

COUNCIL ACTION FORM

**SUBJECT: REFERRAL OF VOLUNTARY ANNEXATION PETITION FOR 3535
S. 530TH AVENUE (FORMERLY THE REYES PROPERTY) TO
PLANNING AND ZONING COMMISSION**

BACKGROUND:

The City of Ames has received a Voluntary Annexation Petition for properties south of the Ames corporate limits and west of S. 530th Avenue (University Boulevard). The proposed annexation includes five parcels of land. Four of these parcels are under the control of Hunziker Development Company LLC as consenting properties, and one is a non-consenting island property controlled by Holly Plagmann. The total requested annexation is 20.28 acres of gross area. (See Attachment A – Annexation Plat, and Attachment B – Location Map). The voluntary annexation application includes a waiver of right to withdraw. **Council is asked to consent with proceeding with the annexation request and to refer the request to the Planning and Zoning Commission in accordance with public notice requirements of state law.**

<i>Consenting Owners:</i>	<i>Property Address</i>	<i>Gross Acres</i>
Hunziker Dev. Company	3535 S. 530 th Avenue, Story County	18.61
Hunziker Dev. Company	3535 S. 530 th Avenue, Story County	0.35
Hunziker Dev. Company	No Address Assigned	0.37
Hunziker Dev. Company	No Address Assigned	0.35
<i>Total Consenting:</i>		19.68
<i>Non-Consenting:</i> Plagmann	No Address Assigned	0.59
<i>Total Acres (Gross):</i>		20.28
<i>Total Acres (Roadway):</i>		0.33
<i>Total Acres (Net):</i>		19.95

Annexations are governed by the Code of Iowa Section 368.7, and are initiated by the City Council. Annexation requests filed as an application are classified as a voluntary application with consenting property owners. With a voluntary application, the City may include up to 20 percent of the total annexed land area with additional non-consenting property owners. This is often times done to create more uniform boundaries, or to avoid creating islands, since the Code of Iowa does not allow islands to be created as land is annexed into the city. This is commonly referred to as the “80/20 rule.” The owners of a minimum of 80 percent of the total land area must consent to annexation, leaving no more than 20 percent of the land area under the ownership of non-consenting owners.

In addition to requirements of the Code of Iowa, the City's intergovernmental agreement implementing the Ames Urban Fringe Plan (AUF) requires the City to consider annexation applications only for those areas designated as "Urban Residential" or "Planned Industrial" in the Ames Urban Fringe Plan. The land area proposed for annexation is consistent with this agreement, and is identified on the AUF as "Urban Residential."

The Land Use Policy Plan (LUPP) identifies these parcels as currently located within the "Southwest II Allowable Growth Area." If annexed, the LUPP designation would be "Village/Suburban Residential", allowing for a broad range of residential development types. A property is also automatically zoned agriculture upon annexation. The developer intends to seek rezoning of the property to Planned Residential Development.

These properties were part of a larger, 310 acre South Ames 80/20 annexation request with the ISU Research Park and "Burgason" lands last June. At that time the property was under the ownership of the Reyes family. Prior to Council's public hearing on the annexation, the Reyes withdrew their annexation application. The accompanying Burgason annexation request was also withdrawn. This resulted in the annexation of the ISU Research Park lands east of University Boulevard, with no properties being annexed to the west of University Boulevard.

The proposed annexation is for the same Reyes land, but the land is now owned by Hunziker Development Company rather than the Reyes. Hunziker Development Company has provided a waiver of right to withdraw from the annexation to express their commitment to the development of this site.

Direction is needed if the City Council is interested in staff conducting outreach efforts to determine which, if any, of the owners of other adjoining parcels are interested in consenting to annexation, and thus joining in with the annexation proposal at this time.

There is little opportunity to use the 80/20 rule to add properties to the annexation other than the required Plagman island piece. All but two of the properties abutting this request are in excess of five acres and would exceed the 20% non-consenting allowance if they were to be added. There is one small sliver property north of this site that is .444 acres owned by Oakwood Akers LLC that could be added to the annexation. This .444 acre piece is one of three properties controlled by Oakwood Akers LLC that in total are about 19.75 acres. Burgason Enterprises owns a small two acre piece of land to the south of the Hunziker property. Burgason Enterprises controls three properties in the Southwest Growth area for a total of approximately 41.5 acres. (Attachment C – 80/20 Options)

Based on ongoing conversations over the past year with the prior South Annexation, there is no interest from other property owners along University Boulevard to annex to the City. The Burgason's have maintained an interest in future annexation and abut this site to the southwest. With the proposed Hunziker request, it may limit Burgason's ability to annex their full amount of land at a later time, since it could create a large island of non-consenting property owners. **However, combining the Burgason properties and**

this Hunziker request would not allow for full annexation of the approximate 106 acre area west of the former railroad tracks without additional consenting properties. Non-consenting properties would likely exceed the 20% allowance under the 80/20 rule even with all of their properties combined.

If the City Council chooses to direct staff to assess interest in annexation by other property owners in the area, the City Council should defer proceeding with the proposed annexation petition. Instead, staff would first contact possible interested property owners to gauge their interest in consenting to the annexation, and would invite them to submit applications as consenting properties with a waiver to withdraw from the process. Staff would return to the City Council at some later date (as early as April 28th) to present the final consenting/non-consenting petition for annexation.

ALTERNATIVES:

1. The City Council can direct staff to meet with the adjacent property owners in order to determine who might join the annexation application by April 22, 2015 as a consenting property owner with a waiver of right to withdraw from the annexation.

Staff would return to Council and present a recommended annexation boundary to proceed with notice of annexation to the Washington Township Trustees and Story County Supervisors.

The option of doing outreach could rise to the level of a significant policy planning project requiring Council prioritization. A broad effort to enlarge the annexation area, or if there are more involved requests by multiple property owners for meetings, would be a significant policy project requiring prioritization of this assignment compared with the other projects recently approved for the department's work program.

2. The City Council can forward the annexation petition for 20.28 acres of gross area immediately to the Planning and Zoning Commission for a recommendation, direct staff to schedule a date for the consultation with the Story County Supervisors and Washington Township Trustees, and have staff schedule a public hearing for the City Council in May 2015.

This option is the applicant's preferred request. This would begin the annexation petition only with those consenting and one non-consenting property owner already noted above. This would proceed as a current planning project and not require prioritization.

3. City Council could choose not to refer the annexation requests at this time.

MANAGER'S RECOMMENDED ACTION:

The total land area of the proposed annexation is 20.28 gross acres, of which 0.59 acres (2.9 percent) is non-consenting. With the Hunziker request, a readily developable piece of land will be part of the City in the Southwest Growth Area. It would be ideal for

the City to maximize its annexation possibilities in this area as it is a recognized growth area in prime location near the expanding ISU Research Park. Planning for street and utility connections into this area would help with its logical development pattern in the long run.

Based on communication with Hunziker Development Company and prior conversations with adjacent property owners, there is no interest in annexation among other property owners along University Boulevard, and there is some interest in an expanded annexation of the west half of the growth area. However, it appears unlikely that a sufficiently sized annexation of consenting properties would manifest itself in the short term without a change of interest from multiple property owners and large property owners. Even with the pending Council referral to allow for the Burgason's to amend the Fringe Plan and potentially add 9.7 additional acres to the Southwest Growth area, the 80/20 ratio would not substantially change.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 2, referring the 20.28 acre annexation petition immediately to the Planning and Zoning Commission. Staff would proceed with setting a consultation meeting date and a City Council public hearing date.

ATTACHMENT A: ANNEXATION PLAT

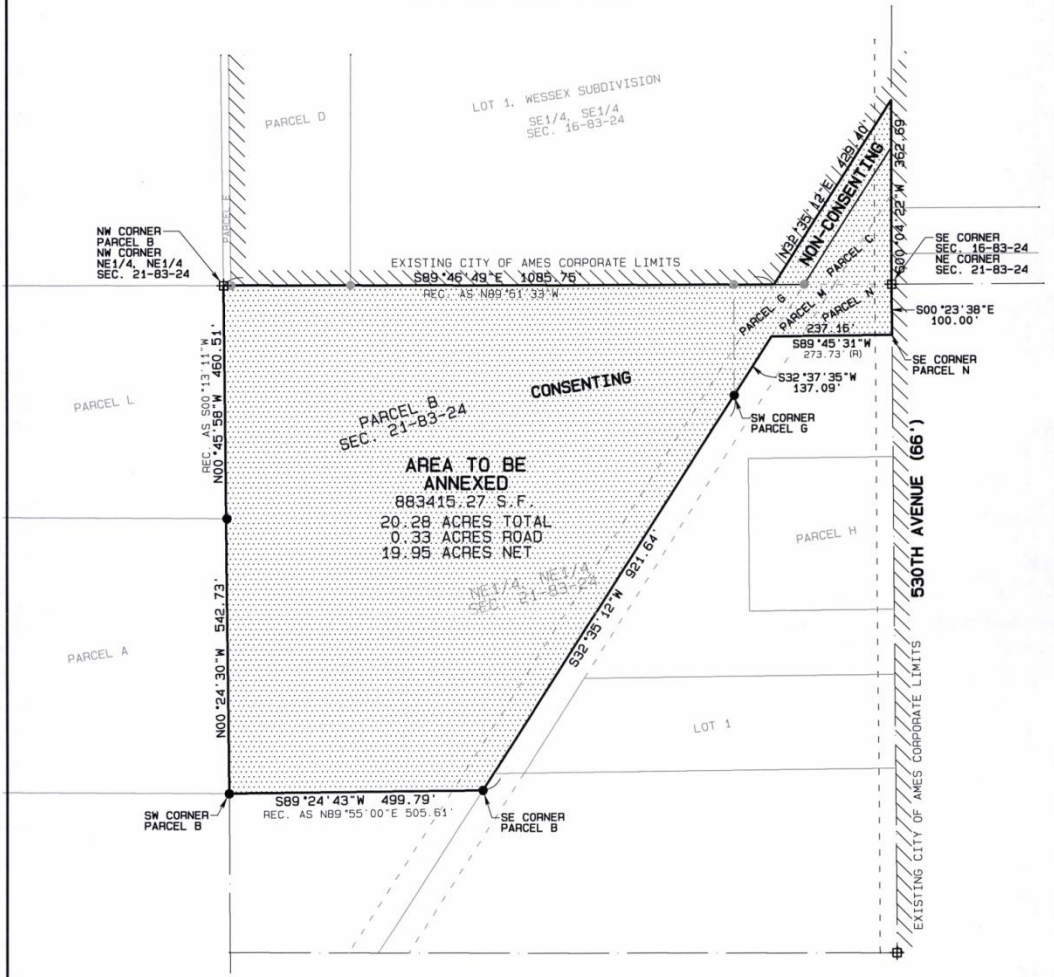
RECEIVED

FEB 24 2015

CITY OF AMES, IOWA
DEPT. OF PLANNING & HOUSING

R. BRADLEY STUMBO P.O. BOX 1664 AMES, IOWA 50010 515-233-3689

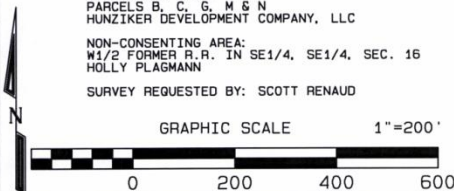
ANNEXATION PLAT



PROPRIETORS:
CONSISTING AREA:
PARCELS B, C, E, M & N
HUNZIKER DEVELOPMENT COMPANY, LLC

NON-CONSISTING AREA:
W1/2 FORMER R.R. IN SE1/4, SE1/4, SEC. 16
HOLLY FLAGMANN

SURVEY REQUESTED BY: SCOTT RENAUD



Survey Description-Area to be Annexed:
Parcel C and a strip of land 50.00 feet in width being the westerly half of the former railroad right of way lying between said Parcel C and Wessex Subdivision in the Southeast Quarter of the Southeast Quarter of Section 16 and Parcels B, C, E, M and N in the Northeast Quarter of the Northeast Quarter of Section 21, all in Township 83 North, Range 24 West of the 5th P.M., Story County, Iowa, all together being described as follows: Beginning at the Northeast Corner of said Section 21; thence 500'23'38"E, 100.00 feet to the Southeast Corner of said Parcel N; thence S89°45'31"W, 237.16 feet to the Southwest Corner of said Parcel M; thence S32°37'35"W, 137.09 feet to the Southwest Corner of said Parcel G; thence S32°35'12"W, 921.64 feet to the Southwest Corner of said Parcel B; thence S89°24'43"W, 499.79 feet to the Southwest Corner thereof; thence following the West line thereof N00°24'30"W, 542.73 feet; thence N00°45'58"W, 450.51 feet to the Northwest Corner of said Parcel B; thence S89°46'48"E, 1085.75 feet along the North line of said Section 21 to the westerly line of the former railroad; thence N32°35'12"E, 429.40 feet to the East line of said Section 16; thence 500'04'22"W, 362.69 feet along said line to the point of beginning, containing 20.28 acres, which includes 0.33 acres of existing public right of way.

STUMBO & ASSOCIATES
LAND SURVEYING

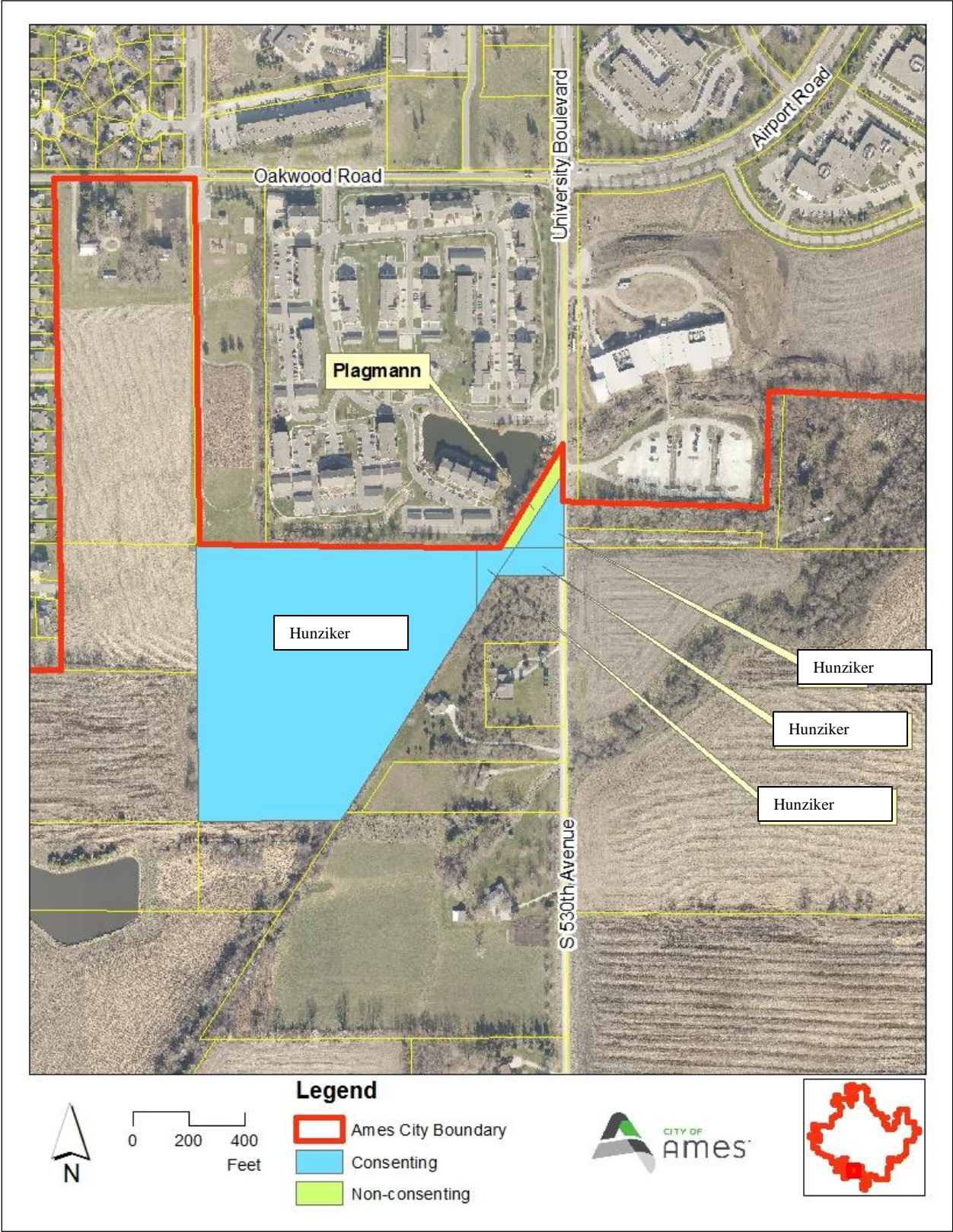
510 S. 17TH STREET, SUITE #102
AMES, IOWA 50010
PH. 515-233-3684 • FAX 515-233-4403

Certification: I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

R. Bradley Stumbo Date: 2/18/15
R. Bradley Stumbo License #17161
My license renewal date is December 31, 2015
Job #16604ANX Date: 2/18/15 Page 1 of 1



ATTACHMENT B: OWNERSHIP OF PARCELS OF PROPOSED ANNEXED



ATTACHMENT C
Maximum 80/20 Annexation with Current Consenting Properties
& Adjoining Parcel



ATTACHMENT D: LUPP & AUF MAP

