

COUNCIL ACTION FORM

**SUBJECT: INITIATION OF FLUMMERFELT-CRANE ANNEXATION AT
INTERSECTION OF LINCOLN HIGHWAY AND NORTH 500TH AVENUE**

BACKGROUND:

The City has received annexation petitions from two property owners representing seven properties totaling 36.76 acres of land on the north side of Lincoln Highway. The site is immediately west of the Ames corporate limits and extends to the Boone County line of North 500th Avenue. This consists of 35.05 acres of real property and 1.71 acres of right-of-way along North 500th Avenue.

The properties included in the petition are largely vacant, with the exception of two existing homes on land owned by John Crane. Waivers of the ability to withdraw from the annexation have not been submitted with the application but will be requested by staff if the Council chooses to initiate the process. The annexation as proposed would include one nonconsenting property of 0.46 acres that would otherwise be an island.

The area proposed for annexation has two separate designations within the Ames Urban Fringe Plan (AUFPP). They include an Urban Service Area with an Urban Residential designation as well as Rural Urban Transitional Area with Highway Oriented Commercial. A Convenience Commercial Node is also present on the Framework Map at the intersection of Lincoln Highway and North 500th Avenue. (Location Map and AUFPP Land Use Framework Map- Attachment 1).

The AUFPP allows property to be annexed per the terms of the City's 28E agreement with Story County if it is Urban Residential or if it is Highway-Oriented Commercial property within close proximity to a Convenience Commercial Node. The intent of these designations is for development of residential in conjunction with three to five acres of commercial land at the corner of Lincoln Highway and North 500th Avenue. Three to five acres of land will support 15,000 - 30,000 sq. ft. of commercial use. The site is also within a Tier 1 area of the Ames Plan 2040 scenarios and shown on the draft land use map as a Community Core for the purposes of planning for commercial uses and potentially medium intensity or low intensity residential uses.

The subject area is within the Land Use Policy Plan (LUPP) designated Southwest I Allowable Growth Area (Attachment 2). The subject annexation area would be zoned as Agricultural initially upon annexation. Future development would require rezoning consistent with the Village/Suburban Residential land use designation and a commercial node.

A conceptual development plan has not yet been received from the property owner, but in discussions with the developer, their first preference is to rezone and develop the land under RLP zoning as a manufactured home park with a corner commercial node. RLP zoning is not discussed as a preferred zoning district for the area in the LUPP but can be considered within the Village/Suburban designation. **Staff has reservations about future use of the site for a manufactured home park due to limited amount of land for the use when considering the desired commercial land, need for additional single-family ownership housing options, and the desire to have continuity with three public street extensions from the abutting Sunset Ridge Subdivision which is disrupted with private streets through a manufactured housing park.**

The annexation may proceed without a concept plan for the site as the rezoning and development is a subsequent step after annexation. If the site is annexed, City Council would consider a specific rezoning proposal in the future that could include RLP or other zoning districts commonly used in the City such as FS-RL and FS-RM that are consistent with the Village/Suburban Residential land use designation of the area.

ANNEXATION:

The property owners, represented by Chuck Winkleblack, have submitted a voluntary annexation request for the seven properties that are under their control. **However, the proposal would create an island as proposed with a single 0.46 acre property owned by Lemer Land Holdings. Islands are not permissible by state law and the annexation must be initiated as a voluntary annexation using the 80/20 rule to at a minimum include the 0.46-acre property.**

State law permits an annexation to include up to 20% other abutting properties as nonconsenting properties in order to eliminate islands or create more uniform boundaries. **In this case there are three additional remaining parcels on the north side of Lincoln Highway that comprise 5.24 acres of land. These properties would not become islands as a result of annexation. However, including these properties would make a uniform boundary along Lincoln Highway where the City already has Lincoln Highway right-of-way and the properties are interspersed with the applicant's properties due to private drive extensions down to Lincoln Highway.**

The property owners of these three parcels, Brant Lemer and Brian Adams, have indicated to staff in the past they are not interested in annexing to the City. The Lemer properties were the former location of the Crestview Mobile Home Park that was closed due to a Story County order and the sewage lagoon system has been decommissioned per County orders. There are no longer mobile homes present, but City staff understands that the site has one rental home. The Adams property also contains a home.

In total, all four non-consenting parcels (the island that must be annexed to complete the requested Flummerfelt-Crane annexation, plus the three additional parcels along Lincoln Highway) would make up less than 20% of the total area of the annexation if all were included by City Council. The total annexation would then include 5.7 acres of

nonconsenting area as part of the total 40.75 acres of real property (86% of territory as consenting).

Including the three optional, non-consenting parcels now, would clearly make uniform boundaries with the current the City's Lincoln Highway right-of-way. **However, if the City Council chooses not to proceed with including these properties now, they would need to be annexed in the future to avoid creating an island when land to the south owned by Wolfe-Belitsos is annexed.**

A potential Wolfe-Belitsos annexation including these three non-consenting properties would result in approximately 82% of that overall annexation being voluntary. Other than the three non-consenting Lemer and Adams properties described above, City staff does not believe there would be other properties abutting the Wolfe-Belitsos property that would be necessary to include in a potential Wolfe-Belitsos annexation. **Therefore, waiting to include the three Lemer and Adams properties until the Wolfe-Belitsos annexation takes place does not appear to limit the Council's options to include other non-consenting properties when the Wolfe-Belitsos annexation occurs.**

If the properties stay in the county, they will continue to be subject to Story County zoning regulations of the Commercial/Light Industrial Zoning District. They would not have access to City water or sanitary sewer utilities.

Development Issues/Pre-Annexation Agreement:

Staff reviewed the annexation submittal and notes that infrastructure improvements would be needed to serve the area as it develops. Water, sanitary sewer, storm sewer, street paving, sidewalk, and shared use path improvements are all needed to serve the proposed development and connect it to existing infrastructure east of the site.

Some of these details will be worked out at the time of rezoning and subdivision based upon an actual project plan, but staff believes it is important to identify potential issues prior to annexation and included in a developer agreement. The identification of the development improvement requirements in advance will assist the developer in understanding any future obligations of development. It will also afford the City the broadest level of discretion in consideration of off-site impacts.

1. Street Connectivity to/from Sunset Ridge

Sunset Ridge was platted to the north and east with stub streets abutting this property to eventually be connected into this site. Durant Street was platted to a temporary open space outlot that could extend into the site. It was also the intention that Ellston Avenue and Springbrook Street would continue into this area with similar FS-RL development. **Terminating public streets at the current street stubs is not acceptable for circulation in this area, regardless of use.**

The developer has indicated that his first preference is to develop the land as RLP with private streets. However, if the new development were not to have an interconnected network with Sunset Ridge, Ellston Avenue and Springbrook Drive would at a minimum be required to connect to one another as an extension of Sunset Ridge. A final decision on the circulation design would occur with a rezoning master plan and subdivision approval.

2. Transportation Improvements

The City's Traffic Engineer indicates that development of the site would create over 100 additional peak hour trips and require a traffic study to assess development impacts, including site access and operations of adjacent intersections. A traffic study will be required to identify necessary improvements along Lincoln Highway and county line road (North 500th Ave) and potential impacts to the intersection with North 500th Avenue.

Turn lane improvements and storage lengths will be identified. Access to the commercial node area will likely have one access point to Lincoln Highway with a frontage road. The results of the traffic study will indicate what are expected developer financed improvements. The timing of this study should be no later than rezoning request.

Development of the property requires frontage improvements and intersection improvements for full access and service to the site consistent with the subdivision ordinance for street improvements. The shared use path that abuts Sunset Ridge Subdivision on the north side of Lincoln Highway will be required to be extended westward to County Line Road (North 500th Avenue). It will be appropriate to carefully consider placement and number of access points onto Lincoln Highway to limit impact to the shared use path.

The development also has frontage along North 500th Avenue, which is a paved county road between Boone and Story County. Development of the site requires frontage improvements and intersection improvements for full access and service to the site consistent with the subdivision ordinance for street improvements. Points of access into the site are unknown at this time.

4. Water Main Extension

The 12" water main stub in Lincoln Highway will need to be extended westward to North 500th Avenue and then northward to Westfield Drive to form a continuous loop with the Sunset Ridge system. The City's master planning for water service includes a future looped system that will connect south to the water tower on South 500th Avenue as well as extending northward along North 500th Avenue to Ontario Street. Expenses associated with internal connections would be the developer's responsibility. The timing of the main extensions will be discussed with rezoning and subdivision.

5. Sanitary Sewer Improvements

The sanitary sewer system from Sunset Ridge is stubbed at Durant Street. It has the depth and capacity to service this property assuming an Urban Residential development with a Commercial node of 2-5 acres. It is not anticipated to be able to serve development beyond this site. Extension of this sewer line will occur with subdivision approval.

6. Stormwater Improvements

The site sits in a difficult low spot for drainage. The southern portion of the property regularly retains water after storm events and has seen flooding with storms due to drainage issues. The property is located within the Boone County / Story County Drainage District #4. The site is bisected by two drainage basins for natural flow to the south and to the northeast. Development of the property will need to follow all stormwater treatment and control requirements of Chapter 5B of the *Municipal Code*. A full review of the stormwater improvements will be part of the site plan review and subdivision review for the site.

7. Replatting

A large portion of the proposed annexation was previously platted as 6,000 square foot lots in the County with 50-foot rights-of-way. The dashed lot lines shown on the Annexation Plat (Attachment 3) illustrate a previously recorded plat in the County. **Staff believes it is important to have an agreement that the owner will not seek to build upon these previously platted county lots that would not meet city standards. Instead, the developer will seek to re-subdivide the site consistent with City standards.**

NEXT STEPS:

The first step to proceed with the annexation is for the City Council to accept the petitions and determine if all four remaining properties on the north side of Lincoln Highway should be included in an 80/20 annexation or only the one island property. It is important to delineate the maximum potential extent of an annexation at the outset of the process to meet proper noticing requirements because adding nonconsenting territory at the end of the process is not possible.

City Council would then refer the annexation to the Planning and Zoning Commission for a recommendation. The City Council would also designate a staff member to attend a consultation meeting between the Supervisors of Story County and the Trustees of Washington Township. Prior to approval of an annexation, the City Council is required to hold a public hearing. Based upon prescribed timelines for notice, a hearing on the annexation would likely occur at the end of May or beginning of June. Even though none of the area is within two miles of another city, the annexation would still require a hearing with the state City Development Board due to the inclusion of at least the island property

as a non-consenting landowner within an 80-20 annexation. Given this, the state City Development Board would have the final approval authority.

ALTERNATIVES:

1. A. Initiate the annexation of the original petition plus all four nonconsenting properties for a total for a total of 40.75 acres of land plus abutting rights-of-way.

This would be subject to the receipt of waivers of withdrawal from the two consenting property owners and the designation of Planning and Housing Department staff as the representative in the consultation with township trustees and county supervisors.

- B. Direct staff to negotiate a pre-annexation agreement to address issues of requiring a traffic study prior to rezoning, extension of water lines at the time of development consistent with the City's Master Plan, address the extension of stubbed streets from Sunset Ridge Subdivision, and restrict development on previously platted county lots.

2. A. Initiate annexation of the original petition and only the one island piece owned by a non-consenting landowner for a total of 8 properties and 35.51 acres of land plus right-of-way as an 80-20 annexation.

This would be subject to the receipt of waivers of withdrawal from the two consenting property owners and the designation of Planning and Housing Department staff as the representative in the consultation with township trustees and county supervisors.

- B. Direct staff to negotiate a pre-annexation agreement to address issues of requiring a traffic study prior to rezoning, extension of water lines at the time of development consistent with the City's Master Plan, address the extension of stubbed streets from Sunset Ridge Subdivision, and restrict development on previously platted county lots.

3. Initiate the annexation as an 80/20 and address development requirements at the time of rezoning review without preparation of a development agreement at this time.

4. Do not initiate annexation.

CITY MANAGER'S RECOMMENDED ACTION:

The proposed annexation is consistent with the Allowable Growth Areas of the current Land Use Policy Plan and the Ames Urban Fringe Plan. In addition, this area is designated as a Tier 1 growth area in the Draft Ames Plan 2040. Proceeding with an 80-

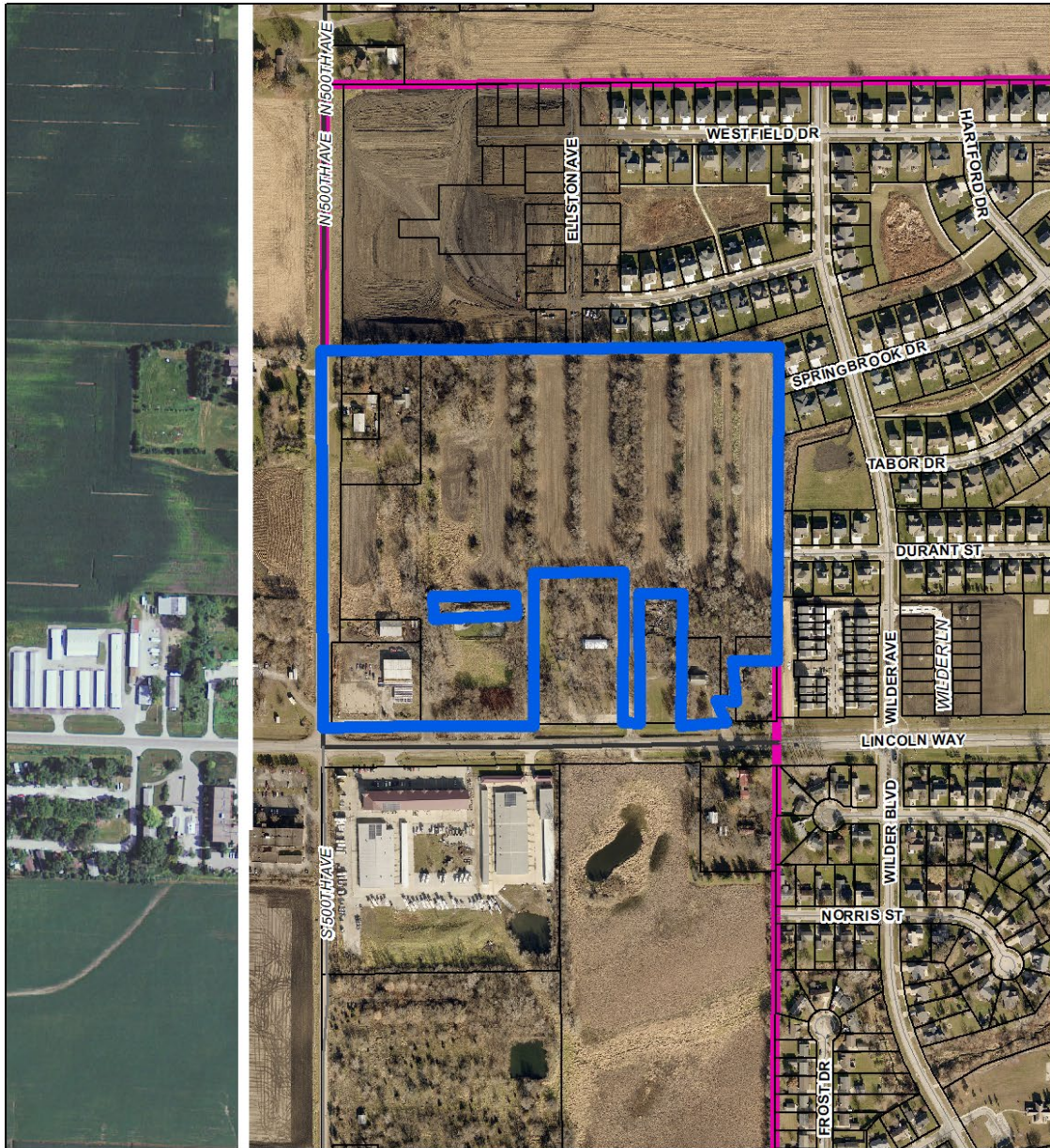
20 annexation of the entire quadrant is appropriate so that the land can be served with city infrastructure and create logical uniform boundaries. **A request of the property owner to waive their right to withdraw the annexation request will be required prior to proceeding with the annexation process to ensure the City does not unnecessarily use its resources for the proposed project if they are not certain to proceed.**

Due to the area of land and the number of infrastructure improvements needed to support development of the site, staff believes a pre-annexation agreement would be prudent to consider concurrent with the annexation. The listed infrastructure items above address the currently known issues related to serving the site. Staff would approach the pre-annexation agreement review with the expectation that the developer will bear the costs of providing infrastructure improvements to serve the site.

The applicant has indicated an interest in proposing RLP zoning for a manufactured home park and some commercial zoning. **A decision on the type and extent of zoning areas is not included in this review of initiating the annexation process. Staff does note that it has reservations about use of the site for a manufactured home park and it may not be an appropriate rezoning request once the site is in the City.** Other development details will be considered further as part of the subsequent rezoning and subdivision review.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1, as described above.

ATTACHMENT 1: LOCATION MAP

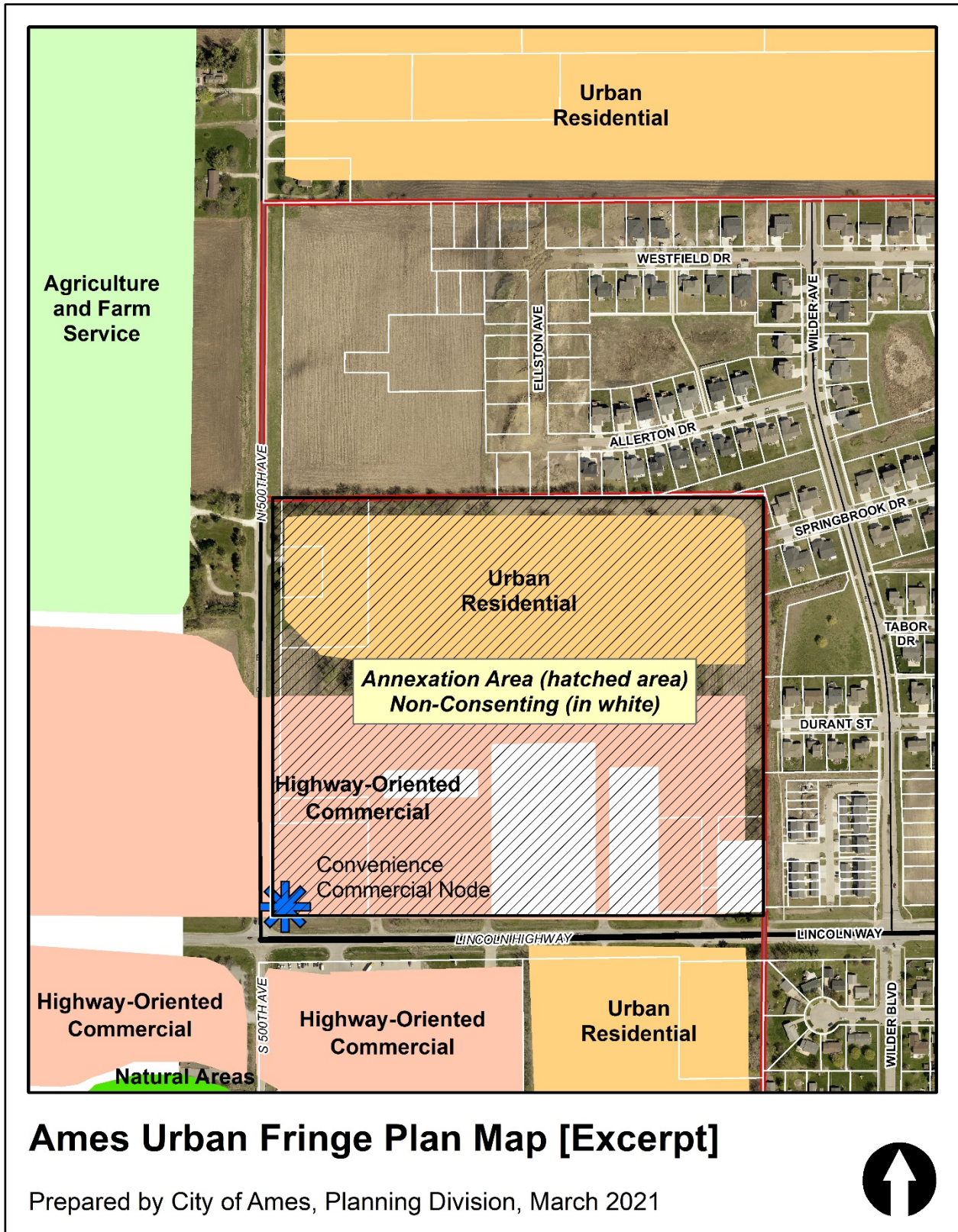


Location Map and Annexation Petition Boundary



© City of Ames, Iowa makes no warranties, expressed or implied, including without limitation, any warranties of merchantability or fitness for a particular purpose. In no event shall the City of Ames be liable for lost profits or any consequential or incidental damages caused by the use of this map.

ATTACHMENT 1: AMES URBAN FRINGE PLAN MAP [EXCERPT]



Land Use Policy Plan (LUPP)
Allowable Growth Areas [Excerpt]

Prepared by City of Ames, Planning Division, March 2021

Growth Areas

- North
- Northwest I
- Northwest II
- Southwest I
- Southwest II

ATTACHMENT 3: ANNEXATION PLAT

ANNEXATION PLAT

LOCATION: IN CRESTVIEW ACRES SUBD., SW1/4, SW1/4
SEC. 6-83-24, STORY COUNTY, IOWA

PROPRIETOR: LOTS 39-50: JOHN R. CRANE
REMAINDER: FLUMMERFELT QUAIL RIDGE LLC

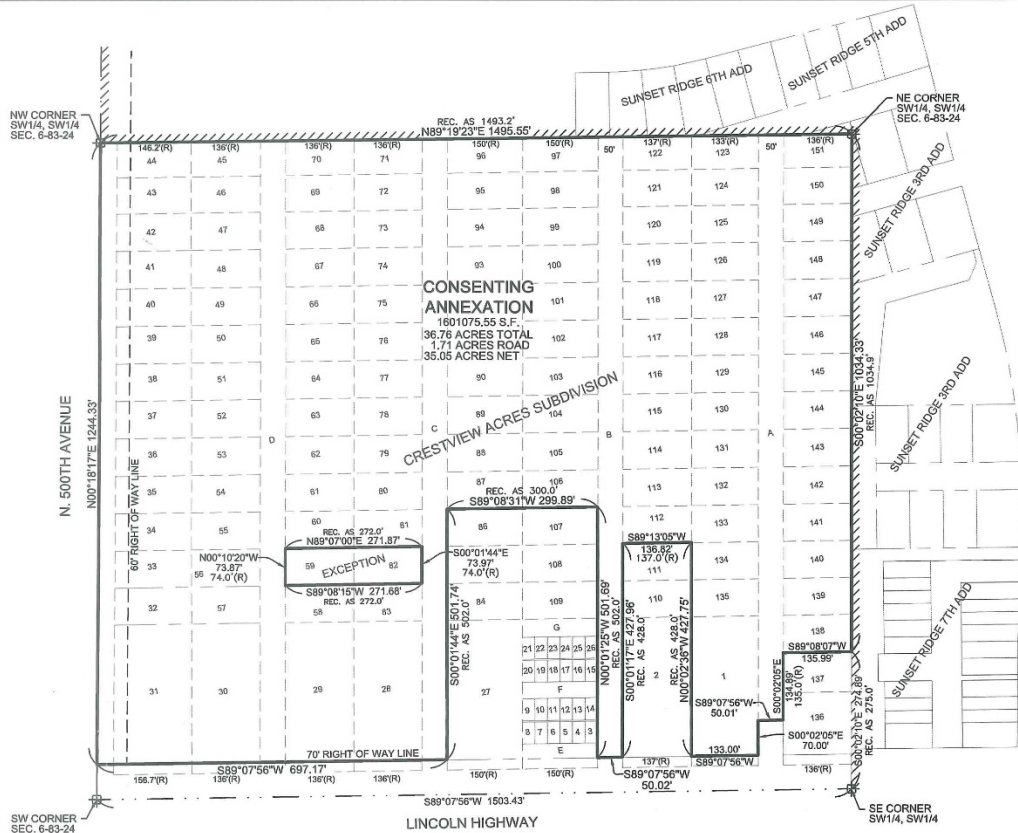
REQUESTED BY: CHUCK WINKLEBLACK

SURVEYOR: R. BRADLEY STUMBO, PLS #17161
FOX ENGINEERING ASSOCIATES, INC.
AMES, IA 50010
515-233-0000

RECEIVED

FEB 23 2021

CITY OF AMES IA
DEPT. OF PLANNING AND HOUSING



Legal Description - Consenting Annexation Area:
Lot A, except the South 90 feet thereof, Lots B, C and D, except the South 20 feet thereof, Lots 1 and 28-31, except the South 20 feet thereof, all of Lots 32-58, 60-81, 83, 87-106, 112-135 and 138-151 of Crestview Acres Subdivision, and the West 33.00 feet, except the South 70 feet thereof, of the Southwest Quarter of the Southwest Quarter of Section 6, Township 83 North, Range 24 West of the 5th P.M., Story County, Iowa, all together containing 36.76 acres, which includes 1.71 acres of existing public right of way.

0 200' 400'



FOX Engineering Associates, Inc.
414 South 17th Street, Suite 107
Ames, Iowa 50010
Phone: (515) 233-0000
FAX: (515) 233-0103

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

R. Bradley Stumbo

7/09/2020

R. BRADLEY STUMBO, PLS
License number 17161
My license renewal date is December 31, 2021.

DATE

