

**COMMISSION ACTION FORM**

**REQUEST: REZONE FROM HIGHWAY-ORIENTED COMMERCIAL (HOC) AND AGRICULTURE (A) TO HIGH DENSITY RESIDENTIAL (RH) AND HIGHWAY-ORIENTED COMMERCIAL (HOC) WITH A MASTER PLAN AT 3115, 3119, 3301, 3325, 3409, AND 3413 SOUTH DUFF AVENUE**

**BACKGROUND INFORMATION:**

The property owners, Dickson and Luann Jensen, request rezoning of six parcels comprising a total of 45.92 gross acres. The parcels are addressed as 3115, 3119, 3301, 3325, 3409, and 3413 South Duff Avenue. Two of the properties (3301 and 3325) are currently zoned Agriculture (A) and the remaining four are zoned Highway-Oriented Commercial (HOC). See Attachment A for current zoning and location. This site was recently the subject of a Land Use Policy Plan Amendment designating the area for High Density Residential Development.

These properties lie along the west side of South Duff Avenue (also referred to as US Highway 69). The subject site has two separate frontages on South Duff Avenue. The subject site lies north, west, and south of Story Memorial Gardens, a private cemetery at 3215 South Duff Avenue. The north boundary of the site lies near the Crystal Street intersection with South Duff Avenue. The south boundary of the site lies immediately north of the New Life Church at 3505 South Duff Avenue. The property extends westward to the Ames Municipal Airport property.

The applicant has submitted a rezoning request for 41.30 acres as High Density Residential (RH) with 4.62 acres remaining as HOC. A master plan was also submitted with the application indicating approximately 500-700 apartment units on the RH portion with commercial to be located at the new intersection with Crystal Street. Crystal Street would provide a north access point to the project with a looped street system that would circulate through the site to a second entrance onto South Duff Avenue at the south end of the site. See Attachment B for the proposed master plan.

The plan is reflective of conversations with the developer from the past year for a project that would focus on mostly 1 bedroom and some 2 bedroom unit apartments designed with additional on-site amenities that would be marketable and desirable to a range of households. The commercial component is also in keeping with prior direction by staff that an area for small scale commercial should be maintained to meet the general needs of the broader area. Upon rezoning of the site to RH, the development will be subject to administrative approval of a Minor Site Development Plan prior to initiating construction on the site.

The proposed rezoning boundaries do not follow the current property lines. Rather, they are described by metes and bounds irrespective of property lines. The intent is to replat the properties (either by plat of survey or subdivision plat) in the near future to reflect the zoning boundaries and future development lots.

The attached addendum includes a full description of the master plan and analysis of the rezoning proposal, including a review of needed infrastructure to support the proposed development. The analysis relies upon the previously completed traffic, stormwater, and sewer evaluation that were part of the LUPP amendment approval. The analysis also includes the RH checklist that includes evaluation of a number of issues related to consistency with the LUPP. The checklist was also part of the LUPP amendment process, the most substantial differences in the evaluation relate to having more project specific building information from the Master Plan and commitments from the developer on features of the project.

As described at the time of the LUPP amendment, more details about infrastructure improvements and commitments for improvements were needed prior to rezoning of the site. **In order to facilitate the installation of the needed infrastructure to meet existing needs, future needs, and needs brought on by this specific development, the City and the developer are working towards a development agreement to identify what specific projects must take place, the timing of the completion of those projects, and the party responsible for paying for those projects.** It is not anticipated that this rezoning request will be brought to the City Council until the agreement has been finalized.

#### **ALTERNATIVES:**

1. The Planning & Zoning Commission can recommend that the City Council approve the request for rezoning from Agriculture and Highway-Oriented Commercial to High-Density Residential and Highway-Oriented Commercial with the attached master plan and a contract rezoning further obligating the property owner to design any amenity features and complete infrastructure improvements at the sole cost of the developer:
  - a. Creation of a new Crystal Street intersection with a traffic signal.
  - b. Extension of the shared use path located on the east side of South Duff Avenue from the north to the intersection with Jewell Drive.
  - c. Widening of South Duff Avenue with an extension of the three lane section south through the developer's south entrance to Garden Road.
  - d. Completion of sidewalk and street frontage improvements along the west side of South Duff Avenue for the full length of the site's frontage and include the connection of the five-foot sidewalk within the existing right-of-way across the approximately 660 feet of cemetery property.
  - e. Include on-site amenities commensurate with the phased construction of the project.
  - f. Incorporate significant elements of brick into the exterior facades of all apartment buildings.
  - g. Reserve area for a city constructed drainage improvement consistent with the findings of the Tea Garden Drainage Study.

*The final wording and standards for the above conditions would be worked out and agreed to by the developer prior to the rezoning of the property by the City Council.*

2. The Planning and Zoning Commission can recommend that the City Council deny the request for rezoning from Agriculture and Highway-Oriented Commercial to High-Density Residential and Highway-Oriented Commercial with the attached master plan.
3. The Planning and Zoning Commission can defer action on this request and refer it back to City staff and/or the applicant for additional information.

### **RECOMMENDED ACTION:**

The need for additional housing opportunities was reviewed in conjunction with the LUPP amendment earlier this year. With the ongoing needs for versatile housing options that meet workforce needs there was support for development of the subject site. The developer has now proposed a specific concept that demonstrates how that need is met and a commitment to a specific project. With the master plan and contract rezoning elements capturing the basic development details for the project it has been demonstrated that the project does address the housing goals and needs of the City.

The proposal can meet some of the housing interests of the City, as described by the applicant. The site itself is adjacent to services and jobs which are desirable traits, but the site does not integrate into an existing neighborhood and has potential undesirable compatibility issues with the external uses of the airport, commercial development in the area, and a cemetery. The proximity of the airport is clearly a unique issue with this request and how its operations impact the desirability of the site for future residents.

Overall, though, the development services a housing need of the community and the retained commercial zoning along the frontage will provide retail and office space to serve the development, the nearby neighborhood, and the commuting public. Staff and the developer are close to agreeing on responsibly for public improvements which would address traffic and street improvements and storm water needs.

As discussed at the time of the LUPP amendment, there are traffic and stormwater improvements that are needed to serve this development and support the broader area. Stormwater can be improved with the joint actions of the City and developer based on the recommendations of the Teagarden Study. And, with the specific identified improvements of the Traffic Impact Study, levels of service can be improved and maintained from the opening day of the development through year 2035. The recommended conditions for traffic improvements listed in Alternative 1 create a list of feasible improvements that can be completed in the near term rather than asking for fair share contributions to a variety of projects that are not yet part of the City's long term Capital Improvement Program (CIP). Additionally the City may seek to partner with the developer on stormwater improvements rather than reserve area for the improvements as currently described in the conditions.

Ensuring that traffic and stormwater improvements are completed along with future development of the site is critical to the evaluation of the request. **To that end, the rezoning request should not go to the City Council for action unless it is**

**accompanied by a contract rezoning detailing specific improvements, timetables for completion, and the responsible party.**

Therefore, it is the recommendation of the Department of Planning and Housing that the Planning and Zoning Commission act in accordance with Alternative #1, which is to recommend that the City Council approve the rezoning from Agriculture and Highway-Oriented Commercial to High-Density Residential and Highway-Oriented Commercial with the attached master plan and a contract rezoning.

## **ADDENDUM**

**Existing Land Use Policy Plan.** The Land Use Policy Plan future land use map was recently amended to designate much of this area as High-Density Residential from Highway-Oriented Commercial. The South Duff Avenue frontage lying north of the Story Memorial Gardens cemetery remains as Highway-Oriented Commercial. See Attachment D for an excerpt of the LUPP future land use map. The proposed rezoning is consistent with the LUPP designation.

**Existing Uses of Land.** Land uses that occupy the subject property and other surrounding properties are described in the following table:

<b>Direction from Subject Property</b>	<b>Existing Land Uses</b>
Subject Property	Farmland, three homes
North	Commercial
East	Residential
South	Church, homes
West	Ames Municipal Airport

**Existing Zoning.** The current zoning of this property is HOC. See Attachment A for a zoning map.

**Master Plan.** A master plan is intended to provide a general description of the intended development of a property. A master plan must address natural areas, buildable areas, building types, range of uses and basic access points, as described in zoning requirements of Section 29.1507(4) (see Attachment E).

The submitted master plan proposes areas for residential development on 41.30 acres of the property and commercial development of 4.62 acres. These are gross acreages and does not account for the 50-foot right-of-way easement along the US Highway 69 frontage, future storm water detention areas, and any common open space that might be included in the apartment complex.

The master plan proposes between 500 and 700 apartment units, resulting in a density of between 11.63 and 17.50 dwelling units per acre. These densities are calculated on gross areas and, as noted above, do not reflect what will be reserved for other uses, thus reducing the developable acres. RH zoning requires a density of between 11.2 and 38.56 units per net acre. When a site development plan is submitted showing storm water areas, common open space, and other areas that can be netted out of the development, the densities will increase but remain within the allowable range.

Commercial coverage will be evaluated at the time that a site plan for a specific development is submitted. HOC zoning requires only staff review and approval.

**Access.** The Master Plan includes three access points along South Duff Avenue (US Highway 69). The northern access will be at a signalized intersection in alignment with Crystal Street. This will be the main entrance into the development.

A second access point will not be signalized and will be located just north of the property line with the cemetery. The southern access will not be signalized, either. It will be located about midway between Jewel Drive and Garden Road, south of the cemetery.

The RH rezoning area includes a 35-foot “flag pole” along the north boundary and another 35-foot “flag pole” immediately north of the north boundary with the cemetery. The flag poles will be platted as part of the residential lots and will provide the necessary frontage for those lots on a public street.

**Traffic.** A traffic study looked at current levels of service, future levels of service (year 2035) without the development, opening day of the development, and future 2035 levels of service with full build-out of the development. The study identified needed improvements along the US Highway 69 corridor as a result of general growth in the community. However, it also identified specific improvements needed to mitigate the impacts of this development on levels of service on this corridor. The study recommends the following improvements:

- Construct a signalized Crystal Street and US Highway 69 intersection to serve the new development.
- Extend the three lane cross section south through to the new south entrance to the proposed development and through to Garden Road.
- Construct an additional left turn lane from Airport Road to South Duff Avenue.
- Improve pedestrian and shared use path connections along South Duff Avenue.
- Construct a signal at South Duff Avenue and US Highway 30 Eastbound ramp.

The development agreement will specify which of the above are the responsibility of the City and which are the responsibility of the developer. Without the agreement, the developer would be responsible for those improvements that are caused by the development and the City would be responsible for those that are due to existing conditions and the general expected increase in traffic to the year 2035.

**Storm Water Management.** There are three drainage areas on the west side of South Duff Avenue that carry stormwater under the road to the east side. Property owners have expressed concerns that development on the west side of South Duff Avenue will exacerbate existing conditions and lead to localized flooding and wet basements. There is also a concern that, infrequently, the highway is closed due to stormwater overtopping the roadway.

The recommendations of the recently completed Tea Garden storm water study offer the maximum amount of flood protection without creating a larger future hazard of impounding water as a dam or creating a body of standing water that would be a flight hazard to airport operations. Using that study, the developer has done further analysis

to determine what storage requirements will be needed to achieve the improvements needed by the City and to mitigate the increased runoff due to this development. The findings of the study illustrate that development of the site could be done in a manner that meets City and downstream interests. If, however, the proposed project does not move forward, the Public Works department is prepared to move forward with a project to improve storm water management in this area. If a cost agreement on cost with the developer is not reached, the City and the developer would separately have to undertake storm water improvements.

**Other Infrastructure.** City sewer and water service are readily available and require only minor extensions. Extensions from the northwest corner of the site to a larger electrical service in Airport Road are needed as this is on the periphery of the Ames Electric territory. These costs will be the financial responsibility of City of Ames electric service.

**RH Site Evaluation Matrix.** City Council directed that proposals for apartment development be evaluated with the RH matrix. The matrix language was designed to articulate the goals and objectives of the LUPP into specific statements relevant to individual sites and to help establish a common context for evaluation of proposals on a case by case basis. **The purpose of the matrix is to evaluate if a specific site is suitable for multi-family development, the matrix does not set a minimum scoring requirement nor does it evaluate if alternative uses are also suitable for the site proposed as residential.** Staff has “rated” the proposed development, which can be found in Attachment F, and described the highlights of its determinations below. Overall, the site received mixed ratings. While there is more detail with the proposed master plan accompanying this rezoning request than there was at the time of the LUPP amendment, certain details are not included which would impact the scoring, especially specific plans for the Housing Type and Design category.

*Location/Surroundings:* The site is not well integrated into adjoining neighborhoods. To the west is the airport and the site is separated from the residential neighborhood to the east by Highway 69. The airport runway is approximately 700 feet from the western most property line of the subject area. Other uses on South Duff Avenue are the cemetery and a church. However, the site is rather large and can develop its own neighborhood identity with appropriate design and layout.

Employment opportunities would exist within the proposed and adjacent commercial areas. Other opportunities exist in east Ames, along the South Duff Avenue corridor and at the ISU Research Park to the west. This site would also be attractive for those wishing to commute to Huxley or Ankeny.

*Site:* As noted previously, the site has three drainage ways that will need to be improved and around which the development needs to be designed. However, there is no designated floodway fringe on the site. There is a stream channel along the north property line of the site that would likely be modified for a new street intersection and enlarged for storm water detention.

The site will be near the Ames general aviation airport. The airport mostly serves propeller-type airplanes and limited jet service (but no scheduled commercial flights). Because of the location of the development site in relation to the runways, there is no identified aviation hazard which could impact airport operations. The site could generate noise complaints depending on the times of flights and sensitivity of residents.

*Housing Types and Design:* Housing design is not generally required as part of a rezoning request beyond the description of building types and intensity of use for a Master Plan. But based on our discussion with the developer, the façade materials will likely contain a substantial amount of brick and a commitment to a number of on site amenities to differentiate the proposed project from other projects in the City. That discussion generated one of the conditions of approval. Other information is not available—thus the low scores on those criteria. The developer proposes to target these apartment units to a workforce tenant. He anticipates mostly one-bedroom units in buildings with up to 72 units in any one building. The statement of intent for smaller unit sizes could be viewed as supporting a needed housing type at the rezoning stage and was rated high in accordance with our desire to broaden housing options from recent trends. Development is not anticipated to be low or moderate income housing.

*Transportation:* For transit access, staff rated the site as average due to the front half of the site being within a ¼ mile distance of the bus stop. However, the majority of actual apartment unit locations are likely to end up being further than the ¼ miles target, unless CyRide establishes a new bus stop along South Duff Avenue. The nearest Yellow route stop is at the intersection of Jewel Drive and South Duff Avenue. Staff rated the quality of service for the Yellow route as low reflecting the current use of a small bus on the route. With the Yellow route, a person may take a bus and make connections during morning hours or after work to meet an 8 to 5 work schedule. Very limited midday service is provided by Gray route, and there is no evening or Sunday service.

With added sidewalk and shared use path improvements on South Duff Avenue, access to the north should be much improved. The development should have a well-defined internal shared-use and sidewalk system in order to safely direct users to the South Duff Avenue corridor. Under current conditions though, it has poor connectivity and was rated low.

The commitments that will need to be made for traffic improvements on South Duff Avenue and the various intersections are critical to assuring an improved level of service on this corridor. And the timing of those improvements should be such that they are ahead of the future forecasted demand. With future improvements along the Highway 69 corridor and the site's frontage, this criterion would score higher. The primary concern would be the offsite intersection service levels in the cumulative growth scenarios, with or without this project.

*Public Utilities/Services:* Staff evaluation of sanitary sewer capacity and water usage does not indicate any constraints for the development. The recommendations of the Teagarden Drainage Study, when implemented with the development, should improve current stormwater drainage issues.



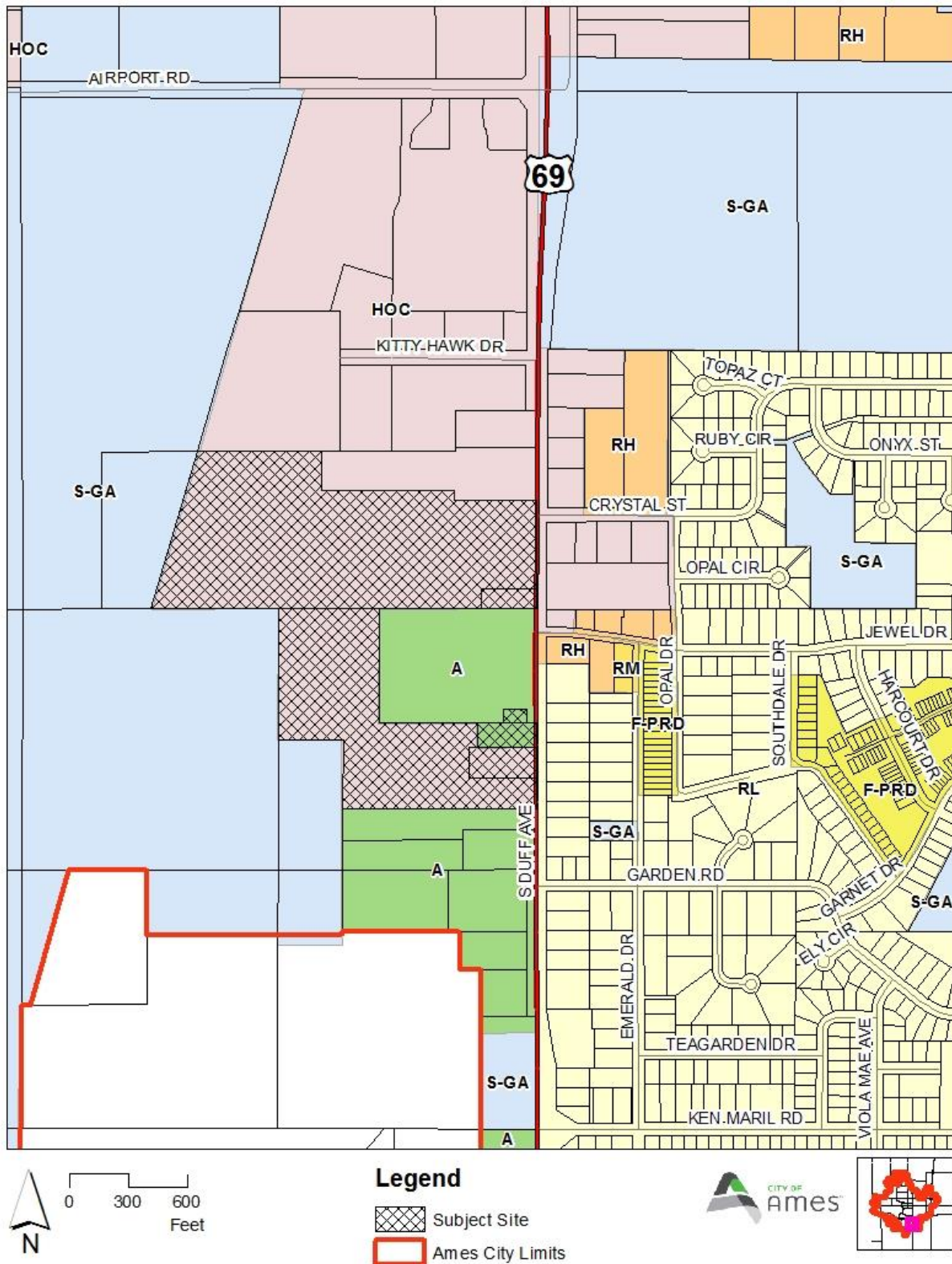
The fire station lies only 3,500 feet north of the southern-most extent of the development. Fire response time should be minimal.

*Investment/Catalyst:* The City never envisioned this as a potential residential neighborhood before this development was proposed. The size of it could allow it to be a self contained or private community, thus it may become an identifiable development even though its sits outside of an indefinable neighborhood.

Retaining a commercial area at the front will provide shopping and employment opportunities to serve this neighborhood as well as serving the 12,000 vehicles (2011 IDOT traffic count) per day on this section of US Highway 69.

**Public Notice.** Notice was mailed to property owners within 200 feet of the subject site and a sign was posted on the subject property. As of this writing, no comments have been received.

## ATTACHMENT A: CURRENT ZONING AND LOCATION

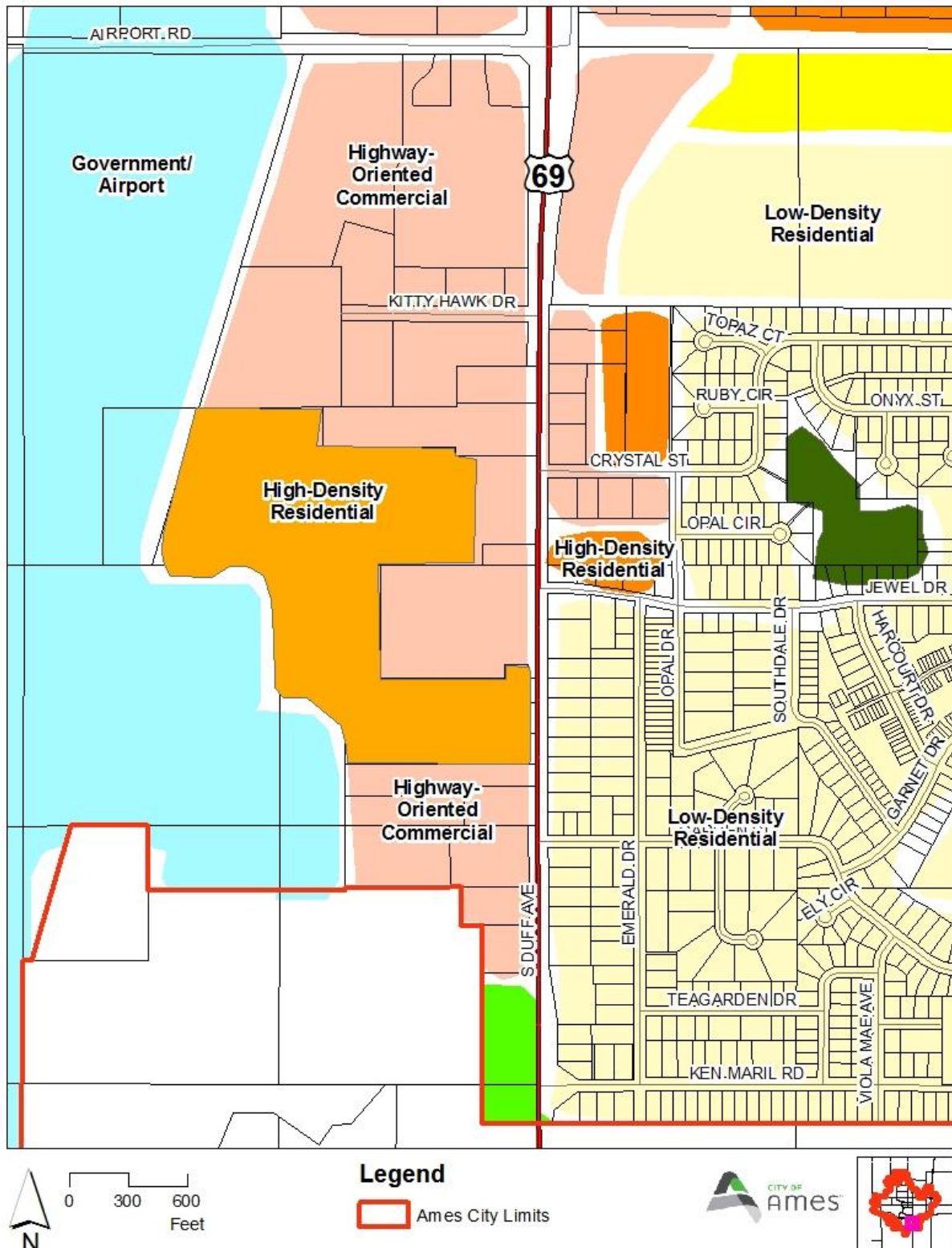


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## ATTACHMENT D: LUPP MAP [EXCERPT]



## **ATTACHMENT E: APPLICABLE REGULATIONS**

### **Per Section 29.1507(4): Master Plan Submittal Requirements:**

- 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. Outline and size in acres of areas proposed of each separate land use and for each residential unit type
- h. Pattern of arterial streets and trails and off-site transportation connections
- i. 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
- j. 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.

### ATTACHMENT F: RH SITE EVALUATION MATRIX

RH Site Evaluation Matrix	Project Consistency		
	High	Average	Low
<b>Location/Surroundings</b>			
Integrates into an existing neighborhood with appropriate interfaces and transitions High=part of a neighborhood, no significant physical barriers, includes transitions; Average=adjacent to neighborhood, some physical barriers, minor transitions; Low=separated from an residential existing area, physical barriers, no transitions available			X
Located near daily services and amenities (school, park ,variety of commercial) High=Walk 10 minutes to range of service; Average=10 to 20 minutes to range of service; Low= Walk in excess of 20 minutes to range of service. *Parks and Recreation has specific service objectives for park proximity to residential		X	
Creates new neighborhood, not an isolated project (If not part of neighborhood, Does it create a critical mass or identifiable place, support to provide more services?)		X	
Located near employment centers or ISU Campus (High=10 minute bike/walk or 5 minute drive; Average is 20 minute walk or 15 minute drive; Low= exceeds 15 minute drive or no walkability)	X		
<b>Site</b>			
Contains no substantial natural features on the site (woodlands, wetlands, waterways)			X
Located outside of the Floodway Fringe	X		
Separated adequately from adjacent noise, business operations, air quality (trains, highways, industrial uses, airport approach)			X
Ability to preserve or sustain natural features		X	
<b>Housing Types and Design</b>			
Needed housing or building type or variety of housing types	X		
Architectural interest and character		X	
Site design for landscape buffering			X
Includes affordable housing (Low and Moderate Income))			X

<b>Transportation</b>			
Adjacent to CyRide line to employment/campus High=majority of site is 1/8 miles walk from bus stop; Average= majority of site 1/4 mile walk from bus stop; Low= majority of site exceeds 1/4 miles walk from bus stop.		X	
CyRide service has adequate schedule and capacity High=seating capacity at peak times with schedule for full service Average=seating capacity at peak times with limited schedule Low=either no capacity for peak trips or schedule does not provide reliable service		X	
Pedestrian and Bike path or lanes with connectivity to neighborhood or commute			X
Roadway capacity and intersection operations (existing and planned at LOS C)			X
Site access and safety		X	
<b>Public Utilities/Services</b>			
Adequate storm, water, sewer capacity for intensification High=infrastructure in place with high capacity Average=infrastructure located nearby, developer obligation to extend and serve Low=system capacity is low, major extension needed or requires unplanned city participation in cost.		X	
Consistent with emergency response goals High=Fire average response time less than 3 minutes Average=Fire average response time within 3-5 minutes Low=Fire average response time exceeds 5 minutes, or projected substantial increase in service calls	X		
<b>Investment/Catalyst</b>			
Support prior City sponsored neighborhood/district investments or sub-area planning			X
Creates character/identity/sense of place			X
Encourages economic development or diversification of retail commercial (Mixed Use Development)		X	