

Staff Report

Request for LUPP Amendment along GW Carver Avenue

March 6, 2012

The City Council recently received the attached letter from Chuck Winkleblack concerning a development opportunity west of George Washington Carver Avenue located outside the City limits. His request seeks designation of the area for annexation to accommodate a senior housing project and additional residential development. In response, the City Council requested a staff report. **This report provides background information to help the Council determine whether it desires to give formal consideration to this request. Should Council decide to proceed further, a determination would then be needed as to whether the proposal is a major or a minor amendment to the Land Use Policy Plan (LUPP).**

BACKGROUND

The Ames Urban Fringe Plan designates this site as Priority Transitional Residential. This designation is a subclass of the Rural/Urban Transitional Area (RUTA). To accommodate annexation and the access to City utilities that Mr. Winkleblack is proposing, the site would need to be designated as Urban Residential, a subclass of the Urban Services Area.

The site is not in an Allowable Growth Area of the Land Use Policy Plan. In 2008, it was at first designated within the North C area for purposes of the Targeted Growth Study initiated by Council. However, due to difficulties in extending sanitary sewer service to this area, it was ultimately excluded from the North Growth Area. **Since Mr. Winkleblack is seeking annexation, a change to the LUPP Allowable Growth Designation would be needed.**

An amendment to the Ames Urban Fringe Plan, as well as to the Land Use Policy Plan, is subject to the amendment process and considerations that were recently adopted by the City Council. This process describes two types of amendments – major and minor – and includes criteria for the Council to use to determine which type is requested. The definitions are stated below, and the full text of the process and the consideration for LUPP amendments can be found at <http://www.cityofames.org/modules/showdocument.aspx?documentid=6625>.

II. AMENDMENT TYPES

Amendments of the LUPP are defined as major or minor, more specifically defined as follows:

- 1. Major Amendments.** These include any amendment that is either a *change* to current goals and policies, or that is *inconsistent* with current goals and policies.

2. **Minor Amendments.** These include changes determined by the Council to be of minor consequence. Examples might include:
- a. Shifting the boundary of a land use designation to account for existing site conditions and/or lot configurations.
 - b. Changing a land use designation to a related type of land use designation, as follows:
 - i. Residential to next level intensity residential.
 - ii. Non-neighborhood commercial to another type of commercial.
 - iii. Commercial node to another type of commercial node.
 - iv. Industrial to next level intensity industrial.
 - v. Any change which the Council determines necessary to address an immediate public need or to provide broad public benefit, and which is determined by the City Council to further the current vision, goals and objectives of the Land Use Policy Plan.

The determination of whether the amendment is major or minor is important in determining the process for seeking approval. A major amendment has a greater public input process than does a minor amendment. Following the determination of whether it is a major or minor amendment, the City Council may choose to either consider the amendment immediately, or else to defer any action on the proposed amendment until the next scheduled review of the entire LUPP. The LUPP states that the Plan should have a comprehensive review approximately every five years.

Under the procedures enacted to facilitate changes to the Ames Urban Fringe Plan, two of the three jurisdictions (Ames, Gilbert or Story County) need to agree to consider the request. All three jurisdictions would then need to approve the change for it to take effect. The Ames Urban Fringe Plan Amendment Process can be found in Attachment C of the 28E agreement approved in July, 2011, and is also posted on the City's website at <http://www.cityofames.org/modules/showdocument.aspx?documentid=4634>.

MAJOR OR MINOR AMENDMENT:

To determine whether the proposed change is a major or a minor amendment to the Land Use Policy Plan, the City Council should consider whether the proposal is a change to or is inconsistent with current goals and policies.

The policies of the Rural/Urban Transitional Area (RUTA) of the Ames Urban Fringe Plan are quoted below, followed by staff comments in *italics*.

RUTA Goal 3.1

Provide for strategically located development in portions of the Urban Fringe that will not be served by the City of Ames or City of Gilbert in the time horizon of the Ames Urban Fringe Plan.

The proposed site will require extensions of sanitary sewer and water service. Extensions to this area have not been anticipated by the Capital Improvements Plan, however, since this is not in an Allowable Growth Area.

RUTA Goal 3.2

To prepare non-agricultural development for efficient rural-to-urban transition.

RUTA Goal 3.3

To ensure that new development has safe and adequate water and wastewater service and other adequate facilities and that there is sufficient space for these facilities to be improved so that they may become public facilities.

Development is allowed in the RUTA, but without annexation and without access to city infrastructure. Since the request is to allow annexation and access to city infrastructure, this is a significant change in the goal.

RUTA Goal 3.4

To maintain the rural character of the surrounding countryside.

RUTA Goal 3.5

To maintain the county road system and effectively incorporate new subdivision roads and other system expansions in the existing and planned road system.

George Washington Carver Avenue likely can accommodate the expected traffic increase. However, site design and access placement will need to be reviewed if the proposal moves forward in order to provide safe access to the site.

Mr. Winkleblack's request would be for this site to be designated as Urban Services Area ((USA) under the Urban Fringe Plan. In summary, land designated as USA must be annexed and have full City infrastructure brought to the site prior to development.

The policies of the Urban Services Area are quoted below, followed by staff comments in *italics*.

USA Goal 4.1

Ensure that development and improvements in the Urban Fringe are consistent with Ames Urban Fringe Plan.

USA Goal 4.2

Ensure that new development has adequate public facilities.

The issue here is whether there is capacity in the existing city sewer system to accommodate new development west of GW Carver Avenue. The city's sewer model indicates that capacity will have been reached with the build out of available land on the east side of GW Carver Avenue and that accommodating additional demand on the sanitary sewer system might not be possible. This was the primary reason that this area was excluded from further consideration in the Allowable Growth Area study of 2008, since a new trunk line would have been required.

The Public Works Department is currently evaluating the flow and capacity of the sewer trunk line that serves the Northridge Heights area. This evaluation involves placing flow meters in the pipes and recording flow rates. It is important to

measure flow rates during periods of high flow (particularly during heavy rains to account for inflow and infiltration) to determine maximum usage. With the flow rates measured, the sewer model can be recalibrated to determine existing capacity and calculate excess capacity that could accommodate further growth than what has already been planned. The Public Works Department anticipates having information later this spring or early summer, depending on the success of obtaining data from the flow meters.

The 2008 Targeted Growth Study explored options for serving this area with sanitary sewer. The surest way to serve the entire site was identified as a sanitary sewer main brought up the Squaw Creek Valley. The cost of that main, which would also serve land to the west of Squaw Creek, was approximately \$1 million.

Since current policy does not anticipate the City bringing utilities to this site, that could be evidence that a changed designation is a significant departure from current policy. Such a determination would point to this being a major amendment to the LUPP.

USA Goal 4.3

Require new development to fund the cost of new improvements and services required by new development.

In accordance with the Capital Investment Strategy of the Land Use Policy Plan, the North Allowable Growth Area requires new development to be responsible for all the costs of development. Therefore, there are no incentives as there are for the Northwest and Southwest growth areas.

USA Goal 4.4

Coordinate infrastructure development and provision of services with applicable entities.

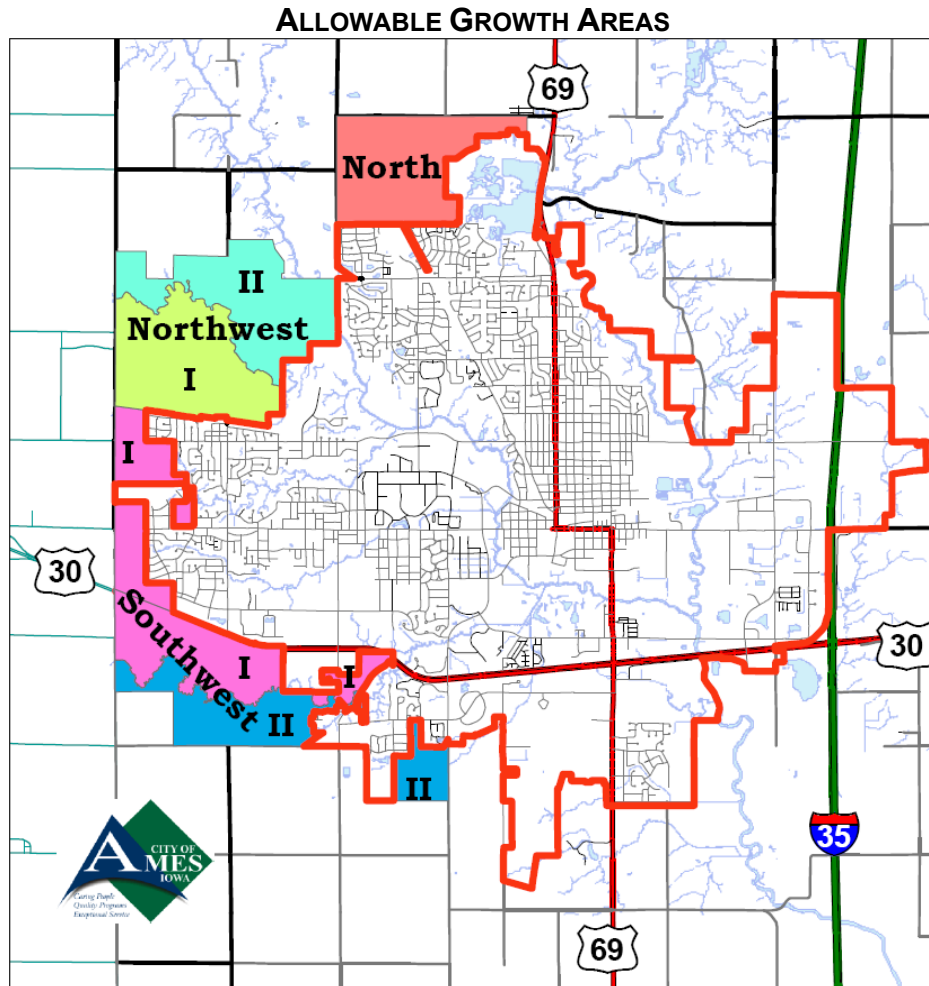
If the Ames Urban Fringe Plan and the Land Use Policy Plan are amended, the installation of infrastructure and services will be coordinated by the City of Ames.

This analysis did not address the goals and policies of the subclasses of the Ames Urban Fringe (Priority Transitional Residential, a subclass of Rural/Urban Transitional Area; and Urban Residential, a subclass of Urban Services Area). The more significant change is the change from the broader class of Rural/Urban Transitional Area to Urban Services Area rather than a change from one subclass to another subclass within the same broad class, as in the Oaks referral.

The Allowable Growth Areas of the Land Use Policy Plan are shown in the map below. This map is the annexation policy of the LUPP. Mr. Winkleblack seeks annexation in order to have access to the City's sanitary sewer and water infrastructure. To allow for annexation, a change to the Allowable Growth Map is required. A change to this map, which is necessary to accommodate Mr. Winkleblack's request, would be a de facto change to the policy of the LUPP.

It should be noted that the annexation area proposed by Mr. Winkleblack could require the non-consenting annexation of three parcels of land along GW Carver Avenue in order to avoid creating an island of unincorporated land.

Finally, it is relevant to note that, in January 2011, the City Council amended the LUPP to designate the area from GW Carver on the west to Quarry Estates on the east as the North allowable growth area. **To support that growth, Council is also considering a 2012/13 Budget that includes \$1.4 million to extend water and sewer infrastructure to that area. Designating another allowable growth area in north Ames could create competition with the lands in which the City is placing a significant investment.**



NEXT STEPS

The goals and policies of the Ames Urban Fringe Plan and the Land Use Policy Plan noted above provide background for Council's initial decision(s). The City Council should consider the goals and policies of the Urban Fringe Plan designation on this site (Rural/Urban Transitional Area) and whether the change to Urban Services Area merits further consideration.

If the Council decides to proceed with consideration of this request, it must next determine whether the proposed amendment changes or is inconsistent with those

LUPP goals. If so, it should designate the proposal as a major amendment. Otherwise, it may designate the proposal as a minor amendment.

In staff's opinion, a change from one broad class of the Ames Urban Fringe to another (Rural/Urban Transitional Area to Urban Services Area) is a significant departure from the expected development policies for this land. In addition, a change to the annexation map to designate this land as an Allowable Growth Area is significant.

Should Council determine that this request involves a major amendment to the LUPP, a final decision would be needed regarding timing. Council could agree to consider the proposed change immediately, or could defer action on Mr. Winkleblack's application until the next general review of the LUPP. If the City Council chooses to allow an application now, Mr. Winkleblack will also need a similar referral of his request from either Gilbert or Story County, since this is a change to the jointly adopted Ames Urban Fringe Plan.

LETTER FROM CHUCK WINKLEBLACK

*File - 2-10-12
Copy: Steve O.*

Date: February 10, 2012
To: Honorable Mayor and City Council members
From: Chuck Winkleblack
Re: Northern growth and changes to the LUPP



I respectfully request that the LUPP be amended to add the area to the West of George Washington Carver to allow for the land to be annexed into the City of Ames. I have attached a map indicating the area for consideration. The map also includes some land to the South that is owned by some owners and would like it also to be a part of the annexation request.

This parcel represents approximately 80 acres of development ground for the city that is contiguous with the corporate limits. It is also my belief that this land can be served with existing infrastructure so little or no funds would be needed from the city to serve this area. There is one question regarding a sewer line that was improperly installed over 20 years ago that may need to be addressed otherwise there should be no upfront costs to the city to serve this property.

I have a signed agreement for a senior housing project for the Southern portion of this property. They are in the process of acquiring a certificate of need from the State of Iowa. Their entire project has a fire sprinkling system so fire protection can be dealt with upfront on this project. The user would like to be under construction this summer; hopefully we can start this process and move this ten million dollar project forward.

I thank you in advance for your consideration of this request.

LOCATION MAP

