

COUNCIL ACTION FORM

**SUBJECT: MINOR AMENDMENT TO THE LAND USE POLICY PLAN
FUTURE LAND USE MAP AT 802 DELAWARE AVENUE**

BACKGROUND:

On January 28th, 2020, the City Council referred to staff a letter from Justin Dodge, with Hunziker Companies representing property owner Dick Hall, asking to initiate a Minor Amendment to the Land Use Policy Plan for 802 Delaware Avenue. The site is currently a vacant lot and totals approximately .75 acres between North Dakota Avenue and Delaware Avenue. *(See Attachment A – Location Map)*. City Council determined on March 10, 2020 that the developer could proceed with an application for a Minor LUPP Amendment. Council discussed the proposal in the context of housing and land use discussions of Ames Plan 2040 regarding infill, knowing that evaluation of the proposal is subject to review under the current Land Use Policy Plan (LUPP).

The designation of the property is currently Low Density Residential. *(see Attachment B – Existing Land Use Designation)*. Current land use designations adjacent to the site are Low Density Residential in all directions. The owner and developer of the properties, is requesting a change in the land use designation of the properties from Low Density Residential to Medium Density Residential *(see Attachment C – Proposed Land Use Designation)* in order to ultimately rezone the site to Residential Medium Density (RM) zoning for construction of a medium density multi-family development. Under the current zoning the site could be subdivided and developed with three single-family home lots with frontage along Delaware.

The proposed LUPP map amendment would create a site-specific infill area intended for a medium density style development within an area designated low density residential. Two-family duplex style homes do exist across the street and nearby along Delaware Avenue to the north as a product of prior zoning options that existed prior to 2000. The current RL zoning, which allows for only new single-family homes, was put into place in 2000. Attachment “A” shows the overall predominant development pattern in the immediate area of the site. Further to the north is multi-family development of apartments, approximately 800 feet from the site.

During preliminary discussions, the developer has described an interest in a townhome development concept that consists of six two-story townhomes. The applicant’s support for their request is included as Attachment D. The developer desires a Medium Density designation and RM zoning for the site to increase development potential of the site with a housing type not permitted within RL zoning. Single-family attached housing (townhomes) is not a permitted building type within RL zoning, although it is permissible in the Floating Suburban FS-RL expansion areas of the City.

Development in RM zoning allows smaller scale multi-family uses ranging in density from 7.26 up to 22.31 units per acre. The developer envisions the townhomes as buildings all on one lot. This type of building pattern of townhomes would be viewed as apartment buildings under the Zoning Ordinance definitions if they are not on individual lots as single-family attached housing.

The requested LUPP Amendment is the first step in a series of actions to realize the developer's vision that would also include applications for Rezoning and a Minor Site Development Plan. Details of development would be refined in later steps if the LUPP Amendment is approved.

During the recent Ames Plan 2040 process the Planning and Zoning Commission and City Council have discussed in general potential changes to the residential land use designations that may permit small site infill than is different than current policies. These concepts and associated policy issues must still have details finalized and are not available to help guide a decision on this request. The applicant acknowledges this in their request and hopes to move ahead as an initial effort to address infill goals in light of the Ames Plan 2040 discussions.

With any proposed change to the Land Use Policy Plan Future Land Use Map, the City examines the suitability of infrastructure and the site for the proposed use. Infrastructure includes facilities such as sewer and water capacity, storm drainage, and general circulation needs. **Staff generally finds that infrastructure for water, sewer, storm drainage, and traffic access from Delaware are acceptable to plan for the more intense development in this area.** More details would be reviewed with a specific development concept.

When evaluating the change of use it is important to consider how future development at this location would generally interface with its surroundings through the zoning standards. RM zoning has basic setback standards similar to the RL zoning. RM does permit larger building types and more overall lot coverage compared to RL. There are no precise building or site design guidelines to define architectural compatibility. **If the request is approved, during rezoning a Master Plan may be needed to help define the development concept prior to final review of Site Development Plan.**

The current LUPP is selective in its support of intensification and infill, primarily focusing on Downtown, Campustown, and Lincoln Way as areas highlighted for intensification. Generally, infill on smaller sites is not a strategy identified in the LUPP to meet housing needs of the City. The LUPP stated vision is to permit planned mixes of housing types in expansion areas of the City (Village/Floating Suburban) with minimal changes in existing areas. Staff highlights Goal 2, Goal 4, Goal 5, and Goal 6 with their objectives as relevant to the issue of balancing future growth needs and neighborhood compatibility (Attachment E). **Although the LUPP identifies desires for diverse housing opportunities, staff did not find the Goals and Objectives to fit increasing density on a small site such as this for infill.** A more detailed discussion is included in the addendum.

Planning & Zoning Commission Recommendation

The Planning & Zoning Commission discussed the matter at the May 20th Planning & Zoning Commission meeting. The meeting was noticed as a public hearing with publishing in the newspaper and direct mail to property owners within 300 feet of the site. The Commission discussed the current setting of the area, the current LUPP, and the status of Plan 2040. Much of the discussion focused on the current LUPP intent for limited change in neighborhoods and zoning put in place in 2000 that limited building types in RL areas compared to prior R-2 zoning that allowed for other building types. During the hearing the Commission heard from one member of public who spoke against the proposal.

The Commission deliberated through three separate motions on the matter based upon the alternatives presented by staff. The first motion made was to recommend that the City Council deny the requested amendment to the LUPP Future Land Use Map. The motion failed on a 2-4 vote.

Further discussion followed about the benefits of delaying a decision until Plan 2040 had more definition or to deny the request and have an applicant reapply. Next, a motion was made to recommend the City Council defer the proposed amendment to the LUPP Future Land Use Map. That motion failed on a 3-3 vote. **Ultimately, a motion was made to recommend that the City Council deny the amendment to the LUPP Future Land Use Map. That motion passed on a 5-1 vote.**

ALTERNATIVES:

1. The City Council can deny the proposed amendment to the LUPP Future Land Use Map and maintain the current Low-Density Residential designation on the 0.75 acres site located at 802 Delaware. (*Planning and Zoning Commission Recommendation*)
2. The City Council can approve the proposed amendment to the LUPP Future Land Use Map to change the land use designation of approximately .75 acres of land located at 802 Delaware Avenue from Low Density Residential to Medium Density Residential, as depicted in Attachment C and subject to a condition that a future rezoning include a Master Plan.
3. The City Council can defer the proposed request until such time that guidance on infill policies are added to the LUPP or Ames Plan 2040 is approved with guidance on suitability for small infill sites.
4. The City Council can refer this request back to staff or the applicant for more information, prior to forwarding a recommendation to City Council.

CITY MANAGER'S RECOMMENDED ACTION:

The proposed amendment represents a difficult policy balance for the City of Ames between considering maintaining existing conditions or supporting potentially complementary development as infill. Small scale infill is not a common development pattern within Ames due to the minimal number of properties, such as this site, that could afford a developer different opportunities than the surrounding properties developed many years ago. The LUPP currently focuses on conserving existing areas that are not identified for redevelopment or intensification. This was in response to prior land use allowances in the City that permitted more housing options in low density areas before approval of the 1997 LUPP. Mixing of housing types was planned for the growth areas (Village/Floating Suburban) with minimal changes planned within the existing City as a result of the 1997 LUPP.

The proposed site is readily developable for new housing and is an infill site regardless of a change in land use designation. The primary difference is the increase in the number of housing units and the developer's goal of having different building types than what is permitted in the current low density designation.

Staff finds that the Objectives of Goals 2 and 6 are directly applicable to the request by identifying that housing opportunities to meet projected growth and focusing on compatibility with the surroundings are the priority for this application. **Based upon the small site size and no larger initiative to facilitate and design infill in this area, the proposed land use change is not consistent with these objectives and goals.** Although there is not readily available land as Medium Density within existing areas of the city, that is by design of the Plan. The priority for meeting projected growth has been with growth areas and concentrated larger areas of the City rather than small individual sites in general. Single-Family attached homes are allowed within the multiple zoning districts options of the growth areas of the City. **A decision that there is a need for the use and that it would be compatible with the surroundings is necessary to find support within the context of the current LUPP.**

Plan 2040 discussions have raised the prospect of considering small scale infill options with different building types, such as the discussed townhome concept of the developer. The criteria or expectations for infill with appropriate zoning tools have not yet been developed to help guide this concept. Going forward, the goal for Plan 2040 is to not focus on density ranges as much as what are compatible housing opportunities guided by design standards, while trying to balance new development option with maintaining of neighborhood character. Maintaining neighborhood character discussed as part of the Plan 2040 process does not necessarily mean that no changes should occur, but to instead define what objectives infill most accomplish to determine that general compatibility would be accomplished.

In regards to the proposed LUPP Amendment, staff cannot find support for it based off of the Objectives of Goals 2 and 6 which highlight the need for compatibility with surrounding areas. The other goals and objectives are not in conflict. Staff notes

that the discussion of infill and intensification in the Goals is based on suitability and integration into existing neighborhoods. It should also be kept in mind that infill and intensification can be seen as two separate issues. Building new single-family homes on this vacant lot is infill and supported in the LUPP as permitted under the current land use designation.

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to deny an amendment to the LUPP Future Land Use Map to change the land use designation of 0.75 acres of land located 802 Delaware Avenue, from Low Density Residential to Medium Density Residential.

ADDENDUM

The LUPP designation of the property is currently Low Density Residential. The existing developed uses adjacent to the property are either single family or two-family homes. The Low-Density Residential designation allows for the site to be developed with only single-family residential uses to a maximum density of 7.26 dwellings units per net acre. The size of the existing lot would permit up to three standard lots fronting on Delaware for single-family home construction. Potentially additional lots could be created with North Dakota frontage and access to Delaware. The site is not large enough for a rezoning to a Planned Residence District (PRD) under the current standards, which require a minimum site size of two acres.

The properties across from the development site along Delaware to the west are currently zoned Residential Low Density but are constructed as duplex homes. The remaining properties to the immediate north and south and further west (1-2 blocks) are single family homes. A Government (SGA) zoned lot exists to the south of here at the intersection of Delaware and North Dakota. The City also owns a vacant lot just to the north of this site that is zoned RL rather than SGA. Properties further to the north, approximately 800 feet do include multi-family housing.

Capacity of Public Utilities. In any proposed change to the Land Use Policy Plan Future Land Use Map, the City examines possible impacts to public utilities, such as storm sewer, sanitary sewer and water capacity, storm drainage. This review is based on overall system capacities and staff finds that the capacities of storm sewer, sanitary sewer, and water are acceptable with the level of information that is available. Future rezoning review with a Master Plan will verify utility connections.

Traffic/Access.

The development site has frontage on Delaware Avenue and North Dakota Avenue. Parking for the site will be from Delaware Avenue. No access is permitted from North Dakota Avenue for the project. CyRide does not provide service along Delaware Avenue. Service is provided to the north along Ontario Street with stops near the intersection of Ontario and Delaware. Access to these CyRide stops is over 1,800 feet from the site.

Site.

The site is a vacant flat lot with no substantial natural features. The site has been vacant for a long time. There is no floodplain on the property. The site abuts North Dakota Avenue to the east. North Dakota Avenue is an arterial street with moderate to high levels of traffic. Delaware Avenue is a local residential street.

Land Use Policy Plan Goals and Objectives.

The Goals and Objectives of the LUPP guide all the other elements of the Plan. They can be found in Chapter One: Planning Base on pages 18-27 of the Plan.

The Developer has provided supporting statements for the application as part of Attachment. Staff believes that specifically goals No. 2, 4, 5 and 6 and objectives

within each of those goals are most pertinent to the request.

Goal No. 2. In preparing for the target population and employment growth, it is the goal of Ames to assure the adequate provision and availability of developable land. It is the further goal of the community to guide the character, location, and compatibility of growth with the area's natural resources and rural areas.

Objectives. In assuring and guiding areas for growth, Ames seeks the following objectives.

2.A. Ames seeks to provide at least 600 to 2,500 acres of additional developable land within the present City and Planning Area by the year 2030. Since the potential demand exceeds the supply within the current corporate limits, alternate sources shall be sought by the community through limited intensification of existing areas while concentrating on the annexation and development of new areas. The use of existing and new areas should be selective rather than general.

2.B. Ames seeks to assure the availability of sufficient suitable land resources to accommodate the range of land uses that are planned to meet growth. Sufficient land resources shall be sought to eliminate market constraints.

2.C. Ames seeks a development process that achieves greater compatibility among new and existing development.

2.D. Ames seeks a development process that achieves greater conservation of natural resources and compatibility between development and the environment.

2.E. Ames seeks to integrate its planning with that of Story County and surrounding counties in assuring an efficient and compatible development pattern, and in assuring that there are adequate agricultural resources to serve the region.

Staff Comments: Objective 2.C highlights ensuring compatibility of this type of development into new and existing neighborhoods. This can be seen to be a conflicting Objective as the building types do not match that of the surrounding area. While not a dramatic intensification of density, it is higher nonetheless and must be looked at for compatibility with the likely larger buildings that can be built in a Medium density zoning district. However, the proposal creates an island of medium density land. Although medium density would permit apartments and development of 12 units, staff believes the rezoning process with a Master Plan can address specific density issues.

Goal No. 4. It is the goal of Ames to create a greater sense of place and connectivity, physically and psychologically, in building a neighborhood and overall community identity and spirit. It is the further goal of the community to assure a more healthy, safe, and attractive environment.

Objectives. In achieving an integrated community and more desirable environment, Ames seeks the following objectives.

- 4.A. Ames seeks to establish more integrated and compact living/activity areas (i.e. neighborhoods, villages) wherein daily living requirements and amenities are provided in a readily identifiable and accessible area. Greater emphasis is placed on the pedestrian and related activities.
- 4.B. Ames seeks to physically connect existing and new residential and commercial areas through the association of related land uses and provision of an intermodal transportation system.
- 4.C. Ames seeks to psychologically connect the various living/activity areas through closer proximity of residential areas and supporting commercial uses, common design elements, and inclusion of community amenities such as parks and schools. The connections should promote community identity.

Staff Comments: The Objectives in goal 4 all speak to creating more integrated, compact and connected neighborhoods with nearby commercial areas. While there is no commercial immediately adjacent to this site the construction of new homes on this site places them closer than would otherwise occur in new land areas further out. Building along established streets within existing neighborhoods makes it easier to connect sidewalk network together and utilize existing nearby pedestrian crossings thus increasing safety as stated to in the main statement of this goal. This goal and its objectives can be seen to not be in conflict with the proposed project with Objective 4.C supportive of the proposal.

Goal No. 5. It is the goal of Ames to establish a cost-effective and efficient growth pattern for development in new areas and in a limited number of existing areas for intensification. It is a further goal of the community to link the timing of development with the installation of public infrastructure including utilities, multi-modal transportation system, parks and open space.

Objectives. In defining the growth pattern and timing of development, Ames seeks the following objectives.

- 5.A. Ames seeks to establish priority areas for growth in which there are adequate and available land resources and infrastructure to meet the major development requirements through the year 2030.
- 5.B. Ames seeks to attract public and private capital investment in the priority areas for growth on a concurrency basis (i.e. having infrastructure available at the time of development approval). Public capital improvements (e.g. trunk lines and a major street system) could be used to leverage the location of development and the availability of land.
- 5.C. Ames seeks the continuance of development in emerging and infill areas where there is existing public infrastructure and where capacity permits.
- 5.D. Ames seeks to have the real costs of development borne by the initiating agent when it occurs outside of priority areas for growth and areas served by existing infrastructure.
- 5.E. Ames seeks to integrate its planning with that of Story County and regional planning agencies.

Staff Comments: Goal 5 has several objectives that support this type of proposal. The objectives in this goal state that development should be encouraged in infill areas and with minimal public investment with existing infrastructure and that costs should otherwise be borne by the developer. Objectives 5.A and 5.B would support developing along existing infrastructure and 5.C and 5.D would support infill along established streets with existing infrastructure as is proposed here. The main Goal heading also encourages intensification but in limited areas. This area is not necessarily seen as ideal for intensification as currently proposed due to compatibility concerns more so than infrastructure. The difficulty in determine where intensification should be is challenging. While Goal 5 can be seen to be very supportive the overall goal carries with it the question of where intensification areas are located, even though it is not restated in an objective.

Goal No. 6. It is the goal of Ames to increase the supply of housing and to provide a wider range of housing choices.

Objectives. In increasing housing opportunities, Ames seeks the following objectives.

- 6.A. Ames seeks to increase the overall supply of low and moderate-income housing through the following means: (1) conservation of such units in existing areas that are not designated for redevelopment or intensification; and, (2) inclusion of such units in new market-driven housing developments through zoning incentives.

- 6.B. Ames seeks to establish densities of a net average 5.6 dwelling units per acre in maximizing the number of housing units in new areas.
- 6.C. Ames seeks to establish higher densities in existing areas where residential intensification is designated with the further objective that there shall be use and appearance compatibility among existing and new development.
- 6.D. Ames seeks to make housing ownership and rental more available and accessible through relieving the current constraints to land supply/availability. Relief is sought through increasing the supply of land by the following means: (1) releasing lands for development that are currently controlled by institutions; (2) annexing new lands; and (3) expediting development by targeting areas for public and private cooperative efforts.

Staff Comments: While Objective 6.C. supports higher densities it also notes it should be done where appearance and compatibility among existing and new development is able to be achieved. It is not clear yet that the proposed concept from the developer here is able to achieve that and staff has noted there could be potential issues with regard to building scale. This statement shows that while higher densities are supported in the LUPP it is location sensitive and not a blanket support anywhere in the community. 6.A, 6.B and 6.D are seen to be not in conflict. Staff also does not find that there is necessarily a lack of land overall for this type of building desire, only a lack of land in infill areas.

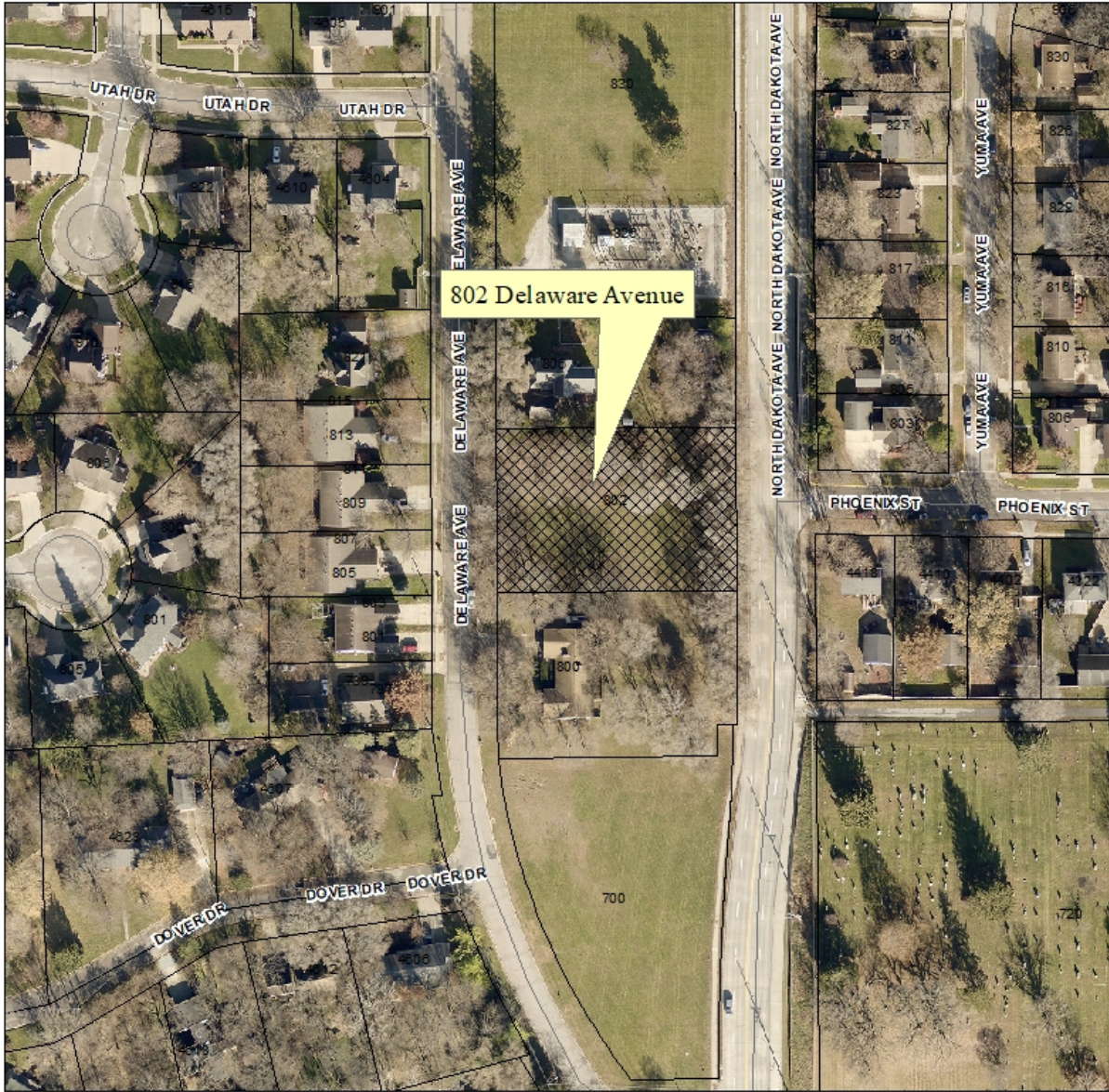
Alternative Considerations

As a Minor Amendment no specific alternatives evaluation is required. Due to the small site size there are no other specific options for other designations. A larger collection of properties such along Delaware that included this site could be viewed as more appropriate for establishing and identified are for infill and intensification. The larger collection of land would provide for a block of medium density uses to be developed and along an arterial street would be seen to be more compatible already with a higher traffic flow. This may be a preferred way to introduce more density in existing lower density areas in the future.

Notification

Notification was mailed to property owners within 300 feet of this property as well as a publication in the Ames Tribune as required by law.

Attachment A- Location Map



802 Delaware Avenue
Location



Attachment B- Current Land Use



802 Delaware Avenue
Current Land Use



Legend

City Land Use Designations

Residential

Low-Density Residential

Medium-Density Residential

Government/Airport

Government/Airport

Attachment C- Proposed Land Use



802 Delaware Avenue
Proposed Land Use



Legend

City Land Use Designations

Residential

Low-Density Residential

Medium-Density Residential

Government/Airport

Government/Airport

Attachment D- Property Owner Statement

Narrative for 802 Delaware LUPP Amendment

1. Explain the consistency of this proposal with the goals and policies set forth in the Land Use Policy Plan.
 - a. The Ames 2040 Plan will be replacing the Land Use Policy Plan and one of the focuses that the Ames City Council has continued to bring up and could possibly prioritize is “infill growth and development” to accommodate our population needs of the future. This site is a perfect example of an infill site to house our growing population.
2. Demonstrate why the LUPP Map designation for this property should be changed. Explain why the site cannot be reasonably developed under current designation.
 - a. Currently this area is planned for “residential low density” which would not allow for townhomes or duplexes like the pre-existing ones to the West or the one across North Dakota to the East. It would only allow a single family detached home, which in our professional opinion is highly unlikely. It is only through an LUPP amendment that townhomes or duplexes like the properties on the West or one to the East would be allowed.
3. Determine if there is a lack of developable property in the City, which has the same designation as that proposed. If not, explain the need for expanding the amount of land included in the designation proposed for this property.
 - a. At this time, we are unaware of any land in Ames that is zoned residential medium density that is also a vacant lot. The applicant already owns this lot and has a desire to make improvements. We hear frequently there is a desire for more diverse housing options and this project would create a new and unique housing option.
4. As a result of this action, will there be an adverse impact upon: Other undeveloped property in the designation proposed for this site; Other developed property in the designation proposed for this site, which may be subject to redevelopment/rehabilitation.
 - a. There are currently two sites nearby which are undeveloped – one is the former site of the water tower to the North and one on the other side of the property to the South. Both of these undeveloped sites belong to the City of Ames. We believe this change for 802 Delaware could be applied to both of these sites and improve the value of the sites if they are developed in the future.
 - b. There are two properties, one to the North and one to the South which are both single family detached homes. As we look at the townhomes along Mortensen on Big Bluestem, we have a great example of townhomes integrating well into a neighborhood and surrounded by single family detached homes. We believe if either property to the North or South were to redevelop, townhomes would be an excellent option.
5. Demonstrate that the new designation of the site would be in the public interest. What is the public need or community benefit?
 - a. As mentioned above, there is a desire for infill housing options rather than all growth being on the perimeter of the city. Also, as mentioned above, it has been communicated to us on a frequent basis to add more unique and diverse housing options. We believe this project addresses both of these – great infill as well as unique and diverse housing options.

Attachment D Cont.

6. What impact will the proposed change have upon the following:
 - a. Transportation – We believe adding 5 townhomes will have no impact on transportation.
 - b. Sanitary sewer – We believe adding 5 townhomes will have no impact on the sanitary sewer.
 - c. Water – We believe adding 5 townhomes will have no impact on the water or create fire protection issues.
 - d. Storm sewer – We believe adding 5 townhomes will have little to no impact on the storm sewer. Civil engineers will integrate stormwater components into the site plan to comply with city regulations.
 - e. Housing and Employment – We believe adding 5 townhomes would help create more housing options as well as opportunities for employees to live in Ames rather than other communities to commute to work in Ames.

Attachment E-LUPP Goals

Goal No. 2. In preparing for the target population and employment growth, it is the goal of Ames to assure the adequate provision and availability of developable land. It is the further goal of the community to guide the character, location, and compatibility of growth with the area's natural resources and rural areas.

Objectives. In assuring and guiding areas for growth, Ames seeks the following objectives.

- 2.A. Ames seeks to provide at least 600 to 2,500 acres of additional developable land within the present City and Planning Area by the year 2030. Since the potential demand exceeds the supply within the current corporate limits, alternate sources shall be sought by the community through limited intensification of existing areas while concentrating on the annexation and development of new areas. The use of existing and new areas should be selective rather than general.
- 2.B. *Ames seeks to assure the availability of sufficient suitable land resources to accommodate the range of land uses that are planned to meet growth. Sufficient land resources shall be sought to eliminate market constraints.*
- 2.C. *Ames seeks a development process that achieves greater compatibility among new and existing development.*
- 2.D. Ames seeks a development process that achieves greater conservation of natural resources and compatibility between development and the environment.
- 2.E. Ames seeks to integrate its planning with that of Story County and surrounding counties in assuring an efficient and compatible development pattern, and in assuring that there are adequate agricultural resources to serve the region.

Goal No. 4. It is the goal of Ames to create a greater sense of place and connectivity, physically and psychologically, in building a neighborhood and overall community identity and spirit. It is the further goal of the community to assure a more healthy, safe, and attractive environment.

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- 5.C. Ames seeks the continuance of development in emerging and infill areas where there is existing public infrastructure and where capacity permits.
- 5.D. Ames seeks to have the real costs of development borne by the initiating agent when it occurs outside of priority areas for growth and areas served by existing infrastructure.

Goal No. 6. It is the goal of Ames to increase the supply of housing and to provide a wider range of housing choices.

Objectives. In increasing housing opportunities, Ames seeks the following objectives.

- 6.A. Ames seeks to increase the overall supply of low and moderate-income housing through the following means: (1) conservation of such units in existing areas that are not designated for redevelopment or intensification; and, (2) inclusion of such units in new market-driven housing developments through zoning incentives.
- 6.B. Ames seeks to establish densities of a net average 5.6 dwelling units per acre in maximizing the number of housing units in new areas.
- 6.C. Ames seeks to establish higher densities in existing areas where residential intensification is designated with the further objective that there shall be use and appearance compatibility among existing and new development.

- 6.D. Ames seeks to make housing ownership and rental more available and accessible through relieving the current constraints to land supply/availability. Relief is sought through increasing the supply of land by the following means: (1) releasing lands for development that are currently controlled by institutions; (2) annexing new lands; and (3) expediting development by targeting areas for public and private cooperative efforts.