

ITEM # 29
 DATE 10/28/08

COUNCIL ACTION FORM

SUBJECT: VOLUNTARY ANNEXATION OF LAND LOCATED AT 1820 SOUTH DAYTON AVENUE

BACKGROUND:

Applicant: Judy P. James and Jeffrey James
 2806 Richmond
 Des Moines, IA 50317

Size: 5 Acres

Location: In Section 18 of Grant Township in Story County
 Southeast of U.S. Highway 30 and Dayton Avenue (Story County)

Surrounding Property Characteristics:

NORTHWEST		NORTH		NORTHEAST	
<i>Jurisdiction:</i>	City of Ames	<i>Jurisdiction:</i>	City of Ames	<i>Jurisdiction:</i>	City of Ames
<i>Land Use:</i>	Commercial	<i>Land Use:</i>	Commercial	<i>Land Use:</i>	Commercial
<i>Existing Zoning:</i>	Highway-Oriented Commercial and SE Gateway	<i>Existing Zoning:</i>	Highway-Oriented Commercial and SE Gateway	<i>Existing Zoning:</i>	Highway-Oriented Commercial and SE Gateway
<i>LUPP Designation:</i>	Highway-Oriented Commercial	<i>LUPP Designation:</i>	Highway-Oriented Commercial	<i>LUPP Designation:</i>	Highway-Oriented Commercial
WEST		SUBJECT AREA		EAST	
<i>Jurisdiction:</i>	City of Ames	<i>Jurisdiction:</i>	Story County	<i>Jurisdiction:</i>	Story County
<i>Land Use:</i>	Commercial	<i>Land Use:</i>	Vacant (previously Commercial)	<i>Land Use:</i>	Agricultural & Mineral Extraction
<i>Existing Zoning:</i>	Highway-Oriented Commercial and SE Gateway	<i>Existing Zoning:</i>	Commercial	<i>Existing Zoning:</i>	Agricultural
<i>LUPP Designation:</i>	Highway-Oriented Commercial	<i>AUF Designation:</i>	Highway-Oriented Commercial & Natural Area	<i>AUF Designation:</i>	Natural Area
SOUTHWEST		SOUTH		SOUTHEAST	
<i>Jurisdiction:</i>	Story County	<i>Jurisdiction:</i>	Story County	<i>Jurisdiction:</i>	Story County
<i>Land Use:</i>	Agricultural	<i>Land Use:</i>	Agricultural & Mineral Extraction	<i>Land Use:</i>	Agricultural & Mineral Extraction
<i>Existing Zoning:</i>	Agricultural	<i>Existing Zoning:</i>	Agricultural	<i>Existing Zoning:</i>	Agricultural
<i>LUPP Designation:</i>	Natural Area	<i>AUF Designation:</i>	Natural Area	<i>AUF Designation:</i>	Natural Area

The subject property is owned by the same property owner as the 13-acre property to the west, the former site of a truck stop. The owner wishes to consolidate both properties and sell them for commercial development. Between the two properties is the Story County portion of Dayton Avenue, which was made a dead-end segment by the relocation of the Dayton Avenue interchange with U.S. Highway 30. This road segment and the portion of U.S. Highway 30, which both separate the subject property from the city of Ames, would come into the city along with this annexation, upon notice being given to state and county authorities.

Zoning. The Story County zoning for this property is commercial. Although it is now vacant, it was the site of a manufactured housing sales lot for many years. It will be zoned Agricultural (A) upon annexation to the city. During the sale and development process, rezoning to Highway-Oriented Commercial (HOC) would be expected. Other commercial property in the area within Ames is also zoned as Southeast Gateway Overlay (O-GSE).

Land Use Policy. The Ames Urban Fringe Plan describes the City's land use policy for the subject property. The east portion of the site is shown as Natural Area and the west portion is shown as Highway-Oriented Commercial. On August 26, 2008, the Ames City Council determined that commercial use would be consistent with the Ames Urban Fringe Plan because land use map designations do not always follow precise property lines, and because the current zoning and previous use of the property is commercial. The Ames Urban Fringe Plan policy for land with the Highway-Oriented Commercial designation is annexation and Highway-Oriented Commercial zoning. The Ames Urban Fringe Plan also designates the property as a Gateway protection area, which is consistent with the Ames Overlay zoning designation of Southeast Gateway (O-GSE).

Access. The property is served by a paved road from the U.S. Highway 30 interchange and then along the south line boundary of the property to the east to Dayton Road. The city limits follow the centerlines of these roads, which are managed jointly by the City of Ames and Story County.

Utilities/Infrastructure. City of Ames sewer and water mains serve the property to the west and have the capacity to be extended to the subject parcel. City of Ames electrical distribution already serves this parcel.

Emergency Response: The subject property can be served by the City's emergency response services within five minutes.

Flood Plain. The subject property is within the area designated by the Federal Emergency Management Agency flood maps as having a one percent likelihood of flooding in any given year. If annexed, the property would be designated as in the City's Floodplain Fringe Overlay district and development would need to follow all of the procedures and standards of that ordinance.

Additional Information. The proposed voluntary annexation area does not include any non-consenting property, will not create any jurisdictional islands, and is not located within two miles of another municipal jurisdiction.

Following notification to the Story County Board of Supervisors and the Grant Township Trustees, on September 9, 2008 the Ames City Council held a consultation on this voluntary annexation. The Story County Board of Supervisors was represented and had no comments. On September 15, 2008, the City of Ames sent a letter to the Story County Board of Supervisors and the Grant Township Trustees asking them to provide any request for modification of the annexation and/or any resolution regarding the annexation request. The City of Ames has received no such request for modification or resolution of this annexation request. The City of Ames has fulfilled these procedural requirements of State law.

RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION:

With a vote of 7-0, the Planning and Zoning Commission recommended approval of this annexation request at its meeting of September 3, 2008.

ALTERNATIVES:

1. The City Council can approve the request to annex the property located at 1820 South Dayton Avenue.
2. The City Council can deny the request to annex the property located at 1820 South Dayton Avenue.

MANAGER'S RECOMMENDED ACTION:

The City of Ames can provide municipal services to the proposed annexation area. Another important consideration for most annexation requests is its impact on the supply of land with a similar land use designation. Does it provide land needed for this land use, or does it compete with land that the community can already offer for that land use? In this case, there is no net change. The property is already part of the supply of commercial land, although not within the city limits. It provides a place for commercial development whether it is in the county or in the city.

The advantage to the community of this annexation is the opportunity to improve the main gateway into the city. The City has been working to improve this gateway for many years and is now in the process of investing substantial city and state funding in that effort. The property owners in this southeast commercial area have invested in this and support it strongly. With their support the City has created specific zoning standards to promote an attractive main gateway, with both use restrictions and development standards. These standards apply to land within the city north and south of U.S. Highway 30. Without annexation, these standards will not apply to the subject property. With annexation and rezoning to Highway-Oriented Commercial and Southeast

Gateway Overlay, the City can establish policy for redevelopment of this entire commercial area south of U.S. Highway 30 that enhances the gateway. This will be accomplished without adding commercial land to the supply of commercial land north of U.S. Highway 30 in which the City and the private property owners have already made substantial investment.

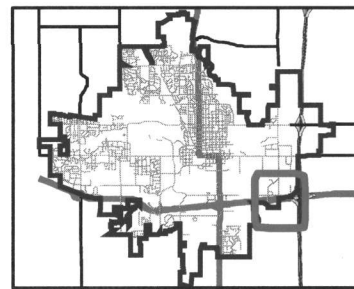
Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the request to annex the property located at 1820 South Dayton Avenue. This alternative is supported because annexation of the subject area is consistent with the goals and policies outlined in the Land Use Policy Plan and will provide City authority over development at its main gateway.

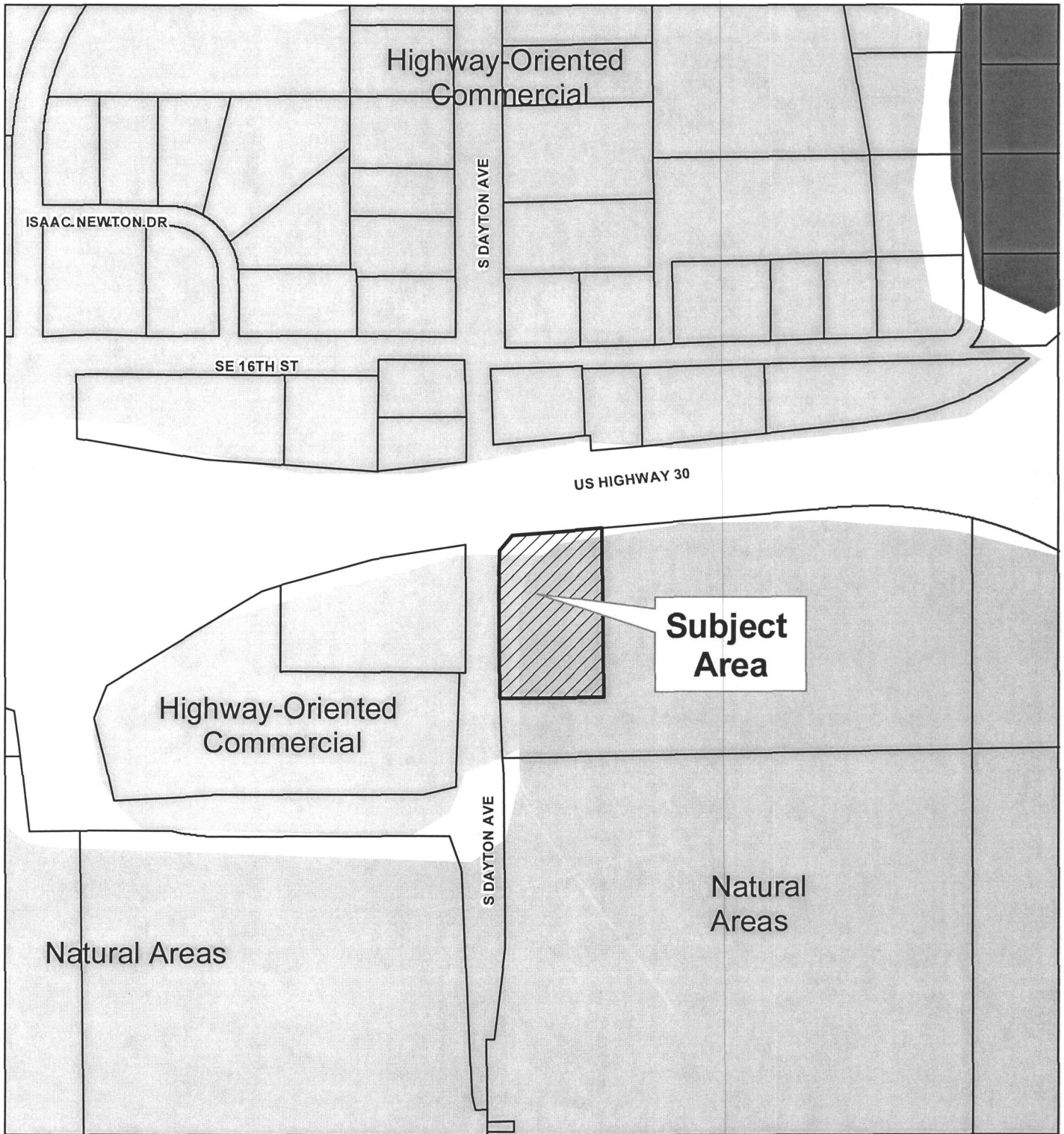


Location Map 1820 S. Dayton Ave.

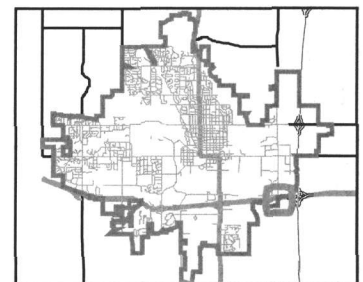


0 550 1,100 2,200
Feet





**Land Use Designations
1820 S. Dayton Ave.**



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

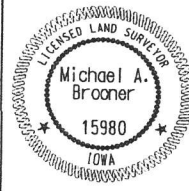
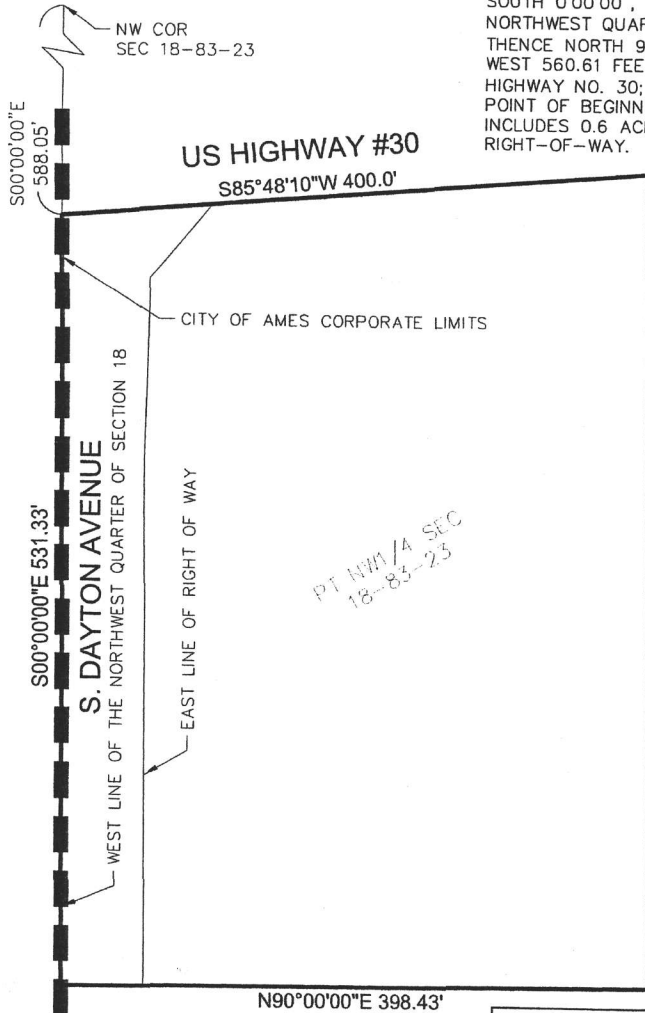
ANNEXATION PLAT

DATE OF SUBMITTAL:

6-23-2008

ANNEXATION DESCRIPTION:

DEED IN INSTRUMENT 2007-00014943
ALL THAT PART OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION EIGHTEEN (18), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TWENTY-THREE (23) WEST OF THE 5TH P.M., STORY COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION EIGHTEEN (18); THENCE SOUTH 0°00'00" EAST 588.05 FEET ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION EIGHTEEN (18) TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 0°00'00", EAST 531.33 FEET ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION EIGHTEEN (18); THENCE NORTH 90°00'00" EAST 398.43 FEET; THENCE NORTH 0°00'00" WEST 560.61 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 30; THENCE SOUTH 85°48'10" WEST 400.0 FEET TO THE POINT OF BEGINNING, CONTAINING 5.0 ACRES, MORE OR LESS, WHICH INCLUDES 0.6 ACRES, MORE OR LESS, OF COUNTY ROAD RIGHT-OF-WAY.



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
PAGES OR SHEETS COVERED BY THIS SEAL:
THIS SHEET

P:\2007\0708224\0708224.dwg\0708224-Exhibit-Ames.dwg, 6/19/2008 12:18:46 PM, miba, V:\600\VP LaserJet 9050 PCL 5e

1 / 1
0708224

ANNEXATION PLAT



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

AMES, IOWA

ANNEXATION DESCRIPTION

DEED IN INSTRUMENT 2007-00014943

ALL THAT PART OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION EIGHTEEN (18), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TWENTY-THREE (23) WEST OF THE 5TH P.M., STORY COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION EIGHTEEN (18); THENCE SOUTH 0°00'00" EAST 588.05 FEET ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION EIGHTEEN (18) TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 0°00'00", EAST 531.33 FEET ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION EIGHTEEN (18); THENCE NORTH 90°00'00" EAST 398.43 FEET; THENCE NORTH 0°00'00" WEST 560.61 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 30; THENCE SOUTH 85°48'10" WEST 400.0 FEET TO THE POINT OF BEGINNING, CONTAINING 5.0 ACRES, MORE OR LESS, WHICH INCLUDES 0.6 ACRES, MORE OR LESS, OF COUNTY ROAD RIGHT-OF-WAY.

