

ITEM # 23
DATE 08/26/08

COUNCIL ACTION FORM

SUBJECT: INTERPRETATION OF THE AMES URBAN FRINGE PLAN RELATIVE TO PROPOSED ANNEXATION OF 1820 SOUTH DAYTON AVENUE

BACKGROUND:

The City Council received and referred to the Planning and Zoning Commission a Voluntary Annexation Petition for the property at 1820 South Dayton Avenue (see Location Map). The Planning and Zoning Commission is scheduled to consider this at its September 3, 2008 meeting. At this time, the City Council is not being asked to determine whether this property should be annexed, but rather to determine if the land use policy of the City, in this case the Ames Urban Fringe Plan Map, would need to be amended before annexation could occur.

The State of Iowa has made some changes to the annexation process since the most recent annexation by the City. The attached "Voluntary Annexation Process" describes the current process as it is applied to the requested annexation at 1820 South Dayton Avenue. **A major change is that the process now begins with a consultation among the City Council, Board of Supervisors, and Township Trustees.** The purpose of the consultation is to learn of any issues related to this annexation. Although the Story County Board of Supervisors and the Grant Township Trustees may appoint a representative for this consultation, the law makes no such provision for the City Council. Therefore, it must include the full City Council, and staff suggests that the consultation be scheduled for the September 9, City Council meeting. Following the consultation, Story County or Grant Township may make recommendations on the annexation. All of the rest of the steps in the annexation are based on time periods required by State law.

The subject property is relatively small. On the Ames Urban Fringe Plan Map, the property is on the line between the Highway-Oriented Commercial land use designation and the Natural Areas land use designation. Annexation and development is consistent with Highway-Oriented Commercial land use, but not consistent with Natural Areas land use.

In a letter of June 20, 2008, Mr. Chuck Winkleblack, representing the owner of the property proposed to be annexed, provided some reasons why he believes that annexation is consistent with the current Ames Urban Fringe Plan Map and why the annexation does not require a change to the Map. Among his reasons is that the past and current zoning and use of the property is commercial, and the Plan says nothing about downzoning the property. He states that boundary lines on a Land Use Policy Plan Map are not as specific as on a Zoning Map and are especially imprecise for a small property split by the boundary between two uses. In other words, either use would be consistent with the Plan. Mr. Winkleblack suggests that the City Council can make

that decision through the annexation and rezoning process and in that way establish the precise boundary for the change in use.

On the other hand, reasons in support of the need to change the Ames Urban Fringe Plan Map include that the location for this precise boundary is a land use issue and should be determined first before implementation actions such as annexation and rezoning. Also, since the Ames Urban Fringe Plan is new policy, the affected jurisdictions should interpret it together. The attached Voluntary Annexation Process shows in italics the steps needed for this Map change. If each of the three jurisdictions approves the change (or if Gilbert declines to take a position), then a joint meeting among Story County, Gilbert, and Ames on the Ames Urban Fringe Plan would not be necessary.

ALTERNATIVES:

1. The City Council can decide that a change in the Fringe Area Plan is needed to allow for the proposed commercial uses by the applicant and direct staff to initiate consideration of the proposed change to the Ames Urban Fringe Plan Map to designate the entire subject property as Highway-Oriented Commercial.

This option will require the input from Gilbert and Story County as to their position on amending the Fringe Area Plan to clearly support the commercial land use desired by the applicant.

2. The City Council can find that no change in the Fringe Area Plan is needed to support a commercial zoning designation and, therefore, proceed with the new annexation consultation process required by the State law.

This option assumes that Gilbert and Story County agrees with the City's conclusion that no amendment to the Fringe Area Plan is required. This position can be confirmed during the annexation consultation meeting. However, if there is disagreement with the City's position, the Council will have to decide whether or not to move forward with annexation without the support of the other Fringe Plan partners or to initiate an amendment consistent with the partner's position. In the latter case, because we would be proceeding as described under Alternative #1, the applicant would experience further delays.

3. The City Council can refer this request to staff for additional information.

MANAGER'S RECOMMENDED ACTION:

It should be emphasized that the City staff is generally in support of the proposed use of the subject land for commercial purposes. The issue before the City Council, however, is to determine whether or not the Land Use Policy Plan (which includes the Fringe Area Plan) needs to be amended to reflect this commercial use for the subject land. Good arguments can be made to support either side of this issue.

The Ames Urban Fringe Plan is intended as a framework for cooperative planning with other jurisdictions. The decision-making process is as important as the policies in the Plan. There could be some real benefits in the jurisdictions coming together to clarify the land use designation of this site by the Plan. This may also be a precedent that the City would find beneficial in cases where the County needs to interpret the Plan Map at the edge of the City.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby directing staff to initiate consideration of the proposed change to the Ames Urban Fringe Plan Map to designate the entire subject property as Highway-Oriented Commercial. Under this alternative, in addition to notifying Story County and Grant Township of the annexation consultation, staff would also notify Story County and Gilbert of the proposed change to the Ames Urban Fringe Plan Map.

As long as Story County, Gilbert, and Ames agree on the land use designation by the Ames Urban Fringe Plan Map by October 14, this land use plan process can be accomplished within the same time frame required by the State for the annexation decision, and not further delay the applicant.

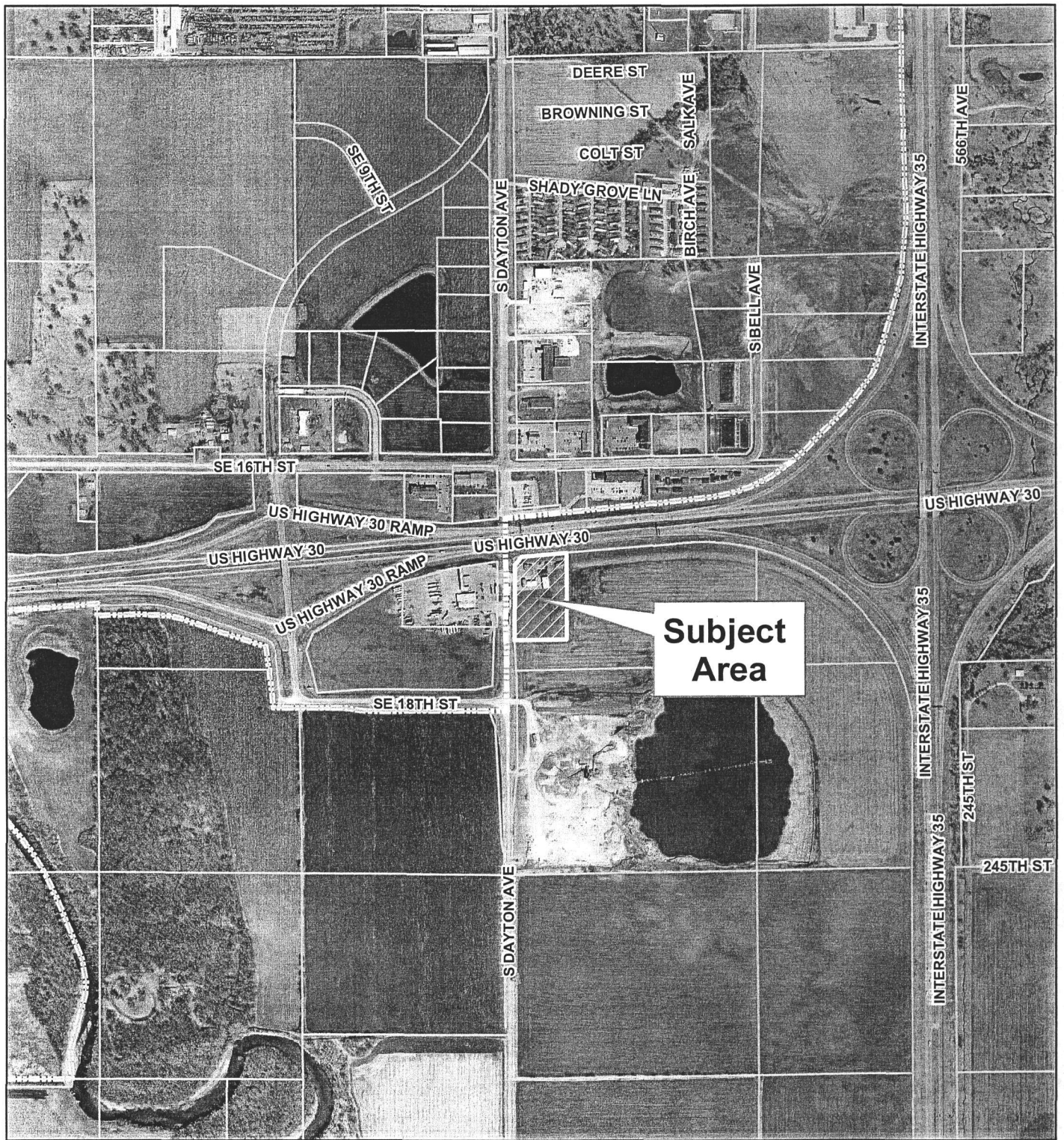
Voluntary Annexation Process

Adapted from Iowa Code 368.7

- August 27 Written notice to Board of Supervisors and Grant Township Trustees of time of Annexation Consultation and of the proposed change to the Ames Urban Fringe Plan Map
- September 3 Planning and Zoning Commission considers annexation
- September 9 Consultation with Story County Board of Supervisors and Grant Township Trustees (assuming both can be represented on this regular City Council meeting night).
- September 17 Planning and Zoning Commission considers Ames Urban Fringe Plan Map change if required.*
- September 18 Deadline for Story County Board of Supervisors and Grant Township to make recommendations for modification of the proposed annexation.
- September 30 Deadline for written notice of public hearing to
- Each affected public utility (by certified mail)
 - Chair of Board of Supervisors (by certified mail)
 - Adjoining property owners not within City Limits (by regular mail)
 - Regional Planning Authority (by certified mail)
- Deadline to publish notice of public hearing.
- October 9 Deadline for Story County Board of Supervisors resolution stating whether or not it supports application or that it takes no position. Resolution must be immediately filed with City.
- October 14 Public hearing on annexation. City can take action now or later, but City action must be by resolution. City shall consider the County resolution when taking action on annexation. *Ames City Council also considers Ames Urban Fringe Plan Map change if required.*

If Story County or Gilbert denies the proposed change to Ames Urban Fringe Plan Map, a joint meeting will be required and City Council action would need to be delayed until after that occurs.

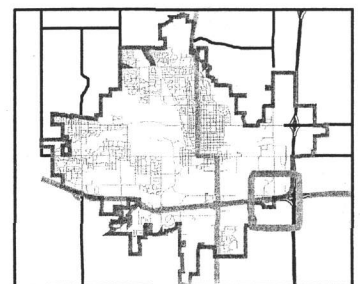
If the annexation is approved, the resolution approving the annexation and other documents need to be filed with the Iowa Secretary of State, Story County Recorder, the Story County Board of Supervisors, the Story County Auditor, affected public utilities and the Iowa Department of Transportation. The annexation is complete when the Secretary of State acknowledges receiving the documents. Written notice is also given to the owner of any property that, as a result of this annexation, it is now within two miles of the new Ames City Limits.



**Location Map
1820 S. Dayton Ave.**



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Feet



RETURN TO: CIVIL DESIGN ADVANTAGE, 5501 NW 112TH STREET, SUITE G, GRIMES, IA. 50111, PH: 369-4400 FAX: 369-4410

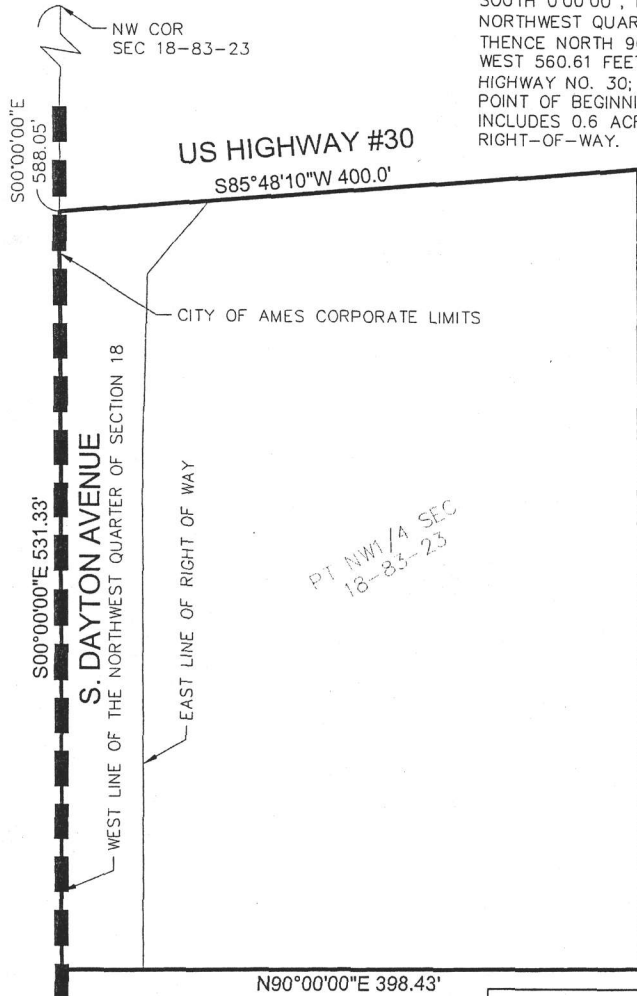
ANNEXATION PLAT

DATE OF SUBMITTAL:

6-23-2008

ANNEXATION DESCRIPTION:

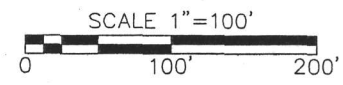
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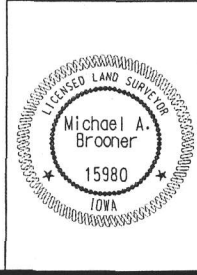
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I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEYING WORK WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

Michael Brooner 6-19-2008
MICHAEL A. BROONER, P.L.S. DATE

LICENSE NUMBER 15980
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2008
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THIS SHEET

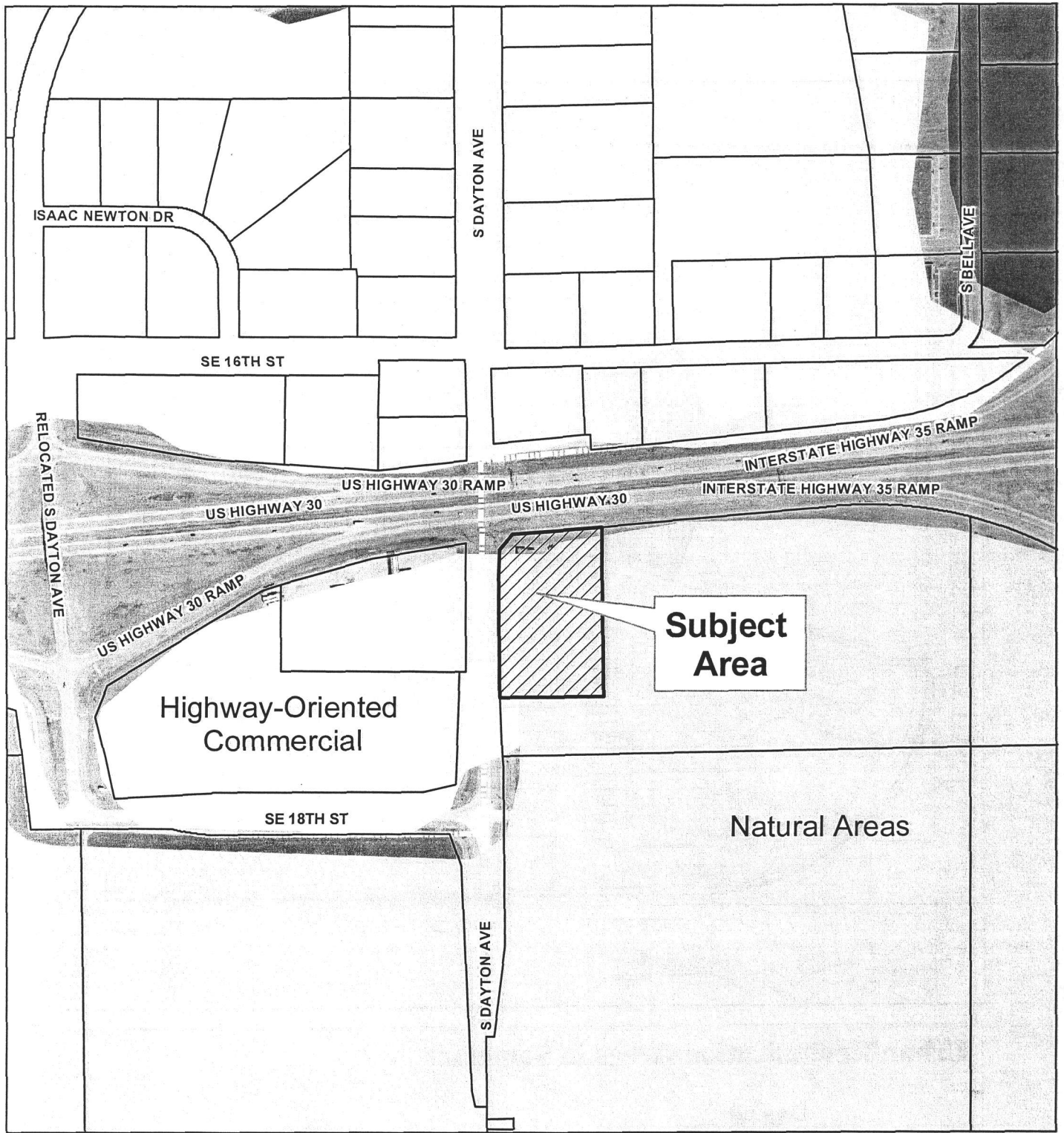
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ANNEXATION PLAT



5501 NW 112th SUITE G GRIMES, IOWA 50111
PH: (515) 369-4400 Fax: (515) 369-4410
ENGINEER: MAB TECH: MDL

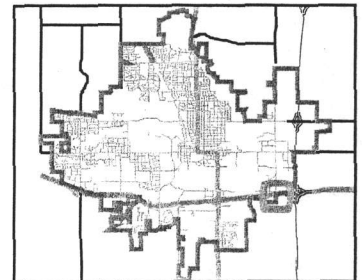
AMES, IOWA



Land Use Designations 1820 S. Dayton Ave.



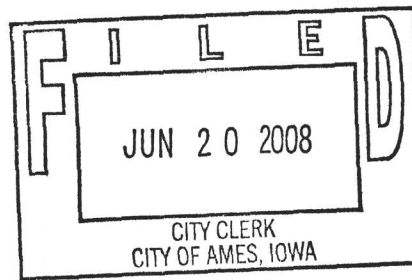
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Feet



PKts. 6/20/08
Copy: Steve O.

June 20 2008

Honorable Mayor and City Council
515 Clark Ave
Ames, IA 50010



Dear Mayor and Council,

I am not sure if an LUPP change is needed for this request so I am trying to error on the conservative side and ask for a clarification.

The property in question is the now closed Cyclone Truck Stop located at 1811 and 1820 S. Dayton Ave. The owner of the property (Jeff James) had turned in an application to the city staff earlier this year requesting annexation. The city staff had written Mr. James a letter indicating that his application was not complete and ask him for additional engineering drawings that are required by code. Since Mr. James is not familiar with the process he has hired me to handle the annexation and rezoning request on his behalf as well as sell the property for his family.

Also in the letter from the city staff it indicated that there was some question as to the necessity of an LUPP change which brings me to the reason for sending the letter.

I will attach a plat for you to review to make this situation easier to understand. The James family owns three parcels of land in this area. Two of the parcels are on the West side of the old S. Dayton Road and one on the East side. When this was the interchange between Dayton and US 30 the road was highly used, now this portion of Dayton Road dead ends at US 30. The small 4 acre parcel on the East side of the road remains in the county. It has been zoned and used commercially in the county as a sales office for manufactured housing. The property on the West side of the old Dayton Road is within the city limits of Ames and currently zoned HOC. I can not tell on the LUPP or the Urban fringe map what this parcel is supposed to be. The parcel on the East side of the road is so small (4 acres) that the maps are hard to distinguish and since it is on the plan the lines are not hard and fast like zoning lines are.

The property is zoned commercial according to the county records so unless the intent of the urban fringe plan was to down zone the property or change the use it seems logical to zone the property HOC like the adjacent property.

I have a call into Leanne Harter with Story county planning department to see what her take on the issue is but I have yet to hear back from her.

I would like to list a few reasons that I believe this parcel should be annexed into the city and zoned HOC.

1. This would allow the manufactured sales office to be eliminated and for the property to be more consistent with the gateway overlay district for the rest of the

- area. If it is not annexed I am not sure the city can control how this parcel develops or what is put there if no lot division is requested.
2. This is efficient development, no public infrastructure is being asked for by the applicant. There is already public infrastructure available serving the property adjacent to the property.
 3. The parcel across the street is currently zoned HOC and in within our corporate boundary.
 4. The owner of the parcel to the South and East (Manatts) is not interested in buying this parcel. The property sets in the corner and the setback requirements do not allow for much of this property to be mined. On the same note, Manatts does not wish to sell their property for development. It is their intent to mine the property to the set back limits.
 5. This would allow for the potential closing of the old Dayton Road and for this parcel to be combined with the parcel on the West side of the road.
 6. The property is in the South part of town adjacent to the new Dayton interchange. This will develop ground in close proximity to the interchange therefore utilizing recent infrastructure investments by the city.
 7. This will add commercial tax base to the cities tax roles.

Hopefully you will agree that this does not require an LUPP amendment and the staff can move forward with the voluntary annexation request. If you think that the LUPP needs to be amended then I would respectfully request that you refer this to staff for consideration.

Sincerely,

Chuck Winkleblack
Hunziker & Associates