

COUNCIL ACTION FORM

SUBJECT: REZONE PARCEL ADJACENT TO 3311 EAST LINCOLN WAY FROM A-AGRICULTURAL TO PI-PLANNED INDUSTRIAL

BACKGROUND:

Barilla owns land and operates a pasta production plant at 3311 East Lincoln Way. As part of an on-going expansion, they seek to acquire land adjacent to the Union Pacific railroad for a railroad spur line expansion. A general location map is found in Attachment A. **The proposed rezoning is for land to the east of the current site. The land proposed for rezoning is currently owned by Donald Jensen and has no street address as it is an agricultural parcel.**

The current Barilla property is zoned PI-Planned Industrial. The Jensen property is zoned A-Agricultural and was annexed into the City as part of the 1,350-acre East Industrial Annexation in 2017. A map of current zoning showing the proposed rezoning is found in Attachment B. Upon completion of the annexation, all the newly annexed land were given the Planned Industrial Land Use Policy Plan designation and were zoned Agriculture. The City has not initiated a rezoning for the entire annexation area as we continue to evaluate the infrastructure and zoning needs for the area.

Donald Jensen controls four parcels of land totaling approximately 158 acres. The area proposed for rezoning is about 6.06 acres. The remaining Jensen land will continue to be zoned Agricultural. A plat of survey is a separate action item for the City Council that will incorporate the 6.06 acres of land into the Barilla property, but for now the proposed land for rezoning is a portion of a larger tract owned by Jensen. The rezoning is needed to allow for rail spur improvements to expand service to Barilla. Agricultural zoning does not allow for the type of rail use desired by Barilla and can only be accommodated within an industrial zoning district as an accessory use.

The proposed 6.06 acres for rezoning does not create a developable area on its own due to lack of frontage and access to infrastructure. With the planned combination of the 6.06 acres to the existing Barilla site, the land will then be developable. Development of the rail spur is subject to Site Development Plan review for consistency with development standards, including issues such as access, grading, flood plain conformance, and other site improvements. Further analysis of the proposed rezoning is found in the Addendum.

Planning and Zoning Commission Recommendation:

At a public hearing on April 18, 2018, the Planning and Zoning Commission voted (5-0) to recommend that the City Council **approve** the request for rezoning. Mr. Jensen, the property owner, expressed support for the rezoning. The Commission discussed the remote location of the area for rezoning and one commissioner expressed concern about emergency access along the future rail siding, but ultimately recommended

approval with the understanding that further permitting was need to build upon the rezoned area.

ALTERNATIVES:

1. The City Council can approve the request to rezone 6.06 acres of the Jensen property from Agricultural to Planned Industrial.
2. The City Council can deny the request to rezone 6.06 acres of the Jensen property from Agricultural to Planned Industrial.
3. The City Council can defer action on this request and refer it back to City staff for additional information.

Barilla (through their consultant, VAA Engineering) has requested that the City Council waive the required three readings and approve on May 8. The request is included as Attachment E.

CITY MANAGER'S RECOMMENDED ACTION:

The request for rezoning is consistent with the Land Use Policy Plan Future Land Use Map as described in the addendum, and the change in zoning designation will not create any additional development impacts on infrastructure and City services that need to be addressed at this time. **Although the area described for rezoning has no development potential on its own, due to its being a portion of an agricultural zoned parcel with no street frontage, the rezoning is precursor to the acquisition of the PI zoned land to be used with the existing Barilla plant.** The Plat of Survey for the division of the land is a separate action item for the City Council.

Therefore, the City Manager recommends Alternative #1, asking the City Council to approve the request to rezone 6.06 acres of the Jensen property from Agricultural to Planned Industrial.

ADDENDUM

REZONING BACKGROUND:

Barilla has embarked on an expansion to the plant facility and grain silos. They are now seeking the planned expansion of their railroad spur line so that the facility can accept 110-car unit trains. Barilla indicates that the expansion will lower costs by delivering larger loads of wheat more efficiently although deliveries will be less frequent than currently.

Existing Land Use Policy Plan. The Land Use Policy Plan designates this site as Planned Industrial, the designation it was automatically assigned following annexation. A map of the Land Use Policy Plan Future Land Use Map is found in Attachment C.

Existing Uses of Land. 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	Crop production
North	Railroad tracks, crop production
East	Crop production, ethanol plant
South	Crop production, trucking company, landscaping/plant business
West	Barilla plant

Land Use Policy Plan. The Land Use Policy Plan (LUPP) Future Land Use Map designates this area as Planned Industrial. This designation was applied upon annexation as it was consistent with the Ames Urban Fringe Plan designation.

The Land Use Policy Plan urges “All future large-scale industrial activities should be located in planned industrial parks. Locating large-scale activities in parks assures adequate land area, access, utilities provisions and environmental controls. The park locations also assure that appearances are compatible with the community’s entries along which planned industrial locations are recommended (p. 62).”

Current and Future Industrial Zoning. The Planned Industrial zoning district is intended to be applied to those areas where there is a need to provide a desirable industrial environment. It is also “intended to...accommodate large-scale industrial land uses, promote a clustered and integrated development in a park-like setting, and locate such developments near limited-access highways, air transportation or the Research Park (Sec. 29.902(1))”.

The Barilla plant is an allowed use in the district. Railroad spur lines are allowed only as an accessory use to the Barilla plant necessitating it to be on the same lot and with the same zoning designation as the plant.

During the discussion of the East Industrial Area, it was anticipated that zoning regulations would be specific to the development expectations—either as a new zoning district or as a zoning overlay to the PI district. The rezoning of these 6 acres to accommodate the rail expansion of Barilla will not be impacted by, nor will it impact, those future zoning decisions. The change to PI matches the existing zoning of the Barilla plant and allows for use of the 6 acres as an accessory function to the plant.

Infrastructure

The proposed rezoning area has no access to City infrastructure in its current configuration. However, the Barilla plant site is served by all necessary City infrastructure. The rezoning of the 6 acres of the larger Jensen landholdings does not affect the City's ability to plan or implement infrastructure improvements in the area to support future rezoning and development. Future rezoning requests will be reviewed for conformance to infrastructure needs to serve development and expectations for timing of making such improvements.

Additional Issues

The Planning and Zoning Commission asked about access for emergency vehicles along this siding. While development issues are usually not a factor in requests for rezoning, Barilla has submitted a site development plan that has been reviewed by City staff.

About 1,950 feet of new siding will be installed before tying into the existing siding which runs parallel to the two main line tracks. In order to accommodate the expected train lengths, as many as five parallel sets of tracks will comprise the new siding. This will allow the unit train to be broken into several lengths to fit in the staging area awaiting their turns to unload.

An access road will extend along the length of the new siding tracks. An access road also extends about a quarter of a mile westward from 580th Avenue along the existing siding. A gap of about 2,350 feet is accessible along the edge of a field.

There is an area of General Flood Plain on the Barilla property draining the Kettleson Marsh north of the former commercial development site on E 13th Street, under the railroad tracks, under East Lincoln Way, and flowing west of the Cornerstone Church. It flows through a culvert under the two mainline tracks and then under the existing siding tracks. These tracks will be removed and replaced with new tracks with no changes anticipated to the surface elevations to impede flood flows.

Findings of Fact. Based upon an analysis of the proposed rezoning and laws pertinent to the proposed map amendment, staff makes the following findings of fact:

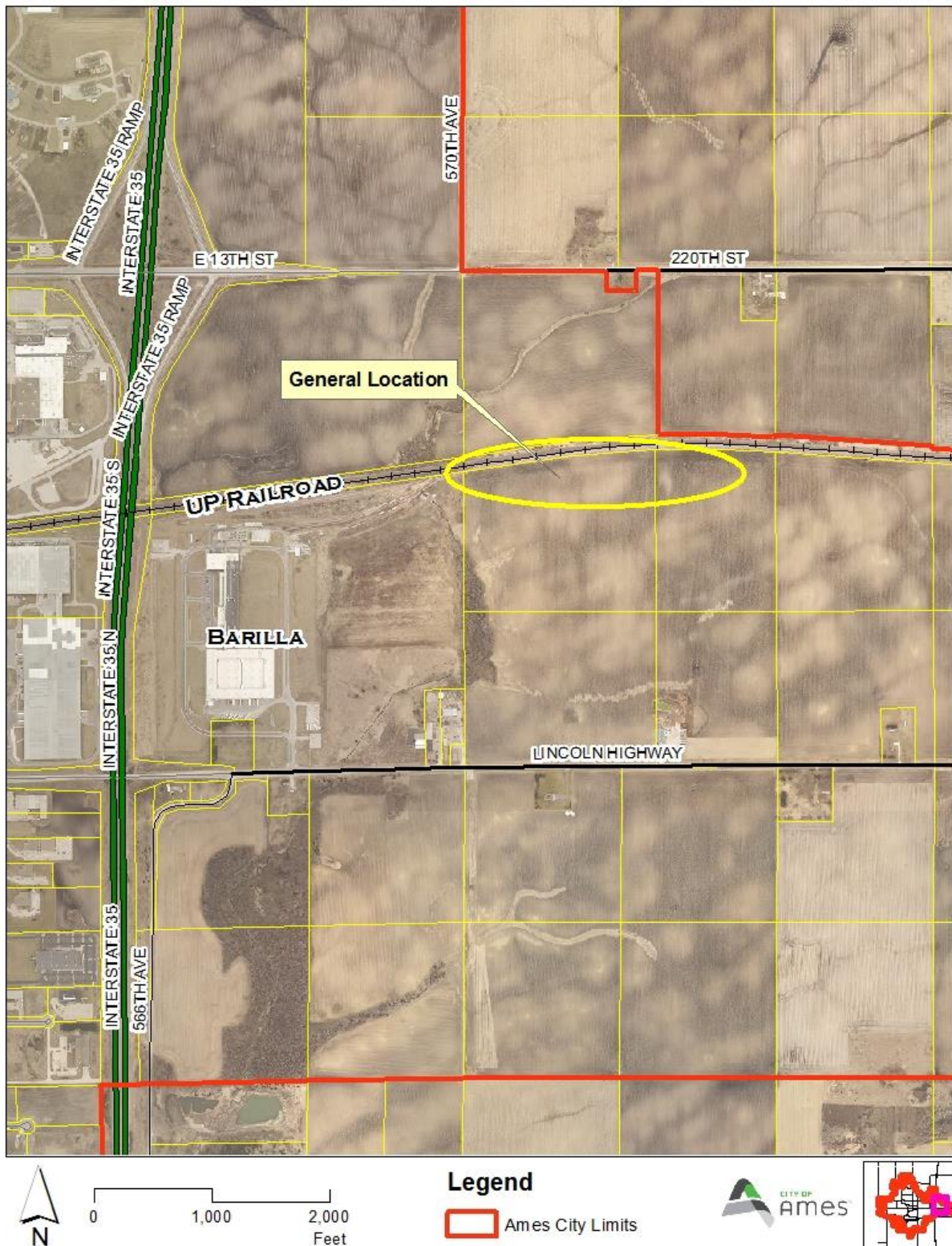
1. Ames Municipal Code Section 29.1507(1) allows the property owner to initiate an amendment to the Official Zoning Map.
2. The subject property is owned by Donald Jensen who has authorized Barilla to act on his behalf on the rezoning. The rezoning request and justification is found in Attachment D.

3. The stated purpose of the PI zoning district is to accommodate large-scale industrial activities and allows for accessory rail spurs to serve such uses.
4. Barilla is seeking the acquisition of the land and its rezoning to accommodate improved rail facilities to complement the plant expansion incorporating two new production lines and additional wheat silos.
5. The proposed rezoning will not impact any future zoning decisions regarding the newly annexed East Industrial Area.

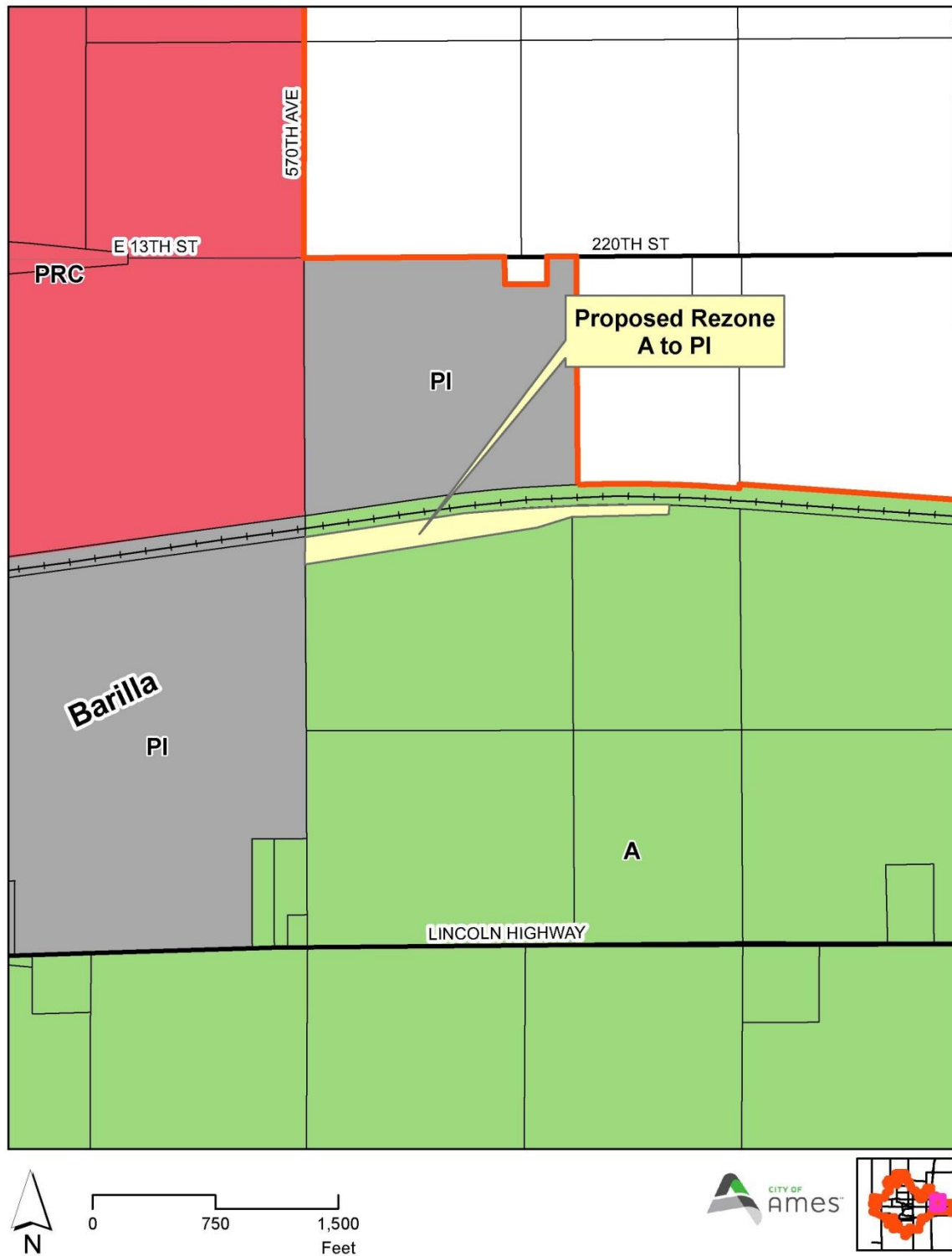
Public Notice. The City provided mailed notice to all property owners within 200 feet of the subject property prior to the Planning and Zoning Commission meeting in accordance with the notification requirements of Chapter 29. In addition, a sign was posted on the properties. The City Council public hearing noticed was mailed and published in accordance with Chapter 29 requirements.

Conclusions. Based upon the analysis in this report, staff concludes that the proposed rezoning of the property is consistent with the Goals and Objectives of the City of Ames Land Use Policy Plan.

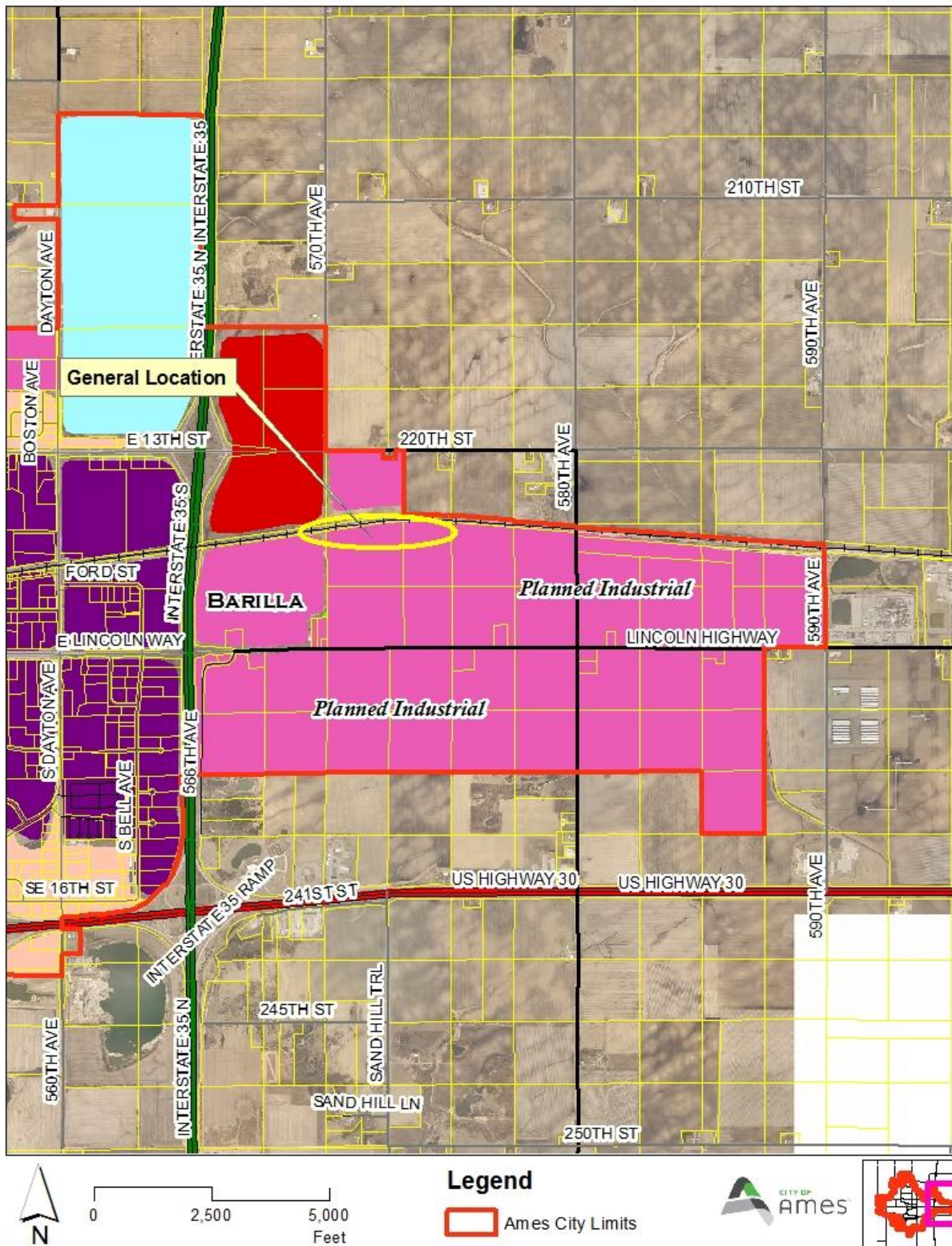
ATTACHMENT A: LOCATION



ATTACHMENT B: ZONING



ATTACHMENT C: LUPP LAND USE MAP



ATTACHMENT D: APPLICANT'S STATEMENT



April 6, 2018

City of Ames
Department of Planning & Housing
Charlie Kuester
Room 214, City Hall
515 Clark Avenue
Ames, Iowa 50010

RE: Rezoning Application

Dear Charlie:

Barilla America, Inc. respectfully request the recently acquired property to be rezoned in order to match the zoning of their existing property. Barilla America, Inc. is expanding its rail connection to the Union Pacific as well as the on-site rail yard. The subject property is required in order to facilitate these improvements to the site and their growing business.

The subject property for rezoning is a part of the East Industrial Annexation. The East Industrial Annexation was completed in order to provide the City the ability to add additional industrial users to this area. As a result, the proposed rezoning is consistent with the City Land Use Policy Plan.

CURRENT ZONING: AGRICULTURAL ZONE "A"

PROPOSED ZONING: PLANNED INDUSTRIAL ZONE "PI"

The subject property will be used in order to complete a code compliant connection to the Union Pacific Railroad. The property will also be utilized as a siding for rail car storage supporting the Barilla operations.

Sincerely,

SHIVE-HATTERY, INC.

A handwritten signature in blue ink, appearing to read "Michael L. Anthony".

Michael L. Anthony, PE
Project Manager

/MLA
Enc.

Copy: Larry Covington – Barilla
Stu Bremer - Barilla

Project #417556-0

Shive-Hattery | 4125 Westown Parkway | Suite 100 | West Des Moines, IA 50266 | 515.223.8104 | fax 515.223.0622 | shive-hattery.com



ATTACHMENT E: APPLICANT'S REQUEST TO WAIVE READINGS



City of Ames City Council and Mayor,

On behalf of Barilla, USA Inc., VAA is requesting that the City of Ames waive the 3-reading review process for the rezoning of the Jensen property from Agricultural to Industrial and review/approve on May 8th, 2018 in a single reading.

Sincerely,

Patrick D. Koehnen
VAA, LLC
pkoehnen@vaaeng.com



DO NOT WRITE IN THE SPACE ABOVE THIS LINE, RESERVED FOR RECORDER
Prepared by: City Clerk's Office, 515 Clark Avenue, Ames, IA 50010 Phone: 515-239-5105
Return to: Ames City Clerk, 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 3311 East Lincoln Way, is rezoned from Agricultural (A) to Planned Industrial (PI).

Real Estate Description:

ALL THAT PORTION OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION FIVE (5), TOWNSHIP EIGHT-THREE (83) NORTH, RANGE TWENTY-THREE (23) WEST OF THE 5TH PRINCIPAL MERIDIAN, STORY COUNTY, IOWA, LYING SOUTH OF THE RIGHT-OF-WAY OF CHICAGO AND NORTHWESTERN RAILWAY; AND THE SOUTH HALF (S.1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION FIVE (5), TOWNSHIP EIGHT-THREE (83) NORTH, RANGE TWENTY-THREE (23) WEST OF THE 5TH PRINCIPAL MERIDIAN, STORY COUNTY, IOWA, LYING SOUTH OF THE RIGHT-OF-WAY OF CHICAGO AND NORTHWESTERN RAILWAY AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (SW1/4), ALSO KNOWN AS THE CENTER CORNER OF SAID SECTION 5; THENCE ALONG AND UPON THE NORTH LINE OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 5, SOUTH 89°54'52" EAST, A DISTANCE OF 347.98 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 89°54'52" WEST, A DISTANCE OF 680.87 FEET; THENCE SOUTH 76°26'15" EAST, A

DISTANCE OF 648.06 FEET; THENCE SOUTH 82°07'23" EAST, A DISTANCE OF 1007.81 FEET TO A POINT ON THE WEST LINE OF SAID SW1/4; THENCE ALONG AND UPON SAID WEST LINE, NORTH 00°20'17" WEST, A DISTANCE OF 256.03 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF CHICAGO AND NORTHWESTERN RAILWAY, AS PRESENTLY ESTABLISHED; THENCE ALONG SAID SOUTH LINE, NORTH 82°03'20" EAST, A DISTANCE OF 726.31 FEET; THENCE ALONG A SPIRAL CURVE HAVING A CHORD BEARING OF NORTH 82°26'18" EAST, AND A CHORD DISTANCE OF 248.72 FEET, TO THE BEGINNING OF A CURVE CONCAVED SOUTH, HAVING A RADIUS 8297.10 FEET; THENCE ALONG SAID CURVE A DISTANCE OF 1346.68 FEET, WITH A CHORD BEARING OF NORTH 87°38'46" EAST, AND A CHORD DISTANCE OF 1345.21 FEET; THENCE SOUTH 00°17'09" EAST, A DISTANCE OF 53.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 264,117 SQ.FT. (6.063 ACRES), MORE OR LESS AND SUBJECT TO ALL EASEMENTS OF RECORD.

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 _____, _____.

Diane R. Voss, City Clerk

John A. Haila, Mayor