

**To:** Mayor and City Council

**From:** Kelly Diekmann, Planning & Housing Director

**Date:** September 22, 2023

**Subject:** Request for a Text Amendment to Sec 22.31 – Public Improvement Requirements For Pullman Street and Carnegie Avenue

**Background:**

At the August 22 City Council meeting the City Council referred to staff a letter from the property owner at 1923 Pullman Street to consider amending the City’s requirement for Public Improvements related to “missing infrastructure” for paving streets and utilities. Specifically, the letter references the conditions of Pullman and Carnegie that are not paved and do not have sanitary sewer extensions. for unimproved streets along Pullman Street and Carnegie Avenue.

Currently, all of Carnegie Avenue from Lincoln Way to Pullman Street and large portion of Pullman Street west of Whitney Avenue are unpaved, have no sidewalks, and have no sanitary sewer service. This area is zoned General Industrial. Water service does exist. The owner’s property is situated toward the middle of the block on Pullman (See attached maps). The closest paved street connection and sewer line is approximately 380 feet to the east at Whitney Avenue. **This area is one of few areas of the City with unpaved streets that are subject to the full improvement requirements.**

**This request is in response to recent discussions with the property owner regarding a potential new cold storage building and parking the owner would like to construct on their property on Pullman.** The City’s ordinance requires that with the construction of a new principal building or addition on a lot that corresponding public improvements are completed, which in this case include extension of public sanitary sewer, paving of the street extension, and a sidewalk along the frontage.

**The property owner would like relief from these standards as the cost for these improvements would far exceed the value of any property improvements on this small site and financial capability of the owner.** The site can continue to be used as

is with its existing building or as outdoor storage with no public improvement requirements. Separate from the Shaffer request, staff has had similar discussion with an abutting property owner about construction of a small shop with the same requirements.

The City adopted the “missing infrastructure” ordinance in 2015 as part of Chapter 5 Building Code and Chapter 22 Streets and Sidewalks of the Ames Municipal Code to ensure development made “fair share” improvements and did not burden the City as a whole for new improvements. The ordinance addresses needs related to new or upgraded buildings on existing properties with incomplete infrastructure that did not trigger improvements or extension of infrastructure because they did not propose to subdivide land. The improvement requirements are based upon typical subdivision improvement requirements. The ordinance has been a vital tool to ensure sidewalks, shared use paths, row dedication, and other frontage improvements occur at the time of new development on previously platted lots.

Although remodeling and additions have a 20% hardship provision, all newly constructed principal buildings require full improvement regardless of cost. The City has received previous requests in other instances for limited sidewalk deferrals or payment-in-lieu options. **This is the first request for a full waiver of the improvement requirements.**

Typically, the challenges of meeting the ordinance requirements are when a property does not immediately abut existing improvements and there is a large gap. Partial improvements of streets are typically not viable and Public Works does not desire these types of improvements.

**In this instance, unless many properties were merged for a much larger scale project, it is unlikely any one owner would be able to afford the required public improvements. If an assessment project was proposed, it is unlikely to be workable given the valuation of properties in this area. State law limits the amount of an assessment to no more than 25% of the property’s value, which in this case would likely be exceeded.**

### **Options:**

**Staff believes it is an appropriate time to review the triggers within Chapter 22 to make missing infrastructure improvements. The focus of the Shaffer request is unpaved streets and utilities, but staff would also like to review how the requirements apply within the Prairie View Industrial Area for large industrial**

**sites. Staff believes the remodeling threshold of \$100,000 should also be increased to reflect increased values of improvements since the ordinance was adopted.**

**To address the issues specific to Pullman, staff has outlined three options:**

***Option 1: Allow for limited development of existing properties with waiver of installation of any or all Public Improvements.***

The Shaffers' Pullman project is on a small site with a low intensity use that does not have high traffic volumes or require sanitary sewer service. City Council could create a building size or use threshold for low intensity uses that would be able to have most or all public improvements waived if they cannot be readily extended. All building code requirements would still apply, including requirements for water service to meet fire protection requirements. Such uses would include storage facilities, small industrial service uses and potentially small offices. High intensity uses would be required to install improvements to City Standards.

***Option 2: Exclude specific streets from paving requirements/improvements.***

Allow for development of existing properties with no use restrictions and full exclusion of public improvements for specific unpaved streets, such as Pullman and Carnegie. This would allow any development to be proposed of any intensity and would exempt the developer or owner from installing public improvements based upon relative feasibility of completing the improvements. This option works best within the limited areas for development that exist on unpaved streets in Ames and the likelihood that these areas will not burden the road or utility system with large intense developments.

***Option 3: Develop a Capital Improvement Plan project to improve unpaved streets and allow for conditional waivers and in-lieu options.***

This option could consider using street assessment or connection district funding mechanisms to make improvements in the area. From a cursory review of the Pullman and Carnegie area and full road and sewer improvement costs, property assessments would not be able to fund the full improvements since many of the properties are small and have limited improvement values. If the street assessment process cannot cover all of the costs, the City would be responsible for the remainder of costs.

***Option 4: Decline the request and take no action.***

In this situation a landowner would have to weigh the costs and benefits of making improvements. If a building is not viable, then the land in General Industrial can still be used for outdoor storage that does not trigger improvements. This option defaults to low intensity uses that would be highly unlikely to ever overburden areas with limited and missing infrastructure.

**Staff Comments:**

**Staff recommends this issue should be placed on a future agenda for discussion.** Specifically for the Pullman and Carnegie area, staff's view is that for smaller existing properties, making public improvements as required would have a relatively high cost compared to the onsite improvements. Some development would likely not create major impacts to existing infrastructure. Creating flexibility for waivers based upon use or location would be beneficial.

The Council should note that the referral request does not ask for the City to make any improvements, but requests that the owner not be obligated to if they can otherwise meet City codes for use of the property.

Assuming this issue is referred, staff would also address any needed language changes related to the \$100,000 hardship threshold and how larger industrial sites comply with the missing infrastructure requirements.

## Attachment A – Letter to Council

August 15, 2023

mayorcouncil@cityofames.org  
Steve.shainker@cityofames.org

I am contacting you in regards to an addition on an existing building located at 1923 Pullman. Currently, on this lot there is water, gas, electric and fire protection (hydrant) in place.

I am requesting an exemption on Pullman Street of hard surface and sanitary, Ordinance Chapter 22.31, until the City of Ames comes up with a long-term infrastructure plan for Pullman and Carnegie Avenue.

Sanitary sewer is currently 330 feet east and is an unworkable elevation. There are no existing sidewalks anywhere in this remote location.

Thank you for your consideration

[Samshaffer@me.com](mailto:Samshaffer@me.com)

515-203-5510

Bob Shaffer at 515-203-7619

Attachment B- Location Map



1923 Pullman Street Location  
Pullman Street & Carnegie Ave



- Legend**
- PARCELS
  - STREET LABELS - ALL @ 50000FT
  - Private
  - - - ISU Road
  - City Road
  - County Secondary
  - County Hwy
  - State Hwy
  - US Hwy
  - US Interstate Hwy

# Excerpt of Utilities for Pullman Area

## Green-Santiary Sewer

### Blue-water mains

