN

BACKGROUND:

Hunziker Development Group, the owner of 28.58 acres property located at 798 North 500th Avenue, has applied to rezone the property from “A” (Agricultural) to “FS-RL” (Floating Suburban Residential Low-Density) with a Master Plan. The site is to the north of the existing Sunset Ridge Subdivision (Location Map- Attachment A). The property is located on land annexed in February 2022. The property has been zoned “A” Agricultural since its annexation. (See Attachment A)

The property is located in the RN3 Land Use Designation, which is designated for areas where the City is currently expanding or anticipated to expand. The proposed FS-RL zoning district is intended for new areas within RN3 to accommodate low density development patterns. **The developer proposes to construct between 55-65 new single-family detached homes on 13.27 acres. The net density will be in the range of 4.14-4.90 units per acre, which exceeds the minimum required density of 3.75 units per acre in FS zoned districts.**

The future development is intended to be similar to the existing Sunset Ridge subdivision to the immediate south. Wilder Avenue and Ellston Avenue will extend into this area to provide access south to Lincoln Way. An east-to-west street will bisect the future development to provide additional access to residential lots. The general pattern of open space and storm water detention are shown on the Master Plan and estimated to be approximately 11.3 acres of the entire 28.58 acre property. The estimated amount of open space would greatly exceed the minimum 10% required open space in the FS zone standards. The final arrangement of open space and outlots will be part of the Preliminary Plat review.

A Preliminary Plat and Final Plat must be approved before construction of homes can begin and to determined final lot layouts, utilities, and configurations of open space. The Preliminary and Final Plats will ensure that the requirements of the Master Plan are met.

With Ames Plan 2040, the City evaluated infrastructure needs to serve the westward expansion of the City. City staff evaluated options to extend a sanitary sewer trunk main to the west and believes routing the trunk line through the subject site would be appropriate with this project. This trunk line extension is consistent with Ames Plan 2040 and American Rescue Plan Act (ARPA) funds have been included in the Capital Improvements Plan to complete the installation.

The line will extend from east to west through the site. The sanitary sewer is a 12” trunk main that is required to serve future development compared to a standard 8” inch line. Coordination of the location and construction of the sanitary sewer trunk line needs to occur with the development of this property.

A contract rezoning agreement has been drafted that outlines the terms of the sanitary sewer construction as an “oversizing” cost share agreement. The agreement outlines that the developer shall design the sanitary sewer to city specifications at their cost, pay the City for its proportionate share of construction based upon a standard 8” inch sewer, and the City will bid and construct the project. If the City does not award the contract for construction of the sewer line prior to December 2023—for any reason—the City has no obligation to share in the cost of the installation. If this were to occur, the developer would instead grant the City a 75-foot sewer easement as part of the rezoning agreement to FS-RL. The draft agreement is attached and has been sent to the developer for signatures.

Other utility and infrastructure extensions are readily available to serve the site. Water main is available to the south in the existing Sunset Ridge Subdivision and can be extended into this site. Ames Electric will serve the eastern half of the site with Consumers Energy serving the western half.

The Master Plan identifies four road connection points. Wilder Avenue will extend from the south with a shared use path. Ellston will connect to the south. Two future extensions are shown to the north. No connection to N 500th Avenue is planned.

A small area on the far eastern side of the property is floodplain. All the floodplain area will be contained in proposed greenspace so as to keep developed lots outside of flood prone areas.

A more detailed analysis of Ames 2040 Comprehensive Plan standards, proposed Master Plan and Infrastructure is provided below in the Addendum.

PLANNING & ZONING COMMISSION RECOMMENDATION:

On May 18, the Planning & Zoning Commission voted 6-0 to recommend approval of the rezoning with masterplan, with a condition that a Contract Rezoning agreement be finalized prior to City Council approval. **A letter was received by the Planning & Zoning Commission and a neighbor spoke to the Commission at the meeting regarding storm water flow concerns with the proposed development and the configuration of open space along the common boundary of the site with Sunset Ridge. The Developer, Justin Dodge, answered questions from the neighbor and questions from the Planning & Zoning Commission including questions regarding how stormwater flow is anticipated to be handled.**

ALTERNATIVES:

1. Approve the contract rezoning agreement, and approve on first reading the rezoning of 28.58 acres at 798 500th Avenue from Agricultural “A” to Floating Suburban Residential Low-Density “FS-RL” with a Masterplan.
2. Deny the rezoning of 28.58 acres at 798 500th Avenue from Agricultural “A” to Floating Suburban Residential Low-Density “FS-RL” with a Masterplan and contractual rezoning agreement if the City Council does not believe the proposed rezoning with Master Plan or Contract is consistent with the policies of the Ames Municipal Code, Ames Plan 2040 for rezoning and the RN3 land use designation.
3. Refer this matter back to staff or the applicant for more information.

CITY MANAGER’S RECOMMENDED ACTION:

The request for rezoning is consistent with the adopted Ames Plan 2040 as described in the report. Utilization of infrastructure and City services for this parcel is consistent with what has been anticipated for development in this area. The Master Plan as proposed will restrict the maximum number of units on this property to no more than 65 with all dwellings as single-family detached homes. The Contract Rezoning Agreement outlines the terms of the Sanitary Sewer Trunk line construction between the City and the Developer.

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

ADDENDUM

REZONING BACKGROUND:

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 Primary Land Uses
Subject Property	Undeveloped/Row-crop
North	Undeveloped/Row-crop
East	Wooded floodplain/Single Family Residential further east
South	Single Family Residential
West	Existing farmsteads and Row-crop

Ames Plan 2040

The project area has a RN3 land use designation. The RN3 characteristics are supported further by Ames Plan 2040 Comprehensive Plan Principles related to Growth principles in (G1-6) as well as Neighborhoods and Housing (H3) which are contained below in Attachment E and F and cited by the applicant in their narrative supporting the rezoning in Attachment G. These sections deal further with guiding principles of creating appropriate urban fabric, housing considerations, and maintaining community character.

The sections relating to Land Use Designation, Neighborhood Characteristics, Growth Goals and Development Guidelines are shown below from the RN3 section of the Ames 2040 Comprehensive Plan as a reference. Not all elements allowed in each section pertain to the current proposal but also are not found to conflict with the proposal for this property. A brief analysis of Complete Streets typology is also included. Staff finds that the elements stated in the principles below are met in relation to low density residential development rezoning in the RN3 Land Use Category.

Land Use Designation

The Future Land Use Map designates the land proposed for rezoning as “Residential Neighborhood 3” (RN3). Open Space/Greenway designation applies in part to the site as well. The RN3 designation supports an average density of 5 units per acre as the City develops and expands. This is a goal over a broad area that is designed to encourage of mix of housing types and efficient use of land; however, it does not necessarily apply to each project that is proposed. Various zoning districts are used to implement this designation.

Zoning district include the “FS-RL” Floating Suburban Residential Low-Density zoning district (see Attachment D – Future Land Use Map). RN3 areas will typically have current zoning of FS-RL, FS-RM, F-PRD (Planned Residence District), PUD (Planned Unit Development) or RLP (Manufactured home park).

Attachment E includes the excerpt of Plan 2040 for the RN3 designation that is discussed below. Each land use designation in Plan 2040 describes its context and potential issues to be addressed or guidance for future projects as they occur during the next 20 years. The proposed FS-RL zoning with Master Plan aligns with the RN3 land use designation.

Neighborhood Characteristics

The RN3 designation is oriented around contemporary but diverse development options in planned expansion areas of the City, typically known as FS zoned areas. These areas where originally envisioned in the 1997 Land Use Policy Plan as villages.

Plan 2040 further describes RN3 neighborhoods as being designed with conventional suburban type development patterns involving single-family homes at low or medium density. Curvilinear streets, loop streets with minimal cul-de-sacs will be common street characteristics. Such neighborhoods will commonly be automobile oriented. Transit service is likely limited or non-existent. Neighborhoods will have access to private green space involving internal paths and trails. Stormwater detention features will be incorporated into design. In general, some small commercial nodes will be located within or in nearby areas of RN3.

Growth Goals

The goals of RN3 involve creating a variety of housing types and price points that can be attainably priced and owner occupied. This involves neighborhood design through zoning tools such as the Planned Development of neighborhood cores containing higher density with links to single-family areas and nearby neighborhood services. The use of Complete Streets concepts is expected with elements to include active transportation linkages and providing safe access for all neighborhood cores and activity areas.

Development Guidelines

The neighborhoods in RN3 designated areas will incorporate flexible lot sizes to accommodate diverse housing types with regard for architectural character, environmental and open space factors in design decisions. Generally, higher density residential will be encouraged along avenues, boulevards and mixed-use avenues and other streets with significant bicycle and potential transit routes and within master planned projects. Street, sidewalks and trails will have full connectivity. New developments will require neighborhood and community parks nearby in relation to the City’s open space and parking planning. Typically, developments should be within ½ mile of a park.

Open Space and Parks

A City neighborhood park currently exists approximately 1/4 of a mile to the south of this property in the Sunset Ridge neighborhood. This meets the Land Use goal of the

proposed future neighborhood being within a ½ mile of a city park. Additionally, the Ames 2040 Comprehensive Plan does have a general conceptual plan for acquisition of parking space for a larger community park to the immediate north of this property. With the existing park and planned park to the north, no additional public park land is planned with this development.

The greenway designation at the east edge of the site is shown on the Master Plan as open space.

Complete Streets Typology

The proposed street extensions into this area are classified in the Ames 2040 Plan Complete Streets typology as Neighborhood Streets which are designed to be low traffic with separated walkways and some on-street parking. The technical functional classification is also known as a 'local street'.

One of the uses of these types of streets are intended to be located in new expansion areas with low density zoning such as the density of development being proposed here. One of the connecting streets, Wilder Avenue, is designated as a residential collector street. These street types are designed to be in low density residential areas and connect to local streets as will be the case in this development. The street typology does not in this case affect the rezoning request.

Public Actions

Plan 2040 includes actions to guide City plans for infrastructure. It relies primarily on using the Capital Improvements Program (CIP) to plan for extension of major roads, water and sewer infrastructure while considering development agreements, connection districts and assessments to help facilitate extensions. In this case the need for sanitary sewer trunk line extension is within the CIP. This supports the need for a contract rezoning agreement to address infrastructure extensions as is recommended by staff.

Proposed Zoning

The applicant proposes rezoning from "A" (Agricultural) to "FS-RL" (Floating Suburban Residential Low-Density) with a Master Plan. The properties to the north are outside the city in Story County and currently row cropped as well as existing farmsteads and row crop land along and across North 500th to the west. The property to the east is in floodplain along Clear Creek with some wooded residential lots zoned RL (Residential Low-Density). Properties immediately to the south are zoned "FS-RL" (Floating Suburban Residential Low-Density) in the existing Sunset Ridge Subdivision which contain single-family detached homes.

Master Plan

The Master Plan will govern density with a range of 55-65 units allowed on the site. The net density will be in the range of 4.14 to 4.90 units per net acre. The net acreage of

developable area will be 13.27 acres of the total 28.57 acres. The other 11.3 acres is reserved for stormwater management and Open Space. The future Preliminary Plat and subsequent Final Plat(s) will ensure that the number of units aligns with the Master Plan.

A Master Plan is required in this case based on Section 29.1507(3) that when “*an application is made for amending the zoning map to designate any property as FS-RL, FS-RM, or PUD, the applicant must either prepare a Master Plan or request that the City Council determine whether it will be required.*”

The Master Plan in this case will dictate the general street layout, general buildable area in location and acres and number of units as well as net density. The plan will also guide the layout of utilities to serve the site. The final configurations of lots and open space will be determined during preliminary plat review.

Infrastructure

Impacts on infrastructure and City services for this parcel are consistent with what is already anticipated for residential use of the property. Public utilities such as water and sewer serving this parcel are located immediately south in the Sunset Ridge development and can be easily extended to this site. Electricity is also available to serve the site.

A large 12” Sanitary Sewer trunk main will be required to be installed through the site from east to west to accommodate planned future growth to the north and west of this site. A contract zoning agreement has been finalized with the developer to ensure financing and construction of the main. The main is required for future growth beyond this site and as such must be installed with this subdivision.

Site access will occur from Wilder Avenue and Ellston Avenue to the south from the Sunset Ridge Development. Both streets connect to the existing street network to the south where Wilder Avenue connects to Lincoln Way. An east to west street will bisect the site to serve the remainder of the area. Sidewalks will be provided throughout the site and an existing shared use path to the south in Sunset Ridge will be extended into the neighborhood along Wilder Avenue. All the connections and proposed streets are adequate to serve the anticipated traffic generated by this site.

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

1. The subject property is owned by Hunziker Development Group. The rezoning request and statement of justification is included as *Attachment D*.
2. Ames Municipal Code Section 29.1507(1) allows the property owner to initiate an amendment to the Official Zoning Map.
3. The proposed rezoning is consistent with the designation of “Residential

neighborhood 3 (RN3)” identified on the Ames Plan 2040 Future Land Use Map.

4. Development in the “FS-RL” zoning district requires a Master Plan and subsequent Platting review process to assure that such development and intensity of use assures a safe, functional, efficient, and environmentally sound operation.
5. Impacts on infrastructure and City services for this parcel is consistent with what is already anticipated for the area.

Public Notice. The City provided mailed notice to all property owners within 200 feet of the subject property prior to the City Council meeting in accordance with the notification requirements of Chapter 29.

Attachment A- Location & Current Zoning



798 500th Avenue Current Zoning

Attachment B- Proposed Zoning Designation



798 500th Avenue Proposed Zoning

Attachment C- Proposed Master Plan



LEGEND

COLOR	USE	ZONING	NET AREA EXCLUDING ROW	DWELLING UNITS	DENSITY
	DEVELOPABLE ACRES SINGLE FAMILY DETACHED	F5-RL	13.77 AC	55-65	4.14 - 4.50
	OPEN SPACE DETENTION AND BUFFERS	F5-RL	11.30 AC	NA	NA

LEGAL DESCRIPTION
 PARCEL 7M, A PART OF THE N1/4 OF THE N1/4 OF THE SW 1/4, AND OF THE N1/4 OF THE W1/4 OF THE SE 1/4 OF SECTION 16, TOWNSHIP 88 NORTH, RANGE 24 WEST OF THE 5TH P.M., 20TH COUNTY, IOWA, AS SHOWN ON THE PLAT OF SURVEY RECORDED ON DECEMBER 15, 2003, AS INSTRUMENT NO. 03-24892, SIDE 191, PAGE 1.

EXISTING ZONING: "A" (AGRICULTURAL ZONE)
PROPOSED: "F5-R" (SUBURBAN RESIDENTIAL ZONE RESIDENTIAL LOW DENSITY)

PREPARED BY:
 BUCKEN & BIRK
 1519 BALTIMORE DRIVE
 AMES, IA 50010

APPLICANT:
 HUNZNER
 105 S. 16TH ST.
 AMES, IOWA 50010

SUBMITTAL DATE:
 MARCH, 2022

TOTAL AREA: 28.07 ACRES
DEVELOPABLE ACRES: 13.77 ACRES
PROPOSED ROW: 4.00 ACRES
NET AREA: 13.77 ACRES

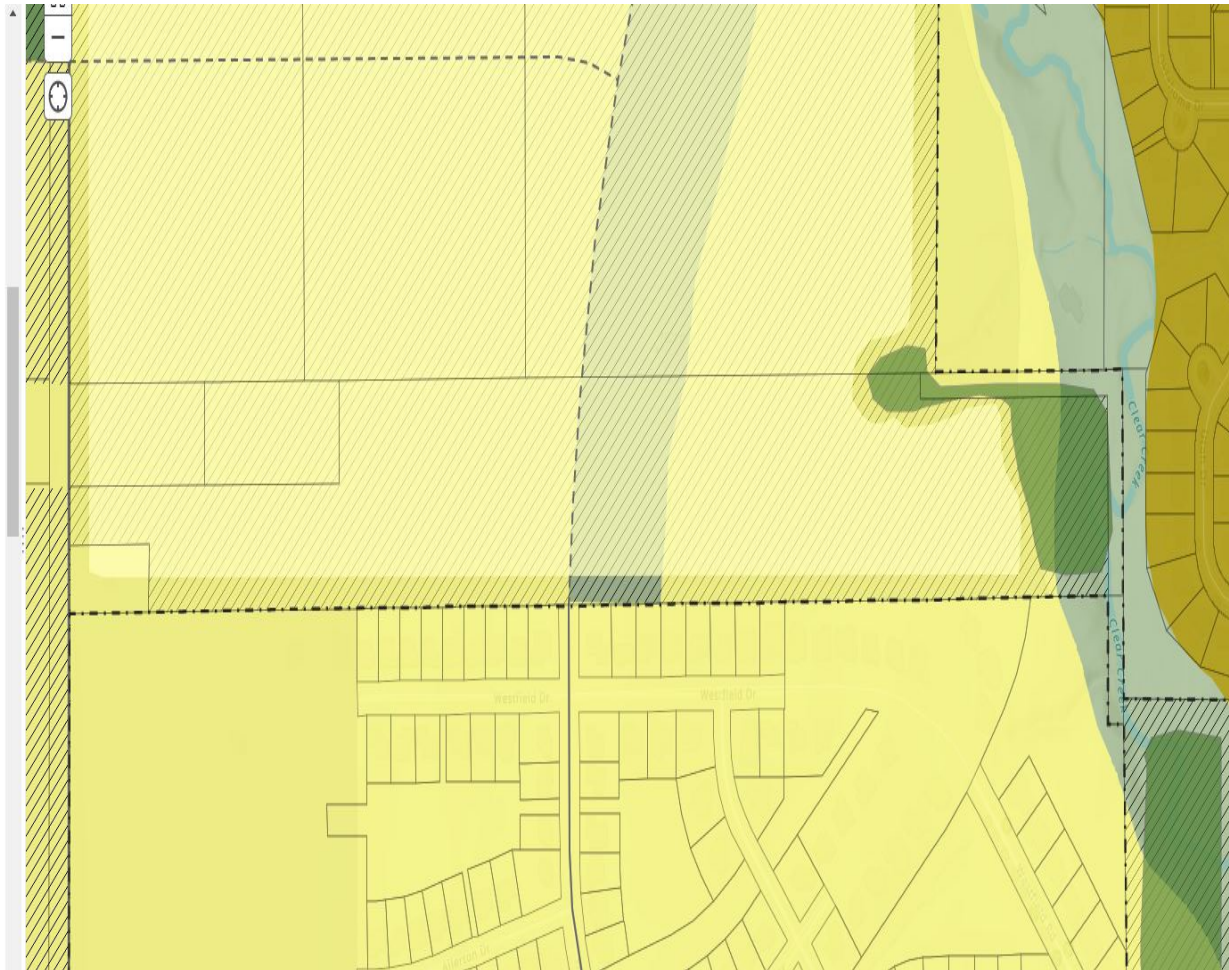
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Attachment D- Future Land Use Map

Ames Plan 2040 WM_WFL1 - Future Land Use

-  Residential Neighborhood 1 - Traditional (RN-1)
-  Residential Neighborhood 2 - Established (RN-2)
-  Residential Neighborhood 3 - Expansion (RN-3)
-  Residential Neighborhood 4 - Village (RN-4)
-  Residential Neighborhood 5 - Multi-family (RN-5)
-  Neighborhood Core (NC)
-  Neighborhood Core - Mixed Use (NC MU)
-  Community Commercial/Retail (Com-CR)
-  General Commercial (GC)
-  Core (Core)
-  Redirection (Redir)
-  Urban Corridor
-  Employment (Emp)
-  Park/Recreation
-  Open Space
-  Civic
-  Civic - University
-  Hospital/Medical Special Area
-  Near Campus Overlay

Ames Plan 2040 WM_WFL1 - Story CO Urban Reserve



Attachment E- RN3 Characteristics

Residential Neighborhood 3 (RN-3: Expansion)

CHARACTERISTICS

- » Contemporary but diverse development options in planned expansion areas of the City, known as FS zoned areas. Originally envisioned in the 1997 LUPP as “villages” and residential subdivisions.
- » Primarily residential and largely single-family at low and medium densities. Some medium-density apartment developments.
- » Conventional suburban lot sizes in subdivisions.
- » Limited or no transit access.
- » Access to private green space, internal paths, and trails is often included in development design. Includes storm water detention features within developments.
- » Curvilinear street networks, minimizing cul-de-sacs, but somewhat limited connectivity at times.
- » Common pattern of automobile-oriented design with front-loaded garages.
- » Includes small commercial nodes.

APPLICABLE EXISTING ZONING CATEGORIES

- » FS-RL Suburban Residential Low-Density
- » FS-RM Suburban Residential Medium-Density
- » F-PRD Planned Residence District
- » PUD Planned Unit Development Overlay District
- » RLP Residential Low-Density Park

GOALS

- » Wide range of housing types and price points, need to incorporate attainably priced owner occupied housing.
- » Planned development of neighborhood cores, with higher density, linkages to single-family areas, and neighborhood services.
- » High level of internal connectivity and planned street linkages to surrounding developments.
- » Use Complete Street concepts with development. Include active transportation linkages. Provide safe access for all to neighborhood cores and activity areas.
- » Target minimum gross density in major new development areas of 6 units per acre.

DEVELOPMENT GUIDELINES

- » Flexible lot size design standards for diverse housing types, including architectural character, environmental, and open space factors in design decisions.
- » Higher residential densities (attached, townhomes, small multi-unit buildings) on avenues, boulevards, and mixed use avenues, and other streets with significant bicycle and potential transit routes; and within master planned projects.
- » Street, sidewalk, and trail connectivity.
- » New development requires neighborhood and community parks. See also Parks and Recreation Chapter.
- » Plan to accommodate transit extensions into developing areas by design and density levels.
- » Allow common accessory functions, places of worship, and parks.
- » Apply minimum density standards to new development, single-family 3.75 du/A, medium-density minimum density 10.0 du/A, cores and high-density areas have higher intensity and densities than medium-density.

PUBLIC ACTIONS

- » Review and modify zoning and subdivision regulations to address intended range of uses and design standards.
- » Permit accessory dwelling units with lot size and design standards.
- » Extend trail network into growth areas.
- » Support transit extensions to serviceable areas.
- » Use the Capital Improvements Program to plan for extension of major road, water, sewer infrastructure. Consider use of development agreements, connection districts, and assessments to help facilitate extensions.



Attachment F- Growth Principles

GROWTH: GUIDING PRINCIPLES



Guiding Principles of Growth

G1: Sustainable Growth. The vision is for new growth to be both economically and environmentally sustainable. This encompasses housing densities that minimize the footprint of growth and reduce service cost per unit; maximum use of existing infrastructure; new investments that have citywide benefits; and preservation of environmental assets.

G2: Contiguous Greenfield Development. Ames will accommodate much of its projected population growth in areas contiguous to the existing built-up city. During the Plan 2040 process, the City identified alternative contiguous Tier 1 and Tier 2 areas as most readily able to serve the projected growth in population and employment. Providing multiple opportunity areas creates choices that support a variety of needs of a growing community.

G3: Infill that Enhances Urban Fabric. Ames will take advantage of existing infill sites within the existing urbanized area to increase both the efficiency and quality of its urban environment. Infill development may change the types and intensities of land use and introduce new building forms. Larger areas planned for change are described as redirection or redevelopment areas. As such, it requires an assessment of community needs and character of the surrounding area to guide planning and policy decisions on specific changes.

G4: Quality Urban Experience. The City endeavors to provide urban and suburban experiences that suit a variety of interests. All new development areas will be supportive of a healthy and safe urban environment to be enjoyed by all residents. New growth will include a planned diverse mix of housing and include or provide good access to trails, public parks and open space, services, and commercial development. Quality of design, including building architecture and relationships to its surrounding, along with improvements to the

public realm, are key components of an urban experience and a attractiveness of suburban locations.

G5: Review and Approval Process. The ongoing land use planning process defines priorities and policies, while development review affirms consistency with specific standards that implement these policies. Decisions will be made through a transparent, collaborative process that includes stakeholders, and moves toward solutions that are compatible with long-term community goals. This process should be viewed by all parties as fair and reliable.

G6: Planning for Equity. Ames will continue to grow in diversity of its people and jobs during the next twenty years. Equity with growth requires consideration of the needs of a diverse population. This includes adding affordable housing, multiple housing types, and market-based price points, supporting economic growth, expanding transportation choice, providing accessible institutions and services, and maintaining a variety of amenities.

Attachment F (Cont.) Housing

GUIDING PRINCIPLES

Guiding Principles for Neighborhoods, Housing & Subareas

H1: Housing Choice and Attainability. Ames will support housing choice and attainability for people of all income ranges. Growth and Land Use Policies include a range of housing types that meet the programmatic and economic requirements of all demographic groups.

Support for increased supply is important to moderate cost increases due to supply constraints; however, a variety of housing types and size of housing can create a broader range of price points making ownership housing more attainable for a wider segment of the population. Although the City endeavors to increase the percentage of ownership housing units in the City as a percentage of total units, adding rental housing opportunities is important to health of the community as well. Rental housing choices are key components of land use planning in growth areas and redirection areas where they help to fulfill overall community development goals in addition to housing. The evolving senior housing demographic will also impact housing design and choice over the next 20 years.

H2: Neighborhood Quality. Ames will support maintaining the quality of existing neighborhoods by encouraging reinvestment and conserving and enhancing existing housing.

The majority of Ames' affordable housing inventory is already on the ground - and existing residential represents the city's largest single capital asset. Maintaining the quality of existing neighborhoods is fundamental to an effective city housing policy.



Neighborhood conservation has two primary focuses: 1) maintaining the quality and integrity of existing investment and 2) strategic infill development that both addresses problems and increases the value and quality of the local environment. Neighborhoods in Ames are not islands and neighborhood conservation is a dynamic process. Change will occur, but change must be managed and directed in ways that strengthen the city's residential areas.

H3: New Development Areas that Build Community. Ames will use density, scale, and building types to define development areas that build connected communities, each of which provides housing choices.

Planning and development in "greenfield" growth areas should align with the overall housing goal of providing choice and variety of tenure, design, and price. The growth concept presented in the Growth & Land Use chapter establishes development areas that are connected to the City, served by logical extensions of greenway and transportation systems, and a mix of both land uses and

residential densities. They are intended to help build community both within themselves and together with previously established neighborhoods. They are not intended to be unstructured clusters of subdivisions.

H4: Redirection Areas. Ames will identify land use redirection and infill areas and encourage their eventual redevelopment.

Infill development can provide a variety of urban housing environments in areas that are underused or inefficiently used and can take advantage of Ames's existing resources.

Underused but strategically located sites can provide important resources for housing development that take advantage of existing commercial development and community services. In many cases, these opportunities are located along or near major urban corridors.

City policy should identify these opportunities and advance their redevelopment through planning and private sector partnerships.

Attachment G- Applicant Narrative

North Sunset Ridge Subdivision Rezoning Narrative

Reasons for Requesting Rezoning

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

Consistency of this rezoning plan with the Ames Plan 2040 – Future Land Use Map

The parcel requested for rezoning meets the consistency and goals of the Ames Plan 2040.

Guiding Principles of Growth

G1: Sustainable Growth. The vision is for new growth to be both economically and environmentally sustainable. This encompasses housing densities that minimize the footprint of growth and reduce service cost per unit; maximum use of existing infrastructure; new investments that have citywide benefits; and preservation of environmental assets.

The proposed North Sunset Ridge Development meets the goals of sustainable growth. The development exceeds the minimum density requirements. The development will utilize existing infrastructure to help reduce lower the cost per unit of the development. The city will also be installing a new truck line sewer through the development to allow for future growth to the west. The development will connect to two existing street stubs, Wilder Ave and Elliston Ave, from Sunset Ridge. The development will avoid the tree areas on the east side of the project as much as possible. Minor disturbance will be required to install the sanitary sewer trunk line.

G2: Contiguous Greenfield Development. Ames will accommodate much of its projected population growth in areas contiguous to the existing built-up city. During the Plan 2040 process, the city identified alternative contiguous Tier 1 and Tier 2 areas as most readily able to serve the projected growth in population and employment. Providing multiple opportunity areas creates choices that support a variety of needs of a growing community

The proposed development is in plan 2040 West growth area and is a Tier 1 development which has immediate availability to infrastructure, street connections. This will maximize the use of existing infrastructure and transportation facilities.

G3: Infill that Enhances Urban Fabric. Ames will take advantage of existing infill sites within the existing urbanized area to increase both the efficiency and quality of its urban environment. Infill development may change the types and intensities of land use and introduce new building forms. Larger areas planned for change are described as redirection or redevelopment areas. As such, it requires an assessment of community needs and character of the surrounding area to guide planning and policy decisions on specific changes

The proposed development is not an infill but is directly adjacent to an existing subdivision and will match the existing character and scale of the adjacent neighborhood.

Attachment G (Cont.)

G4: Quality Urban Experience. The City endeavors to provide urban and suburban experiences that suit a variety of interests. All new development areas will be supportive of a healthy and safe urban environment to be enjoyed by all residents. New growth will include a planned diverse mix of housing and include or provide good access to trails, public parks and open space, services, and commercial development. Quality of design, including building architecture and relationships to its surrounding, along with improvements to the public realm, are key components of an urban experience and an attractiveness of suburban locations.

The proposed development will include access to existing sidewalk and trails in Sunset Ridge. The development is also being designed to allow for expansion of development areas to the north as that land becomes available. There is also discussion of the land to the north becoming a park in the future. Considering this the proposed development is set to allow access to this area.

G5: Review and Approval Process. The ongoing land use planning process defines priorities and policies, while development review affirms consistency with specific standards that implement these policies. Decisions will be made through a transparent, collaborative process that includes stakeholders, and moves toward solutions that are compatible with long-term community goals. This process should be viewed by all parties as fair and reliable.'

The proposed development will follow the City's approval process for the subdivision.

G6: Planning for Equity. Ames will continue to grow in diversity of its people and jobs during the next twenty years. Equity with growth requires consideration of the needs of a diverse population. This includes adding affordable housing, multiple housing types, and market-based price points, supporting economic growth, expanding transportation choice, providing accessible institutions and services, and maintaining a variety of amenities.

The proposed development will be open for all people. It will have full streets and sidewalks throughout the subdivision providing multiple transportation options.

Land Use

The proposed development is in the RN-3 and will meet the goals and development guidelines of the characteristics as set forth in the Ames 2040 Plan.

Housing

H3: New Development Areas. Ames will use density, scale, and building types to define development areas that build connected communities, each of which provides housing choices.

The proposed development will be consistent with the density and housing types in Sunset Ridge. It will encourage continuous and usable pedestrian routes. The development will meet the goals for housing and density.

Current Zoning of the subject property

The property is currently zoned Agricultural – A

Proposed Zoning of the subject Property

The requested zoning is 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 "N" A PART OF THE N 1/3 OF THE N 1/2 OF THE SW FRL. 1/4 AND OF THE N 1/3 OF THE WEST 1/2 OF THE NW 1/4 OF THE SE 1/4 OF SECTION 6, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE 5TH P.M., STORY COUNTY, IOWA, AS SHOWN ON THE PLAT OF SURVEY RECORDED ON DECEMBER 15,2003 , AS INSTRUMENT NO. 03-24892, SLIDE 191, PAGE1.

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

**CONTRACT REZONING AGREEMENT FOR ADOPTION OF
THE MASTER PLAN FOR 798 N. 500TH AVENUE**

THIS AGREEMENT, made and entered into this ____ day of June 2022, by and between the **City of Ames, Iowa**, (hereinafter “City”) and **Hunziker Development Group, LLC**, its successors and assigns (hereinafter “Developer”), collectively being referred to as the “Parties,”

WITNESSETH THAT:

WHEREAS, the Parties hereto desire the improvement and development of real property (approximately 28.58 acres) in the City of Ames, locally known as 798 N. 500th Avenue (hereinafter referred to as the “Site”) and legally described as:

Parcel “N” a part of the N 1/3 of the N 1/2 of the SW Fr. 1/4 and of the N 1/3 of the West 1/2 of the NW 1/4 of the SE 1/4 of Section 6, Township 83 North, Range 24 West of the 5th P.M., Story County, Iowa, as shown on the Plat of Survey recorded on December 15, 2003, as Instrument No. 03-24892, Slide 191, Page 1 **AND Parcel “P”** a part of the N 1/3 of N 1/2 of the SW Fr. 1/4 and of the N 1/3 of the W 1/2 of the NW 1/4 of the SE 1/4 of section 6, Township 83 North, Range 24 West of the 5th P.M., Story County, Iowa, as shown on the Plat of Survey recorded on December 15, 2003, as Instrument No. 03-24892, Slide 191, Page 2; and

WHEREAS, the City approved the annexation of the property on October 12, 2021, by Resolution No. 21-544, the City Development Board approved the annexation on February 10, 2022, which was filed with the Recorder of Story County, on March 11, 2022, as Instrument No. 2022-02259 ; and

WHEREAS, the Site is designated on the Ames Plan 2040 as Residential Neighborhood 3 (RN-3 Expansion) which has an allowable zoning category of Suburban

Residential Low-Density (FS-RL), and the Developer is seeking rezoning of the Site from the current zoning of Agricultural (A) to Floating Suburban Residential Low-Density (FS-RL) with Master Plan; and

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

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; and

WHEREAS, the City desires an extension of an oversized sanitary sewer system to serve land beyond the site.

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

I.

798 N. 500th AVENUE MASTER PLAN ADOPTED

The Master Plan, which is set forth as 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 of Planning & Housing. Developer further agrees that:

- (a) No more than 65 dwelling units shall be developed and built for occupancy upon the Site, and all dwelling units on the Site shall be single family detached homes.

II.

SANITARY SEWER TRUNK MAIN INSTALLATION

In consideration of the rezoning of the Site, Developer further agrees that:

- (a) Developer shall, at Developer's sole expense, design an oversized 12" sanitary sewer system of approximately 3,500 linear feet to City specifications designed to serve the growth area west of North 500th Avenue. Developer shall submit the sanitary sewer system plans to the City for review and approval prior to preliminary plat approval.
- (b) Upon the City's approval of the oversized sanitary sewer system plans, engineering cost opinion, and accompanying specification book, the City will bid said project for construction.

- (c) Developer agrees to pay cash in escrow for Developer's proportionate cost of the total construction and inspection of the base-sized, 8" sanitary sewer at standard depth and slopes. Developer's payment to the City from the cash held in escrow for Developer's proportionate cost of the sanitary sewer system, shall be due and made from escrow on or before the approval of the first Final Plat upon the Site, or within 30 days of award of the contract for the sanitary sewer installation project, whichever event shall occur first. If the City does not award a bid for said project by December 2023, the City's obligation to pay for any oversizing cost of the sanitary sewer shall terminate absent further agreement between the Developer and the City.

- (d) If the sanitary sewer contract is not awarded by the City by December 2023, for any reason whatsoever, the zoning designation for the Site shall remain in place, however:
 - i. Developer shall grant to the City a 75-foot wide easement along the approved alignment for the sanitary sewer extension at no cost to the City.

 - ii. The City may withhold from Developer any and all permits, including but not limited to, improvement plans and Final Plat approval until the extension of a 12" sanitary sewer has been approved by the City.

- (e) Developer understands that the City Council may accept an alternative proposed by Developer to perform offsetting improvements or payments, rather than contribute to the sanitary sewer extension project. Any alternative proposed by the Developer shall be subject to approval by the City Council in its sole discretion.

III. 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.

**IV.
GENERAL PROVISIONS**

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

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. Prior Agreements Binding. 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.

D. 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 Developer 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**

This 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. Invalidity 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.

(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 this _____ day of June 2022.

HUNZIKER DEVELOPMENT GROUP, LLC

By:

Justin Dodge, Manager

STATE OF IOWA, COUNTY OF STORY, SS.:

This instrument was acknowledged before me on _____, 2022, by Justin Dodge, as Manager of Hunziker Development Group, 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

Master Plan will be available Monday, June 27, 2022.