

ITEM #:	41
DATE:	06-24-25
DEPT:	P&H

COUNCIL ACTION FORM

**SUBJECT: APPLICANT REQUEST TO INITIATE A ZONING TEXT AMENDMENT
MODIFYING THE PUD OVERLAY OPEN SPACE STANDARD FOR INFILL
SITES OF LESS THAN TWO ACRES**

BACKGROUND:

At the June 10 City Council meeting the Council referred to staff a request for a Text Amendment to the Planned Unit Development (PUD) Overlay standards governing the required amount of dedicated open space in PUDs. The letter was sent by Wasker, Dorr, Wimmer and Marcouiller, P.C. representing a property owner JJR Holdings and SRM Holdings, wishing to develop a PUD townhome infill project on a small site on S 4th Street that is less than two acres (See Attachment A- Applicant Letter).

The essential question raised by the developer is whether the current requirement for 10% of a project site to be common open space accessible to residents should apply to infill sites less than two acres. The letter from the owner's attorney requested that Council consider allowing PUD sites less than two acres to not have to provide dedicated set aside open space, but rather that the dedicated open space requirement on sites less than two acres be allowed to be calculated based upon individual yards as well as open areas across the entire site (See Attachment B- PUD Standards Excerpt). Essentially, this would allow for some type of private usable space configuration to meet the common area standard.

The applicant believes this approach, depending on the definition of what type of space counts toward the 10%, would work for their planned 1.27 acres 16 unit bi-attached/townhome style project (See Attachment C-South 4th Common Preliminary Plat). **Although this approach may work for the applicant, Council may also want to consider the broader question of whether open space should be required with infill development regardless of lot configurations.**

If the requested text change is initiated by Council, the applicant will pursue the 16-unit townhomes style project (Attachment C) concurrent with the text amendment. If the text amendment is not initiated, staff believes that the developer will have to eliminate one of the units at the rear southwest corner of the site where there is otherwise open space due to electric easements. Potentially other adjustments or the loss of a second unit could be required as well, which is what led to the request for a text amendment by the applicant.

PUD OVERLAY:

The City established the Overlay originally to facilitate more variety of housing types targeted to the growth areas of the City for sites exceeding two acres. **Last year Council made changes to allow for PUDs on infill sites that are under two acres.** When the PUD was initially created it was likely to only apply in FS zoning districts that already had a 10% usable open space standard. The PUD added to the requirements that 50+ unit projects would

require more specific types of common amenities. However, infill sites have non-FS zoning districts base zones which do not have open space set-aside requirements.

The rationale for requiring open space was to mitigate some of the tradeoffs in reduce lot sizes, setbacks, coverage, etc. that often occur with PUDs to ensure that livable areas with quality open spaces similar to how developments in FS areas would otherwise occur. Having tradeoffs for PUD flexibility is common. However, growth areas and infill site could be viewed differently because of zoning differences and different neighborhood development patterns where existing areas may already have park and open space area.

From the review of the S 4th PUD concept and the recent Dakota Townes project, the effect of the open space expectation does have significant influence on small projects. Specifically, facilitating townhome type development has issues of balancing common space with individual lot configurations. While having common open space on site could be beneficial to residents, the balancing of development types, space allocation, and resident maintenance costs on smaller projects is a reasonable question to be addressed to help guide infill projects in the future.

Council needs to consider with this request how the PUD standards affect the maximum number of housing units on small infill sites and how that relates to achieving dual goals of Ames Plan 2040 to provide infill housing throughout the City in a context sensitive and high quality living environment.

POTENTIAL APPROACHES TO AN OPEN SPACE AMENDMENT:

Staff describes multiple alternatives below to respond to this issue for infill projects. The developer proposal for a combination of open space and common area is viable, but will require some definition with the text amendment to address:

- whether to emphasize private or semi-private space (usable ground area, deck, patios) located outside of front yards as being required to achieve the expectation,
- whether a minimum area is needed for every unit or just in total for the project as proposed by the developer
- whether a specified amount or area with minimum dimensions is required per unit or if it would be reviewed qualitatively with the PUD design overall.

Staff believes two other approaches are also viable if City Council desires to amend the 10% standard for infill. The first is to eliminate the 10% open space standard in its entirety if the base zone does not already require an open space set-aside. A second variation is to allow for townhome projects to be exempt from the standards.

ALTERNATIVES:

1. Initiate a developer application for a text amendment to remove the 10% open space requirement for PUD sites less than two acres in size if not otherwise required by the base zoning district and allow for concurrent review of the applicant's PUD with the text amendment.

This choice has the broadest application and treats infill sites equal to the underlying base zone that otherwise does not require open space for projects. It would help increase densities on a site because no specific set-aside requirement would exist. However, each project would still have to address on a case by case basis that the project attains the purposes of the PUD, which include appropriate private and common open spaces. This option would meet the developer's interest that motivated the request.

2. Initiate a developer application for a text amendment to allow for a combination of private and common area equal to 10% open space requirement for PUD sites less than two acres in size and allow for concurrent review of the applicant's PUD with the text amendment **(Developer's request)**.

With this choice, the type of substitute open space will need to be defined regarding the private yard area sizes and dimensions per unit. Staff would make recommendations on these issues in response to the applicants proposal.

3. Initiate a developer application for a text amendment to remove the 10% open space requirement only for Single-Family Attached housing (Townhome style housing) for PUD sites less than two acres in size and allow for concurrent review of the applicant's PUD with the text amendment.

While the scope is narrower for Alternative 3 compared to Alternative 1, It would meet the goals of the developer as well.

4. Initiate a developer application for a text amendment with modified standards from those discussed above or direct staff to prepare other draft changes to the PUD Overlay.
5. Decline to initiate a text amendment to modify the 10% open space standard.

CITY MANAGER'S RECOMMENDED ACTION:

Based upon the goals of Ames Plan 2040 to support housing within infill areas of the City and the nature of small PUD sites under two acres in size, staff believes that changing the standard requiring set aside devoted open space equal to 10% of the gross lot area can be viewed as appropriate. Infill sites often have more constraints than growth areas and may be able to take advantage of existing park and open space resources.

Staff believes any of the top three alternatives described above would either in whole or in part address the developer's request. Staff believes Alternative #1, which provides

for eliminating open space when not otherwise required by a base zoning district puts infill housing on the same ground as a non-PUD project and facilitates housing development to the greatest degree. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as described above.

It should be noted that the approval process of the PUD would still require findings of support related to the PUD purpose and have to address providing appropriate combinations of private and common open space on a case-by-case basis.

ATTACHMENT(S):

[Attachment A- Applicant Letter.pdf](#)

[Attachment B- PUD Standards Excerpt.pdf](#)

[Attachment C- South 4th Commons Preliminary Plat 06-04-25.pdf](#)