

COMMISSION ACTION FORM

SUBJECT: ZONING ORDINANCE TEXT AMENDMENT PERTAINING TO MASTER PLAN IN DEVELOPMENT PROCESS

BACKGROUND:

Based on feedback received from developers in 2010, the City Council has requested a report on the practicality of current requirements that Planning and Zoning Commission and City Council review a Master Plan prior to submittal of a Preliminary Plat. Currently, a Master Plan is required to be submitted with a Preliminary Plat when zoning is requested to establish either a Suburban Residential Low Density (FS-RL) or Suburban Residential Medium Density (FS-RM) zoning district. (Ames *Municipal Code* Sections 29.1200(2b) and 29.1502 (5)). The only other instance when a Master Plan is required is when a Major Site Development Plan is proposed in the Northeast Gateway Overlay District. **While the Master Plan may be helpful in determining how the property will be ultimately developed, the requirement in its current form creates some burdens, which this report addresses.**

Requirement for Master Plans

It appears that the Master Plan requirement was intended to allow the Planning and Zoning Commission and City Council to review and approve the design or layout of anticipated development before committing to a rezone of FS-RL or FS-RM, or before committing to a final site design in the Northeast Gateway Overlay District (O-GNE). As applied to the O-GNE, the Master Plan may help the Council ensure compliance with the overlay development and design standards. As applied to residential plats, it may facilitate some flexibility in determining how the plat will be laid out in terms of unit types and how the density requirement will be achieved at full build out.

Since its inception in 2000, the Master Plan requirement was applied to approval of the proposed lifestyle retail center on 13th Street. It has also been applied to all residential developments approved through a rezone to one of the FS-RL or FS-RM Suburban Residential Zoning Districts. These include the Northridge Heights, Sunset Ridge, The Reserve, Kinyon-Clark, and South Fork developments. Master Plans and Preliminary Plats were submitted, reviewed, and approved for each of these at the same time as the associated rezoning.

It does not appear that flexibility was necessary to facilitate the final layout of all these subdivisions. Most were developed with single-family attached and/or detached homes across the entire development that met the targeted density, within the standards of the FS-RL and FS-RM zoning districts. Therefore, it is not clear how the Master Plan added value to the approval process of these projects, since most of them met the specific requirements of the zoning and subdivision codes. Approval could have been rendered

without reference to a specific design plan for the property to be rezoned. Indeed, that should be the case, since zoning confers the right to develop the property in any manner that meets the standards and codes of the City. Typically, zoning does not establish a particular project design. **If the Commission and Council have confidence that adopted standards and codes are adequate to address the impacts and design of development, a Master Plan for a particular project would not typically be needed to make a zoning decision.**

Therefore, City Council has directed staff to develop alternatives and to seek input from the development community, the public, and the Planning and Zoning Commission. In April, staff sent to developers and consultants a summary of the information in this report and invited them to a meeting to discuss changes in the development process. Two consultants attended this meeting and their input has been incorporated into this report. Staff has also developed draft amendments to the zoning ordinance to change how a Master Plan requirement is incorporated into the development process (Attachment B). The remainder of this report describes the content and purposes of those amendments. Developers and consultants were also notified of this hearing.

Under the proposed revisions to Section 29.1507 the City Council would determine if a Master Plan is required when the Council considers a rezoning application. If an area is to be rezoned to either of the two Suburban Residential zoning districts, FS-RL or FS-RM, City Council makes that determination before a rezoning application is submitted. If an area is rezoned to any other zoning district, the City Council may determine it requires the Master Plan when it first considers a rezoning application. (See Attachment B, proposed Section 29.1507(3))

The proposed zoning text amendment states that the City Council can require a Master Plan when specific conditions exist on or around a proposed development or rezone site or a situation exists that requires more careful consideration of how the layout and design of a site affects general health, safety, and welfare concerns. Section 29.1507(3)(b) of the proposed code amendment addresses the following specific conditions:

1. The Land Use Policy Plan establishes targeted minimum densities for new residential development and the Zoning Ordinance implements this policy with a minimum net density for each of the “floating” zoning districts. In some cases, such as the Northridge Heights Subdivision, the targeted density is achieved by combining different unit types in the entire area. If the area is to be platted in phases, and specific plats might not meet the minimum density standards on their own, then an overall plan is needed at the beginning to establish how the minimum density target is to be achieved. In this manner, the low density of large lots at one end of a development might be balanced by the higher density of townhomes at the other end of the development.
2. The Land Use Policy Plan designates Convenience Commercial Nodes to be integrated into residential neighborhoods. An overall plan for an area may be needed to establish successful relationships among the locations and features of

commercial uses, different residential unit types, parks or open space, and streets of different classifications. Thus, although the current requirement for a Master Plan applies only to the residential zoning districts and the O-GNE District, it may also have value when considering rezoning to commercial nodes or other zoning districts.

3. Sensitive environmental conditions or valuable natural resources may best be protected by a specific arrangement and placement of uses or by development features. For example, a wetland or archaeological site might be designated as part of an open space, and development might be clustered away from these natural features as far as possible or otherwise be separated by native plantings. An overall plan can establish these requirements at the time of rezoning, when these existing conditions are first identified.
4. Existing public improvements might be adequate to serve permitted uses if the development is designed a certain way. For example, an existing arterial street may need to be extended through a new development or a new collector street may need to connect to an existing arterial street in a specific location. A specific street pattern may avoid impacts on existing neighborhood streets. Also, new or upgraded public improvements, on-site or off-site, may be needed with the costs to be shared among different parties. An overall plan and development agreement would be needed at the time of rezoning.

Under these and other conditions, a Master Plan may be necessary to address site specific concerns of a development prior to rezoning or final project approval. **Therefore, Section 29.1507(3) of the proposed text amendment allows the City Council to determine, on a case by case basis, whether a Master Plan would have value. (See Attachment B) If so, the applicant would be required to prepare a Master Plan for review along with the rezoning request.**

Content of Master Plans

The proposed text amendment requires the contents of a Master Plan, to be less detailed than the code currently requires. **Under existing standards, the Master Plan must show the proposed arrangement and size of all proposed lots in almost the same detail as the information required on a Preliminary Plat. The proposed revisions to Section 29.1502(5) adopt a more generalized approach to a Master Plan.** The plan would show (a) existing site information, (b) areas in need of protection, (c) areas appropriate for development, (d) areas and quantities of different unit types, (e) general pattern and connections required for an efficient transportation network and other information. An example of such a plan is attached. (See Attachment A) **Under this approach, the higher level of detail currently required for Master Plans would be deferred to review of the Preliminary Plat or Major Site Development Plan, which could occur at a later date.**

Benefits of Requiring a Master Plan Where Deemed Appropriate

In cases where the Council has determined that a Master Plan is needed, the review process would give the staff, the public, Planning and Zoning Commission, and City Council the opportunity to determine, not only whether the proposed zone is consistent with the land use plan, but also to confirm that the general direction or style of the project is consistent with City policies. If not, the City could require changes to improve this consistency. Furthermore, undesirable impacts on the community could be identified so that the developer and the City can work together to determine how to mitigate any negative impacts.

The benefit to the developer is that it would reduce risk by securing approval of basic development parameters, such as the total number and type of residential units and/or the square footage of non-residential uses, before proceeding with expensive detailed engineering plans otherwise required during the subdivision or site plan process. This could mean significant cost savings to the developer.

This more generalized approach to the Master Plan could also result in cost savings if the approved Preliminary Plat later requires amendments, which is a fairly common need. With the current requirement that a Master Plan show the arrangement and shape of all lots, the City Council must also approve a revised Master Plan each time the plat is modified. For the Northridge Heights subdivision, each of these two drawing sets contained 11 sheets, and 17 drawing sets were required to be submitted. When revisions were needed in the development process, many times all 374 sheets were resubmitted. With a less detailed Master Plan, revisions to the Preliminary Plat could in many cases be found consistent with the Master Plan, meaning that revisions to the Master Plan would be a much less frequent occurrence.

Tool for Implementation

It should be noted that a Master Plan would dictate a layout that might not otherwise be required by the Zoning Code. Therefore, to ensure that the development is built according to the Master Plan, a contract rezone would be appropriate so that the Master Plan is binding on future development. (See proposed Section 29.1507(4) in Attachment B)

Other Options

Because, under the proposed text amendments the City Council determines on a case-by-case basis whether to require a Master Plan, an additional step in the rezoning process may be required in some cases. Two options to avoid this additional step are:

- require the less detailed Master Plan for all rezoning requests, so that a City Council decision is not needed on this requirement, or
- require a Master Plan whenever the conditions exist that proposed Section 29.1507(3)(b) describes, which would be determined by City staff not City Council.

ALTERNATIVES:

1. The Planning and Zoning Commission can recommend that the City Council approve zoning text amendments modifying the required process for amending the zoning map as described in Attachment B.
2. The Planning and Zoning Commission can recommend that the City Council deny zoning text amendments modifying the required process for amending the zoning map as described in Attachment B.
3. The Planning and Zoning Commission can recommend that the City Council approve zoning text amendments modifying the required process for amending the zoning map as described in Attachment B, with modifications.
4. The Planning and Zoning Commission can refer this issue to the staff for additional information or for specific modifications.

RECOMMENDED ACTION:

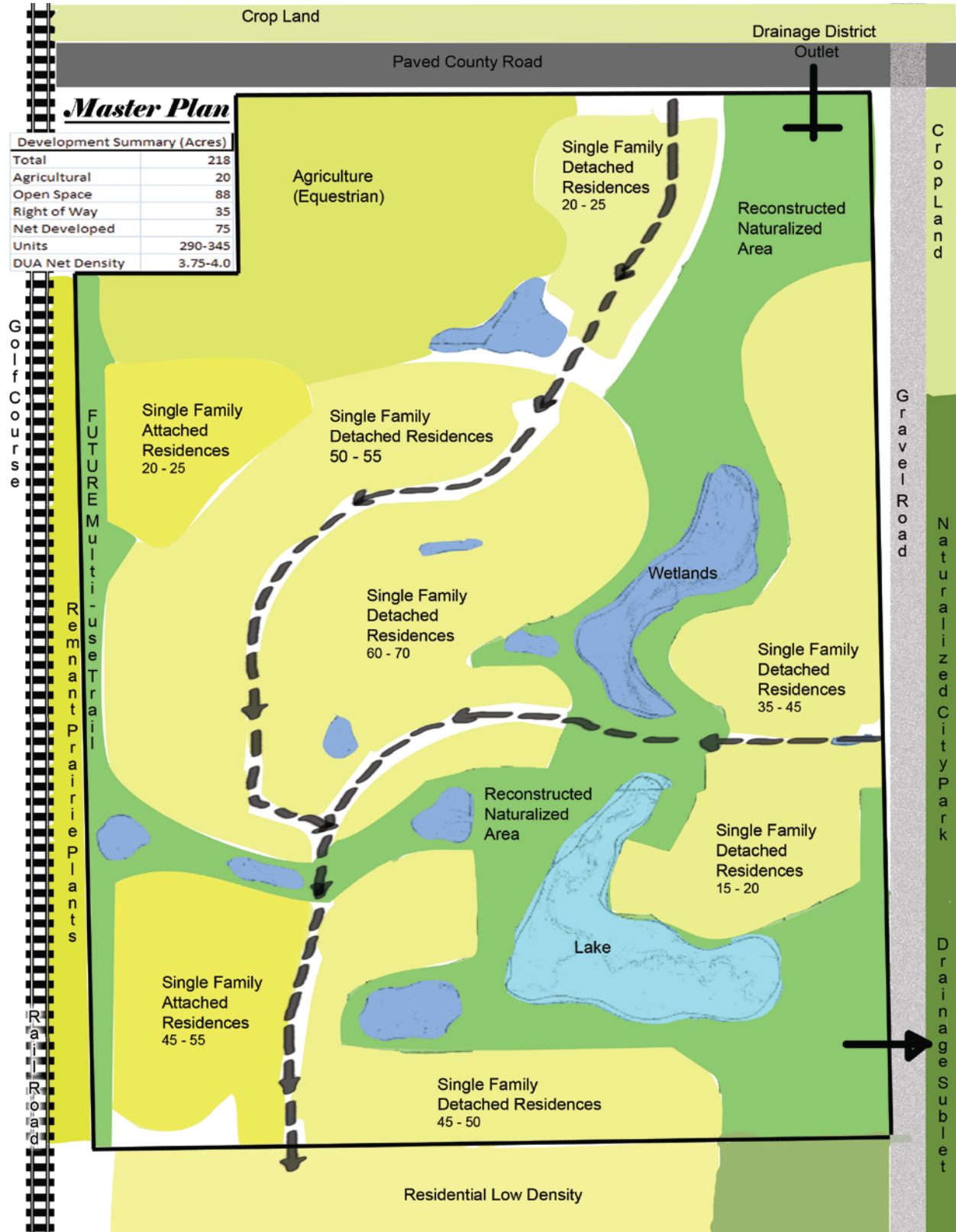
As the city expands, land is annexed into the city and then requires rezoning. The current process for rezoning land for residential development is for both a Master Plan and a Preliminary Plat to be prepared and submitted along with the rezoning request. These two plans are very similar and both must be revised if any major amendments are made later. In many cases, this requirement does not add value to the planning process or to the resulting developments. In some cases, this requirement wastes time and resources of both developers and City staff. On the other hand, in some cases where a proposal is made to rezone land for non-residential use, more information about the proposed use and development would add value to the planning process and development and yet, a Master Plan is not currently required.

The proposed zoning text amendments would improve the rezoning process by:

- allowing the City Council to determine at the beginning of the process whether to require a Master Plan
- requiring this determination for rezoning to certain residential and non-residential zoning classifications
- simplifying the content of the Master Plan when required
- providing for the elements of an approved Master Plan to be mandatory
- simplifying future amendments to the development

Because it is believed that the proposed text amendment will benefit both the developers and the City, it is the recommendation of the Planning and Housing Department that Planning & Zoning Commission adopt Alternative No. 1, thereby recommending that the City Council approve zoning text amendments modifying the required process for amending the zoning map as described in Attachment B.

Attachment A



Attachment B

PROPOSED ZONING TEXT AMENDMENTS

Revise Section 29.1200:

Sec. 29.1200. FLOATING ZONES

(1) **Purpose.** The "floating" zone concept provides flexibility in determining the style and layout of residential development in newly-annexed areas of the city that the Land Use Policy Plan designates as Village/Suburban Residential or that the Ames Urban Fringe Plan designates as Urban Residential. The Floating Zoning Districts established by this ordinance are:

- (a) Village Residential (F-VR)
- (b) Suburban Residential Low Density (F-S RL)
- (c) Suburban Residential Medium Density (F-S RM)
- (d) Planned Residence (F-PRD)

(2) **Pre-application Conference.** Prior to submittal of an application to rezone property to a Floating Zone, a pre-application conference shall be held with the developer, Department of Planning and Housing staff, Public Works Department staff, and other staff as necessary shall review the information listed below. Neither the developer nor the City shall be bound by any comments, determinations or decisions of City staff offered or made during the Pre-application Conference. The following information shall be submitted to the City prior to the Pre-application Conference.

- (a) Name of the applicant and the name of the owner of record.
- (b) Legal description of the property.
- (c) North arrow, graphic scale, and date.
- (d) Existing conditions within the proposed zoning boundary and within 200 feet of the proposed zoning boundary: Project boundary; all internal property boundaries; public rights-of-way on and adjacent to the site, utilities; easements; existing structures; topography (contours at two-foot intervals); areas of different vegetation types; designated wetlands; flood plain and floodway boundaries; areas designated by the Ames Land Use Policy Plan as Greenways and Environmentally Sensitive Areas
- (e) Proposed zoning boundary lines.
- (f) Outline and size in acres of areas to be protected from impacts of development
- (g) For proposed residential development provide a summary table describing all uses of the total site area, including the number of units per net acre for each unit type and each zoning area.

(3) **Establishment of areas zoned F-S.** Areas zoned F-S shall be established through the process described in Section 29.1507.

(4) **Establishment of areas zoned F-VR and F-PRD.** Areas zoned F-VR and F-PRD shall be established through concurrent review and approval of both a Major Site Development Plan by the City Council as required in Section 29.1502(4) and of a zoning map amendment through the process described in Section 29.1507. The requirements of the Major Site Development Plan become mapped zoning district requirements and all subsequent development shall adhere to the requirements of the approved Major Site Development Plan.

Copy and renumber existing subsections (3) through (7) here without any revisions.

Attachment B

Revise Section 29.1502(5):

(5) **Master Plan.** When this ordinance requires a Master Plan, it shall be submitted in compliance with the following:

- (a) Submittal Requirements. The Master Plan shall contain the following information:
 - (i) Name of the applicant and the name of the owner of record.
 - (ii) Legal description of the property.
 - (iii) North arrow, graphic scale, and date.
 - (iv) Existing conditions within the proposed zoning boundary and within 200 feet of the proposed zoning boundary: Project boundary; all internal property boundaries; public rights-of-way on and adjacent to the site, utilities; easements; existing structures; topography (contours at two-foot intervals); areas of different vegetation types; designated wetlands; flood plain and floodway boundaries; areas designated by the Ames Land Use Policy Plan as Greenways and Environmentally Sensitive Areas
 - (v) Proposed zoning boundary lines.
 - (vi) Outline and size in acres of areas to be protected from impacts of development
 - (vii) Outline and size in acres of areas proposed of each separate land use and for each residential unit type
 - (viii) Pattern of arterial streets and trails and off-site transportation connections
 - (ix) For proposed residential development provide the number of unit type for each area, expressed in a range of the minimum to maximum number to be developed in each area
 - (x) For proposed residential development provide a summary table describing all uses of the total site area, including the number of units per net acre for each unit type and each zoning area.
 - (xi) For proposed commercial development: placement, size in square feet and approximate dimensions for all buildings, locations and approximate dimensions of all parking areas; areas of landscape, screening, buffer, plaza and open space; circulation pattern for all modes of transportation on the site.
- (b) Number of copies. Submit seven (7) copies of the Master Plan on a sheet not to exceed 30" x 40", and one (1) reduced copy of the Master Plan no larger than 11" x 17".

Attachment B

Revise Section 29.1507

Insert these subsections after (2), then copy and renumber existing subsections without any revisions

(3) **Master Plan Determination.** Before an application is made for amending the zoning map to designate any property as F-S RL or F-S RM the applicant shall request that the City Council determine whether a Master Plan will be required. When City Council first considers an application for amending the zoning map to any other zoning district, the City Council may require a Master Plan be submitted prior to taking action on the rezoning request. The procedural requirements for this determination shall be as follows:

(a) Information as required by Section 29.1200(2) for a Pre-Application Conference shall be forwarded to City Council.

(b) The City Council may require a Master Plan to be submitted with a rezoning application if any one of the following conditions is met:

(i) The area to be rezoned will contain more than one type of residential dwelling unit and will be developed in multiple phases.

(ii) The area to be rezoned contains designated wetlands; flood plain and floodway boundaries; areas designated by the Ames Land Use Policy Plan as Greenways and Environmentally Sensitive Areas; conservation easements or other documented sensitive environmental conditions or valuable natural resources.

(iii) Development of the area with the most intensive uses permitted by the proposed zoning designation may require new, enlarged or upgraded off-site public improvements.

(iv) The City Council determines that due to specific conditions that exist on or around the area proposed to be rezoned, or due to situations that require more careful consideration of how the layout and design of a site affects general health, safety, and welfare, a Master Plan is necessary for consideration of the proposed zoning map amendment.

(c) If the City Council determines that a Master Plan is required it shall be prepared in compliance with the requirements of Section 29.1502(5) and shall be reviewed concurrently with the application for a zoning text amendment.

(4) **Compliance with Master Plan.** When a Master Plan is required and the proposed zoning map amendment is approved, a zoning agreement shall be approved by the City and agreed to by the owners of the property in the area of the proposed zoning map amendment that requires all development to be in compliance with the Master Plan. No Preliminary Plat, Final Plat, Major Site Development Plan, Minor Site Development Plan or Special Use Permit shall be approved that does not comply with the approved Master Plan. The process for amending the Master Plan shall be the process specified in this section for a zoning map amendment.