

COUNCIL ACTION FORM

SUBJECT: REZONING OF PROPERTY LOCATED AT 1519 TOP-O-HOLLOW ROAD
FROM AGRICULTURAL (A) TO RESIDENTIAL LOW DENSITY (RL)

BACKGROUND:

The applicant is proposing rezoning of the property at 1519 Top-O-Hollow Road for the purpose of creating a lot for the construction of a single-family dwelling on this “rear” parcel. The applicant has provided an explanation of the reasons for the rezoning (see *Attachment F*). The parcel currently does not have frontage on a public street (see *attached Location Map and Rezoning Exhibit*). Without such frontage, this is an unbuildable parcel. Therefore, if the rezoning is approved, it is the intent of the property owner to submit a subdivision plat to resubdivide the subject parcel and the parcel between this site and Top-O-Hollow Road into two new lots with frontage and access for each from this street. Approval of the rezoning, followed by approval of a Final Plat, would then enable the property owner to obtain a building permit to construct an additional single-family dwelling on this “rear” lot.

City ordinances and policies applicable to this proposed rezoning are included in *Attachment E*.

This parcel, as well as all others adjacent to it, are designated as Low-Density Residential on the Future Land Use Map in the Land Use Policy Plan. The following tables identify the Future Land Use Map designations, existing zoning, and existing land use of the subject property and properties surrounding the parcel proposed for rezoning.

If approved, the proposed rezoning would bring the subject property into conformance with the Future Land Use Map (see *Attachment B*). The following tables provide the future land use designation and zoning of the subject property and other surrounding properties.

Direction from Subject Property	Future Land Use Map Designation	Zoning Map Designation
Subject Property	Low-Density Residential	“RL” (Residential Low-Density)
North	Low-Density Residential	“F-PRD” (Planned Residence Dist.)
East	High-Density Residential	“A” (Agricultural)
South	Low-Density Residential	“RL” (Residential Low-Density)
West	Low-Density Residential	“F-PRD” (Planned Residence Dist.)

Land uses that occupy the subject property and other surrounding properties are described in the following table:

Direction from Subject Property	Existing Land Uses
Subject Property	Vacant Land
North	Open Space for Stone Brooke Subdivision
East	Vacant Land
South	Single-Family Home
West	Open Space for Stone Brooke Subdivision

The subject property was voluntarily annexed into Ames in October, 2001. At the time of annexation the property was automatically zoned as “A” (Agricultural). Other nearby properties in the Kinyon-Clark Subdivision and The Reserve Subdivision annexed along with the subject property have since been rezoned to accommodate residential development in the area.

A lift station will be required to serve this proposed residential lot. Installation, maintenance and operation of the lift station will be the responsibility of the property owner. Municipal water and sanitary sewer mains are located in the right-of-way for Top-O-Hollow Road. Service lines for water and sanitary sewer would be extended from these public mains to serve the new residential lot. Municipal electric service would be provided from the Stone Brooke Subdivision to the west of the subject property, provided an easement to cross the open space is obtained by the property owner. Municipal electric service could also be extended to the building site from existing Municipal electric lines in the Top-O-Hollow right-of-way.

The present configuration of the subject property makes this a land-locked parcel with no access from a public street. If the rezoning is approved, it is the intent of the property owner to submit a Final Plat to resubdivide the subject property and the parcel between the subject property and Top-O-Hollow Road to provide access to the rear lot from Top-O-Hollow Road through the creation of a flag lot with frontage on that street.

The rezoning of this one parcel would be an extension of the “RL” (Residential Low-Density) zone abutting the south property line of the subject property. This would leave two parcels directly to the east of the subject property zoned as “A: (Agricultural). As with the subject property, these two parcels are land-locked with no access and no frontage on a public street. The owners of these two properties have not requested rezoning at this time, nor is the City aware that they have any interest in selling their parcels to the applicant for consolidation of the three parcels into a single lot. The two parcels cannot obtain a building permit without access and frontage on a public street, regardless of whether they remain zoned as agricultural land or are rezoned to “RL” at some point in the future.

The property owners live in the house on the parcel between the subject property and Top-O-Hollow Road. The distance between Top-O-Hollow Road and the rezoning site is approximately 390 feet. The impact of rezoning the subject parcel from “A” to “RL”, followed by replatting to meet access and frontage requirements, would enable the construction of a new house on the subject property.

The site is surrounded by properties that are densely planted with trees and shrubs. The grade of the site slopes quite steeply to the northwest with a large open area that could easily accommodate a new house. The houses on Woodhaven are closer than any others in the vicinity, with the back side of the houses facing the site. A walking trail, as well as the dense landscaping, provide a buffer between these existing dwellings and the subject property.

Several of the ten goal statements of the Land Use Policy Plan (LUPP) speak indirectly to this request for rezoning. However, Goal No. 5 seems to address the rezoning proposal most directly since it states that “it is the goal of Ames to establish a cost-effective and efficient growth pattern for development in new areas and in a limited number of existing areas for intensification.” Objective 5.C.states: “Ames seeks continuance of development in emerging and infill areas where there is existing public infrastructure and where capacity permits.” Although this site does not allow for intensification of development in the area to any significant degree, it does utilize an existing infill site for development of one additional single-family home, in an area where the public utilities are in place to serve the site.

Based upon an analysis of the proposed rezoning and laws that are pertinent to the applicant’s request, staff makes the following findings of fact:

1. Ames *Municipal Code Section 29.1507(2)* allows owners of 50% or more of the area of the lots in any district desired for rezoning to file an application requesting that the City Council rezone the property. The property represented by the applicant is entirely under one ownership, which meets the minimum requirements for ownership of the property requested for rezoning.
2. The subject property has been designated on the Land Use Policy Plan (LUPP) Future Land Use Map as “Low-Density Residential.”
3. The “Low-Density Residential” land use designation is implemented through the “RL” (Residential Low-Density) zoning designation, which is what the applicant is requesting.

Based upon the analysis in this report, staff concludes that the proposed rezoning of the subject property is consistent with the Future Land Use Map, as well as the Goals and Objectives of the City of Ames Land Use Policy Plan. Although the land was zoned as “A” (Agricultural) at the time of annexation into the city, surrounding properties have been zoned for residential development that allows the construction of single-family dwellings. Rezoning of the subject land would be a logical extension of the “RL” (Residential Low Density) zoning to the south of this site.

Recommendation of the Planning & Zoning Commission. At its meeting of October 17, 2012, with a vote of 5-0, the Planning and Zoning Commission recommended that the City Council approve the rezoning of 1519 Top-O-Hollow Road from A (Agricultural) to RL (Residential Low Density).

Letter Objecting to Rezoning. A letter was received on October 17, 2012, following the Planning and Zoning Commission meeting, from the two neighbors that own land zoned as "A" (Agricultural) (see *Attachment G*). One of parcels (1511 Top-O-Hollow) abuts the east boundary of the parcel proposed for rezoning and is owned by Peggy Faden. The other parcel (1503 Top-O-Hollow) abuts the land owned by Ms. Faden and is owned by Mr. Kim Sharp.

ALTERNATIVES:

1. The City Council can approve the request for rezoning of land located at 1519 Top-O-Hollow (rear) from "A" (Agricultural) to "RL" (Residential Low Density).
2. The City Council can deny the request for rezoning of land located at 1519 Top-O-Hollow (rear) from "A" (Agricultural) to "RL" (Residential Low Density).
3. The City Council can defer action on this request and refer it back to City staff and/or the applicant for additional information.

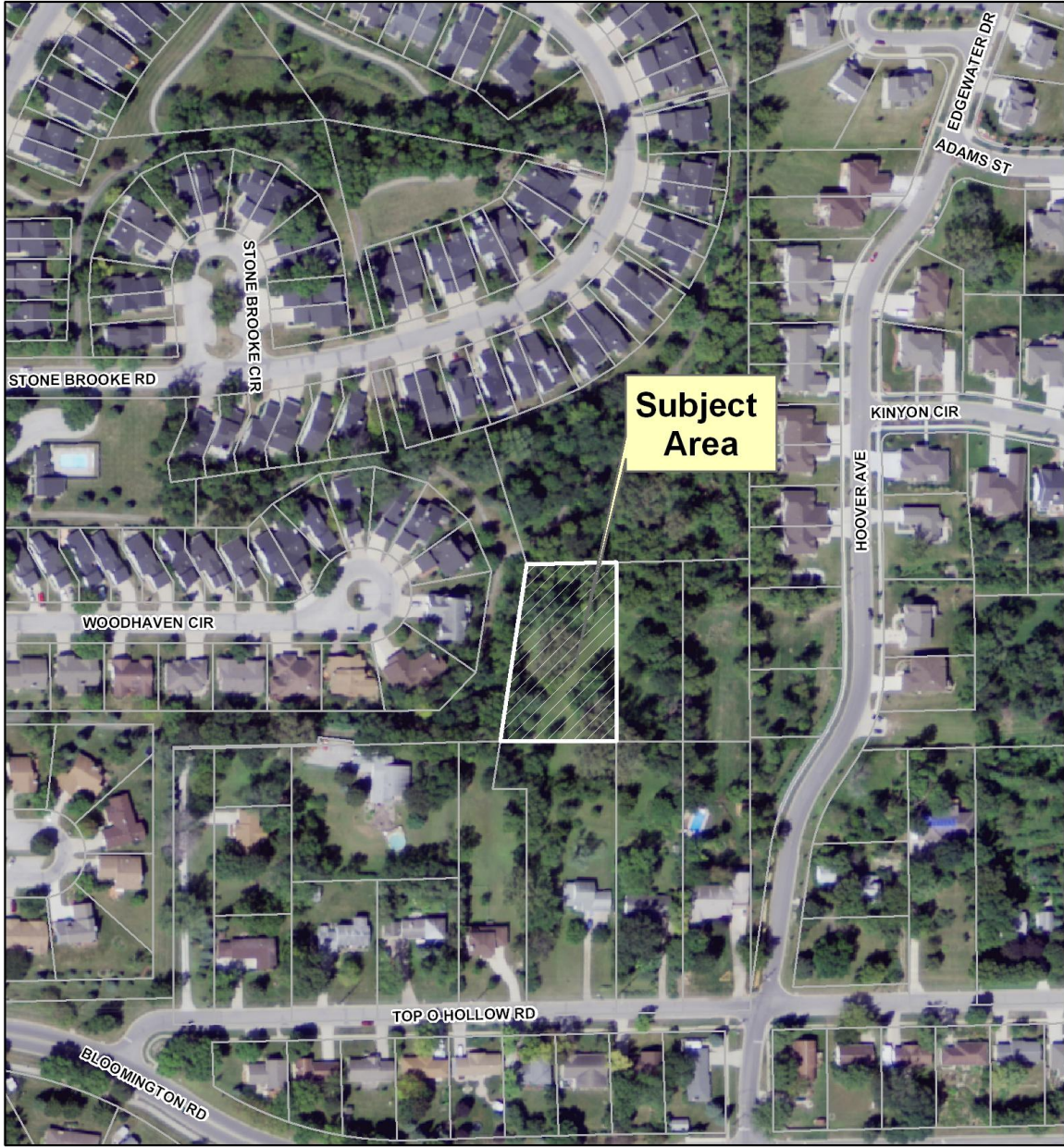
MANAGER'S RECOMMENDED ACTION:

The proposed rezoning is consistent with the City's adopted Land Use Policy Plan.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the request for rezoning of land located at 1519 Top-O-Hollow (rear) from "A" (Agricultural) to "RL" (Residential Low Density).

Attachment A

Location Map

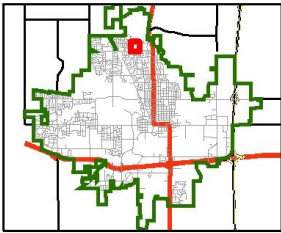


Location Map

1519 Top O Hollow

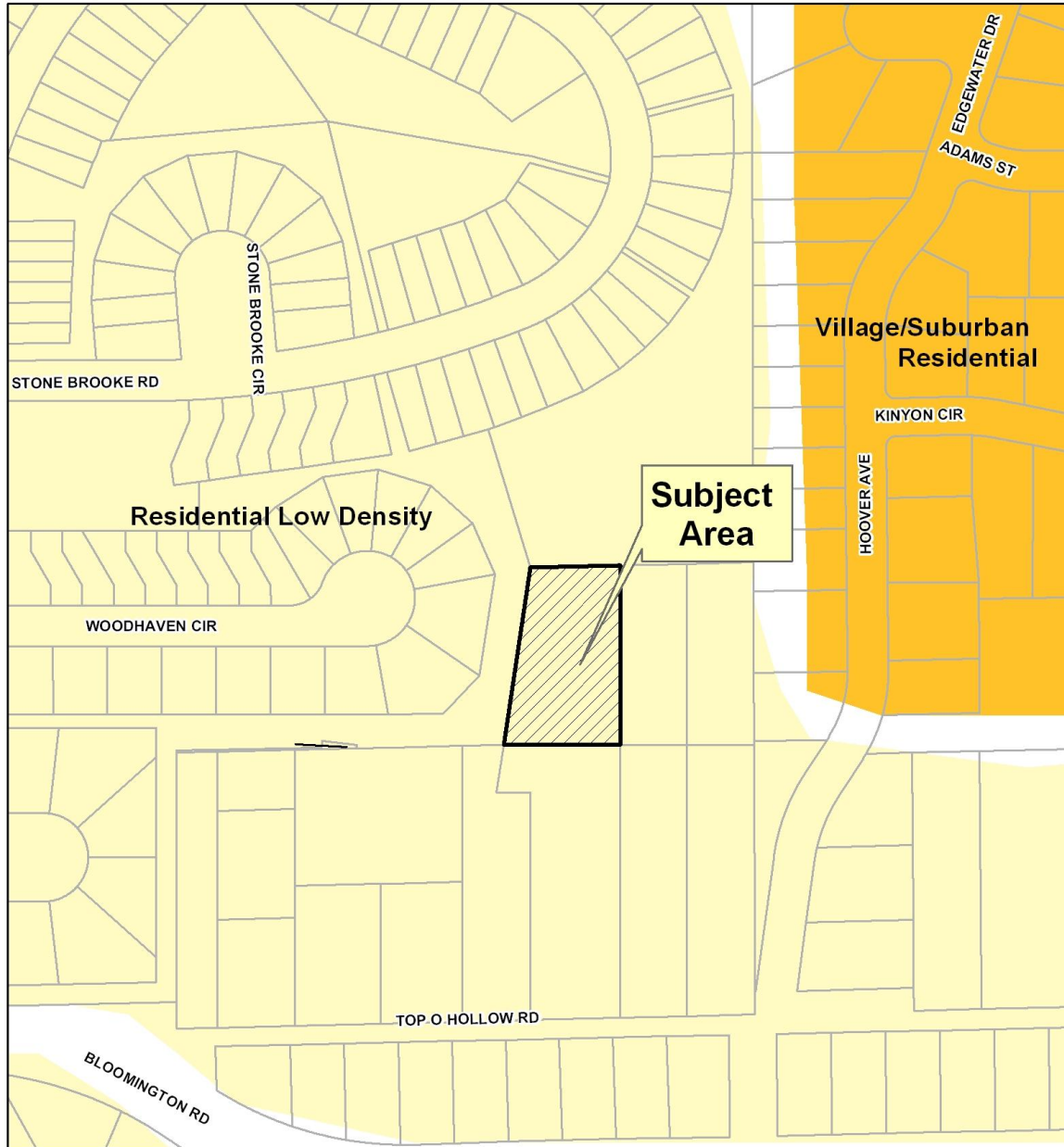


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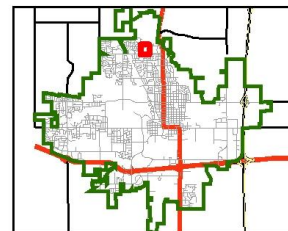
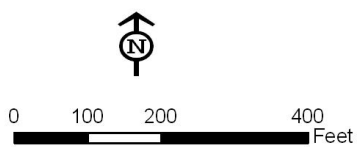
Attachment B

LUPP Future Land Use Map

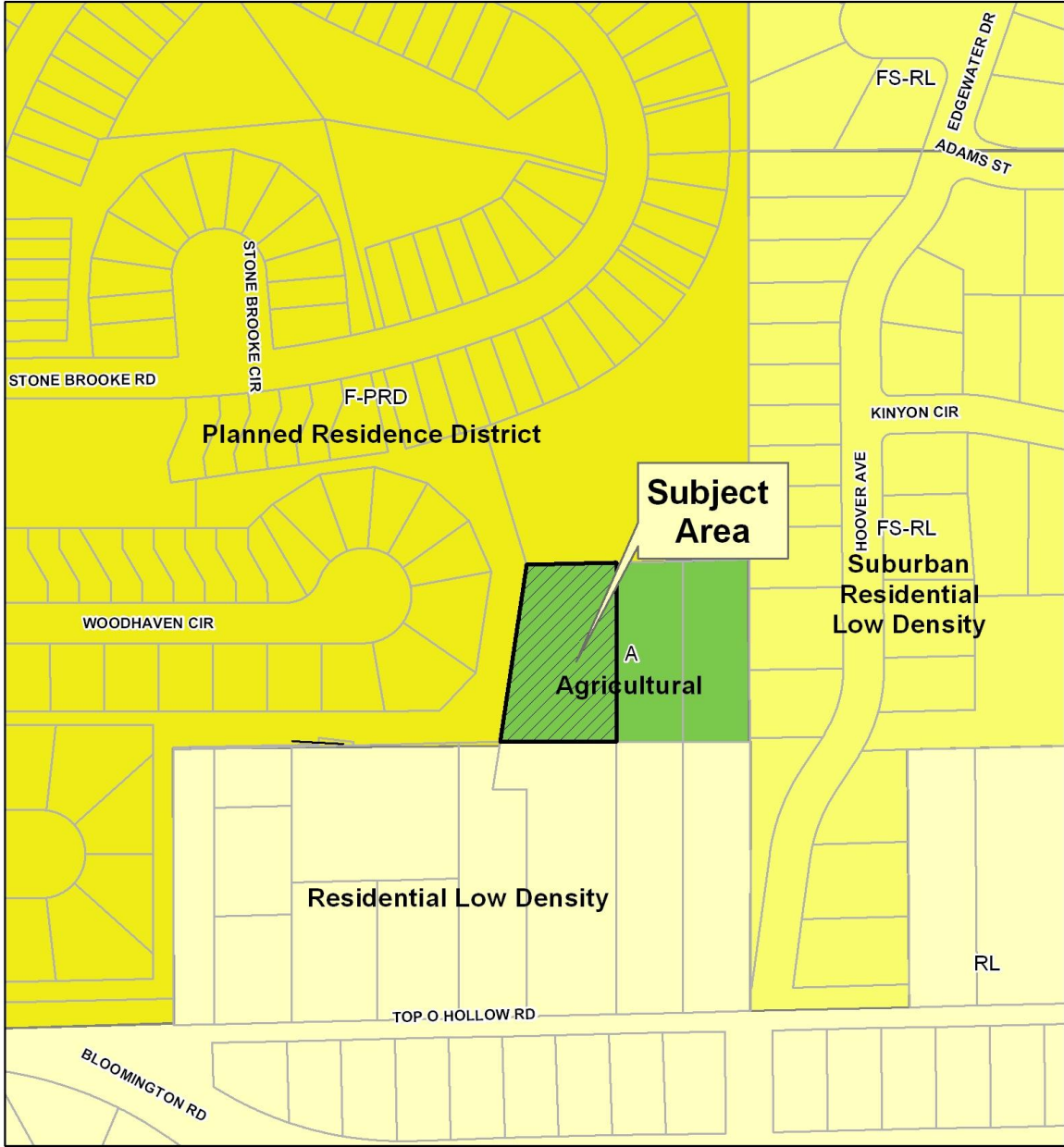


Land Use Policy Plan Map

1519 Top O Hollow



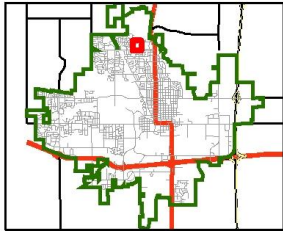
Attachment C
Existing Zoning



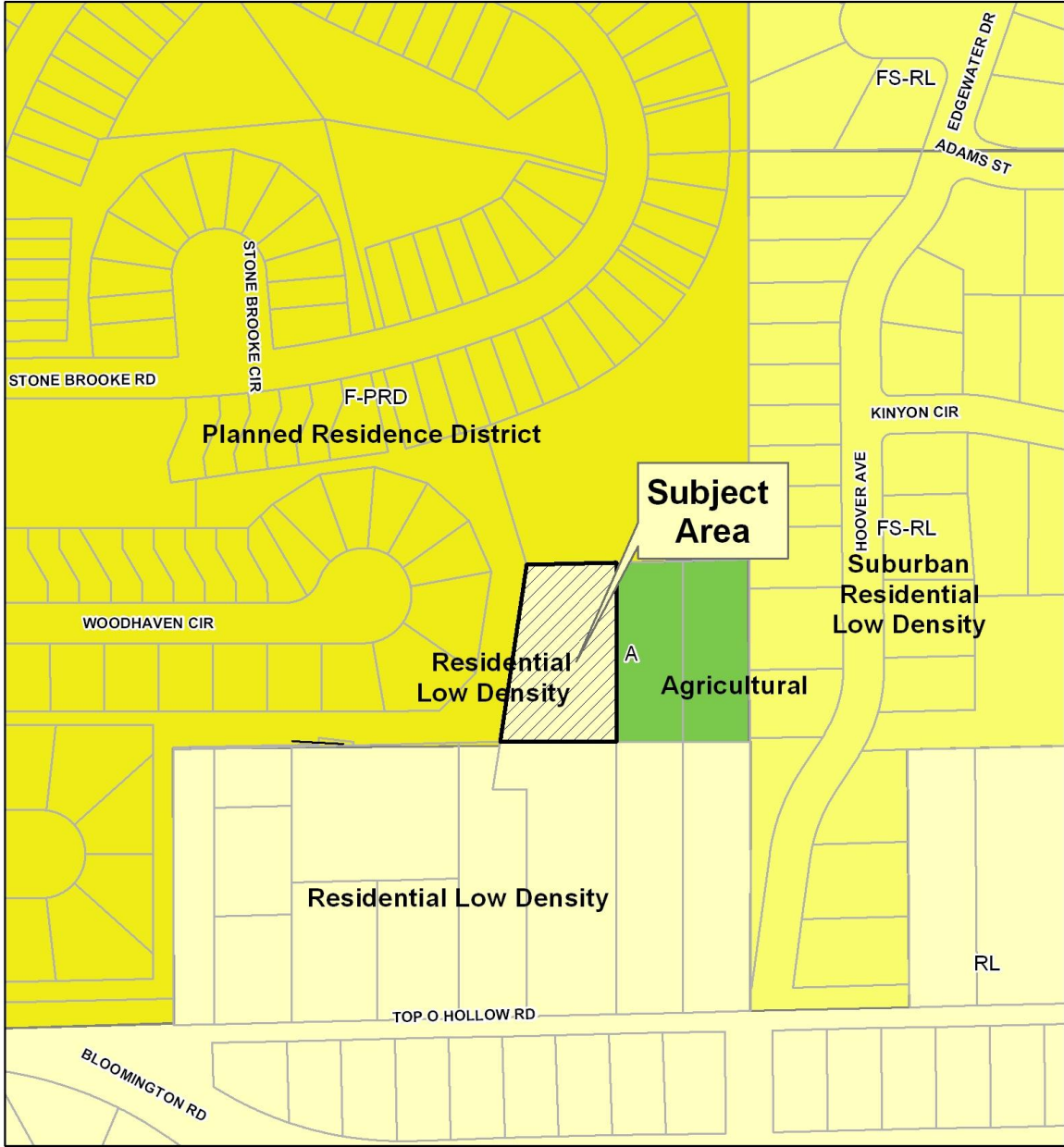
Existing Zoning
1519 Top O Hollow



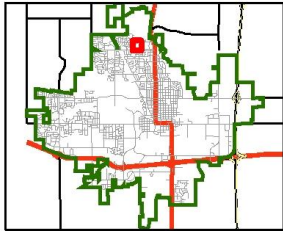
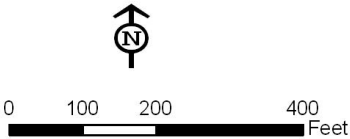
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Feet



Attachment D
Proposed Zoning



Proposed Zoning
1519 Top O Hollow



Attachment E

Applicable Laws and Policies

The laws and policies applicable to the proposed rezoning at 1519 Top-O-Hollow Road are as follows:

- Land Use Policy Plan (LUPP) Goals, Policies and the Future Land Use Map:
 - The Land Use Policy Plan (LUPP) Future Land Use Map identifies the land use designations for the property proposed for rezoning.
- Ames *Municipal Code* Chapter 29, Section 1507, Zoning Text and Map Amendments ,includes requirements for owners of land to submit a petition for amendment, a provision to allow the City Council to impose conditions on map amendments, provisions for notice to the public, and time limits for the processing of rezoning proposals.
- Ames *Municipal Code* Section 29. 701, Residential Low Density, includes a list of uses that are permitted in the Residential Low Density (RL) zoning district and the zone development standards that apply to properties in that zone.
- Ames *Municipal Code* Section 29.600, Agricultural, includes a list of uses that are permitted in the Agricultural (A) zoning district and the zone development standards that apply to properties in that zone.

Attachment F

Applicant's Statements

Application for Rezoning

Checklist

September 5, 2012

Explanation –

Owner is requesting a rezoning of the subject Parcels to have two reshaped RL-Residential Low Density lots. Parcel 1 will remain a residential lot, but become smaller in size and similar in shape. Parcel 2 will become a new residential flag lot with a new construction home to be built at a later date. Parcel 2 will be rezoned from “A-Agricultural” to “RL-Residential” in order to develop the new flag lot into a residential lot.

Consistency with Land Use Policy Plan –

This rezoning is to remain consistent with the current land use policy plan and surrounding parcels which are zoned Residential. Parcel 2 is currently zoned A-Agricultural but is taxed as a Residential lot. Rezoning Parcel 2 from A-Agricultural to RL-Residential Low Density will align the parcel with how it's currently being taxed as well as allow consistency with the surrounding parcels in the neighborhood. Parcel 1 will remain a Residential lot consistent with its present use and taxation, but reduce in size.

Current Zoning –

Parcel 1 is “RL – Low Density Residential”, Parcel 2 is currently zoned “A - Agricultural”

Proposed Zoning –

Parcel 1 will remain “RL – Low Density Residential”, Parcel 2 will be rezoned to “RL – Low Density Residential”

Proposed Use –

The proposed use of both Parcel 1 and Parcel 2 is to be two separate RL-Residential Low Density lots. Parcel 1 will be sized down, but maintain the same shape. Parcel 2 will become a flag lot per city code requirements for flag lots.

Legal Description –

The current legal description for both Parcels under one abstract and under title with the same owner is below. When the two new parcels are developed, there will be a separate legal description and abstract for each new parcel.

A part of the Southeast Quarter of the Northwest Quarter of Section 27. Township 84 North. Range 24 West of the 5th P.M., City of Ames, Story County, Iowa, being more particularly described as follows: Commencing at a point 198.00 feet West of the Center of said Section 27 on the East and West ¼ Section line; thence North 390.5 feet parallel with the North and South ¼ Section line to the point of beginning; thence S88° 36'00"W. 172.43 feet; thence N08°29'51"E, 273.49 feet; thence N88°36'00"E, 132.00 feet; thence S00°00'00"W, 269.50 feet to the point of beginning, containing .94 acres.

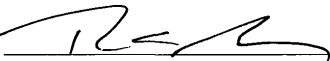
Land Area –

Parcel 1 is currently 1.25 acres --- to become ~.69 acres +/-
Parcel 2 is currently .94 acres --- to become ~1.5 acres +/-
Total of 2.19 acres

Map –

(See attached map)

Owner: _____



Date: _____

9-24-12

Attachment G

Letter Objecting to the Proposed Rezoning



Kim and Jan Sharp
1503 Top-O-Hollow Road
Ames IA 50010

17 October 2012

Mr. Ray D. Anderson, Department of Planning and Housing
515 Clark Avenue
Ames IA 50010

Dear Mr. Anderson:

There was not adequate time for me to rearrange my pre-arranged appointments for the evening of 17 October 2012. Therefore, I was unable to attend the Wednesday, 17 October 2012 meeting during which the rezoning request of the homeowner located at 1519 Top-O-Hollow Road.

I am distressed that the agricultural-reserve nature of the properties owned by those of us who chose to live on Top-O-Hollow Road because of this same quality, continue to find the area less and less a reserve and more and more an increasingly densely populated area.

While we do understand the rights of private landowners, myself and the Fadens are not in agreement with the request of the recent purchaser of the 1519 Top-O-Hollow Road property to add yet one more home to what has been agricultural zoned property by subdividing the lot, changing the zoning, and placing a home behind the existing home.

While we may have no power to stop this move, we are most upset about it. Further, we feel that such a desperate move for home builders in Ames to find property on which they may build a house may well be a function of the restrictive actions of the Planning and Housing department. Case in point the lovely home recently completed on Hoover Avenue that sits on a lot hardly large enough for a house!

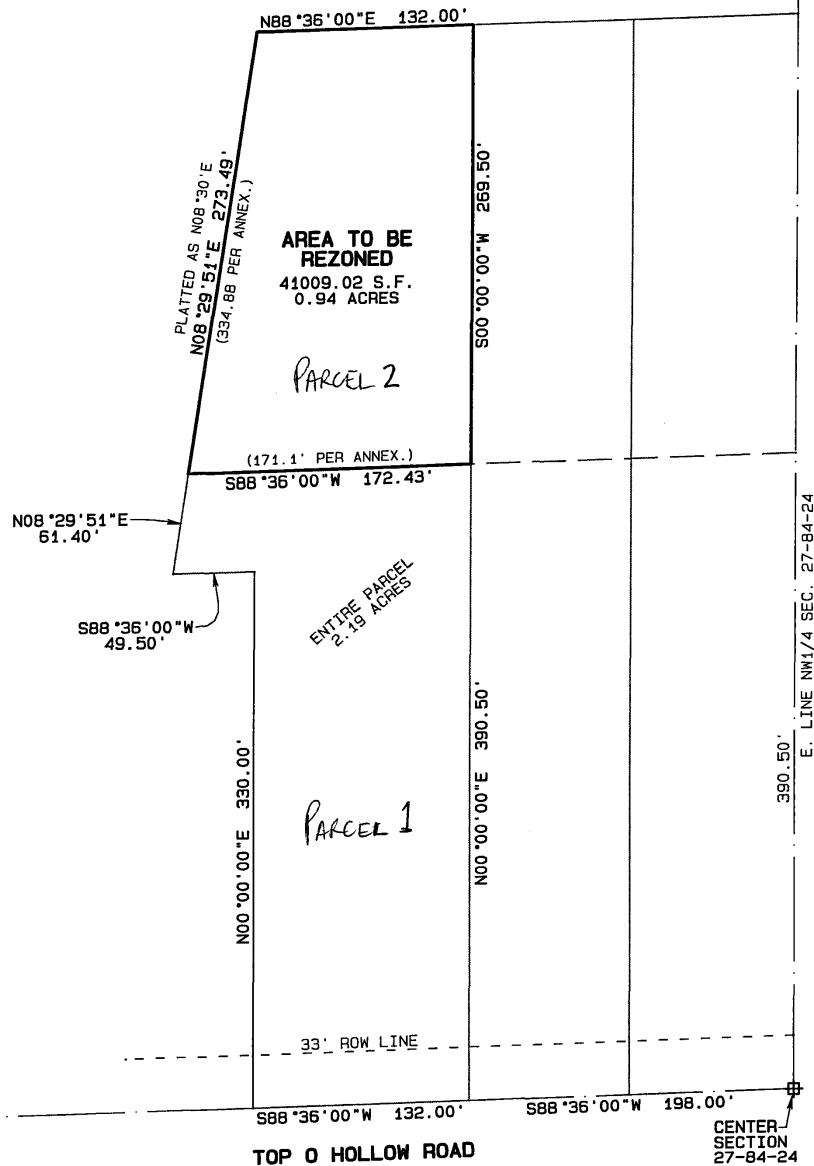
Sincerely,


Mr. M. Kim Sharp


Mrs. Peggy Faden

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

REZONING EXHIBIT



Survey Description-Area to be Rezoned:
A part of the Southeast Quarter of the Northwest Quarter of Section 27, Township 84 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa, being more particularly described as follows: Commencing at a point 198.00 feet West of the Center of said Section 27 on the East and West 1/4 Section line; thence North 390.5 feet parallel with the North and South 1/4 Section line to the point of beginning; thence S88°36'00"W, 172.43 feet; thence N08°29'51"E, 273.49 feet; thence N88°36'00"E, 132.00 feet; thence S00°00'00"W, 269.50 feet to the point of beginning, containing 0.94 acres.

Douglas R. Marek, City Attorney, 515 Clark Avenue, Ames, Iowa 50010 (515)239-5146

Return document to: City Clerk's Office, P.O. Box 811, Ames, IA 50010

ORDINANCE NO.

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF AMES, IOWA, AS PROVIDED FOR IN SECTION 29.301 OF THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY CHANGING THE BOUNDARIES OF THE DISTRICTS ESTABLISHED AND SHOWN ON SAID MAP AS PROVIDED IN SECTION 29.1507 OF THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith AND ESTABLISHING AN EFFECTIVE DATE

BE IT HEREBY ORDAINED by the City Council of the City of Ames, Iowa;

Section 1: The Official Zoning Map of the City of Ames, Iowa, as provided for in Section 29.301 of the Municipal Code of the City of Ames, Iowa, is amended by changing the boundaries of the districts established and shown on said Map in the manner authorized by Section 29.1507 of the *Municipal Code* of the City of Ames, Iowa, as follows: That the real estate, generally located at 1519 Top-O-Hollow Road, is rezoned from following described real estate, is proposed to be rezoned by ordinance from "A" (Agricultural) to "RL" (Residential Low Density).

Real Estate Description: A part of the Southeast Quarter of the Northwest Quarter of Section 27, Township 84 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa, being more particularly described as follows: Commencing at a point 198.00 feet West of the Center of said Section 27 on the East and West 1/4 Section line; thence North 390.5 feet parallel with the North and South 1/4 Section line to the point of beginning; thence S88°36'00" W, 172.43 feet; thence N08°29'51" E, 273.49 feet; thence N88°36'00" E, 132.00 feet; thence S00°00'00" W, 269.50 feet to the point of beginning, containing .94 acres.

Section 2: All other ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: This ordinance is in full force and effect from and after its adoption and publication as provided by law.

ADOPTED THIS day of , 2012.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor