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TO: Mayor and Ames City Council Members

FROM: Department of Planning and Housing

DATE: June 6, 2020

SUBJECT: Ames Urban Fringe Plan (AUFPP) Map Amendment Request for 2538 E. 190th Street

BACKGROUND:

The City Council has directed staff to provide an informational memo in response to the request received from Norm and Vicky Marty. Their request is to amend the *Ames Urban Fringe Plan (AUFPP)* map designation, for approximately 17 acres located outside the Ames corporate limits at 2538 E. 190th Street. The current AUFPP map designation is *Agricultural/Subsurface Mining (ASM)*. The property owners are requesting that the designation be changed to *Highway-Oriented Commercial (HOC)*. (See Attachment A – Ames Urban Fringe Plan & Location Map, and Attachment B – Property Owners Request.)

The site includes the Marty family residence, and their business (Property Service Agency), in separate buildings. They have stated that the business conducts HOA property management, grounds care, and home improvement. **The current A-1 (Agricultural) zoning designation allows a home business as a permitted accessory use; however, the Story County Planning and Development Department has determined that the business has expanded beyond what the County's ordinance allows and cannot continue under the current A-1 zoning.** The number of employees exceeds what is allowed for a home occupation. Rezoning of the property by Story County to commercial would be necessary for the business to continue at the current location. The site does not abut the Ames corporate limits and cannot be annexed at this time. Prior to rezoning by Story County, approval of an amendment to the AUFPP map by the Ames City Council, the Gilbert City Council, and the Story County Board of Supervisors would be necessary to allow the commercial use on the subject property.

FRINGE PLAN LAND USE DESCRIPTIONS:

Agricultural/Subsurface Mining (ASM) is the current land use designation within the *Rural/Urban Transition Area* of the Ames Urban Fringe. The *Rural/Urban Transition Area* is intended to be rural in character as it develops, but within an urban setting at some time in the future, beyond the time horizon of the AUFPP. The ASM land use designation supports the long-term planning objective of preserving resources and avoiding land use conflicts.

The following policies in the AUFPP are applicable to the request for an amendment from ASM to HOC:

- ASM Policy 1: *Designate Agricultural/Subsurface Mining area where substantial geological resources exist below the surface, specifically limestone of a quality required for concrete and other construction uses.*
- ASM Policy 2: *Agricultural uses are compatible with this designation. Prohibit land uses to which blasting and very heavy truck traffic would be a nuisance, such as residential and commercial uses. This designation does not include surface operations necessary for mineral extraction, which have an industrial use designation.*

Highway-Oriented Commercial (HOC) is the proposed land use designation within the *Rural/Urban Transition Area* of the Ames Urban Fringe. This designation applies to commercial land uses along arterial corridors that are primarily designed to accommodate the automobile. It is intended to provide for an orderly and efficient transition between existing or future urban areas and the rural, unincorporated areas. The following policies in the AUFPP are applicable to the request for an amendment from ASM to HOC:

- HOC Policy 1: *Highway-Oriented Commercial designation includes commercial uses that are more compatible with the characteristics of rural areas than with urban commercial corridors and centers.*
- HOC Policy 2: *Strategically locate Highway-Oriented Commercial in targeted areas along high traffic transportation corridors. (Relates to RUTA Goal 3.2, 3.5)*
- HOC Policy 3: *Give preferences to clustering of uses in order to limit the short-term and long-term costs associated with infrastructure improvements and the distribution of public services. (Relates to RUTA Goal 3.2, 3.4)*

OPTIONS:

The request is to allow for initiation of a Fringe Plan Amendment that would require concurrence by both the City, Gilbert, and Story County to proceed. If the application proceeds it could be viewed as a major or minor amendment by the City Council. Approval of the amendment would lead to permitting rezoning in the county for county development.

Option 1: The City Council can choose to retain the existing Urban Fringe Plan designation.

If City Council is satisfied with the current AUFPP policies that support the current designation of Agricultural/Subsurface Mining (ASM), including agricultural uses that are compatible with this designation; and that land uses to which blasting and very heavy truck traffic would be a nuisance, such as residential and commercial uses, are prohibited, then City Council would choose Option 1.

This option would leave the current designation as is and there would be no further action on this request by the City Council. The County would need to work with the property owner to resolve the Home Occupation issue.

Option 2: The City Council can choose to proceed by agreeing to accept an application for an Ames Urban Fringe Plan Amendment.

If City Council is interested in discussing a change for the site to accommodate the owner's business interests, it would need to change to a Highway Oriented Commercial designation. Due to the scope of the request for a single previously developed site it could be categorized as a Minor Amendment. However, there is no precedent of establishing additional commercial areas outside of the City since 2011 when the 28E for the Fringe Plan was agreed upon. Review of an application to make the change may or may not be approvable when reviewed through the complete list of policies that apply in the Fringe Plan.

STAFF COMMENTS:

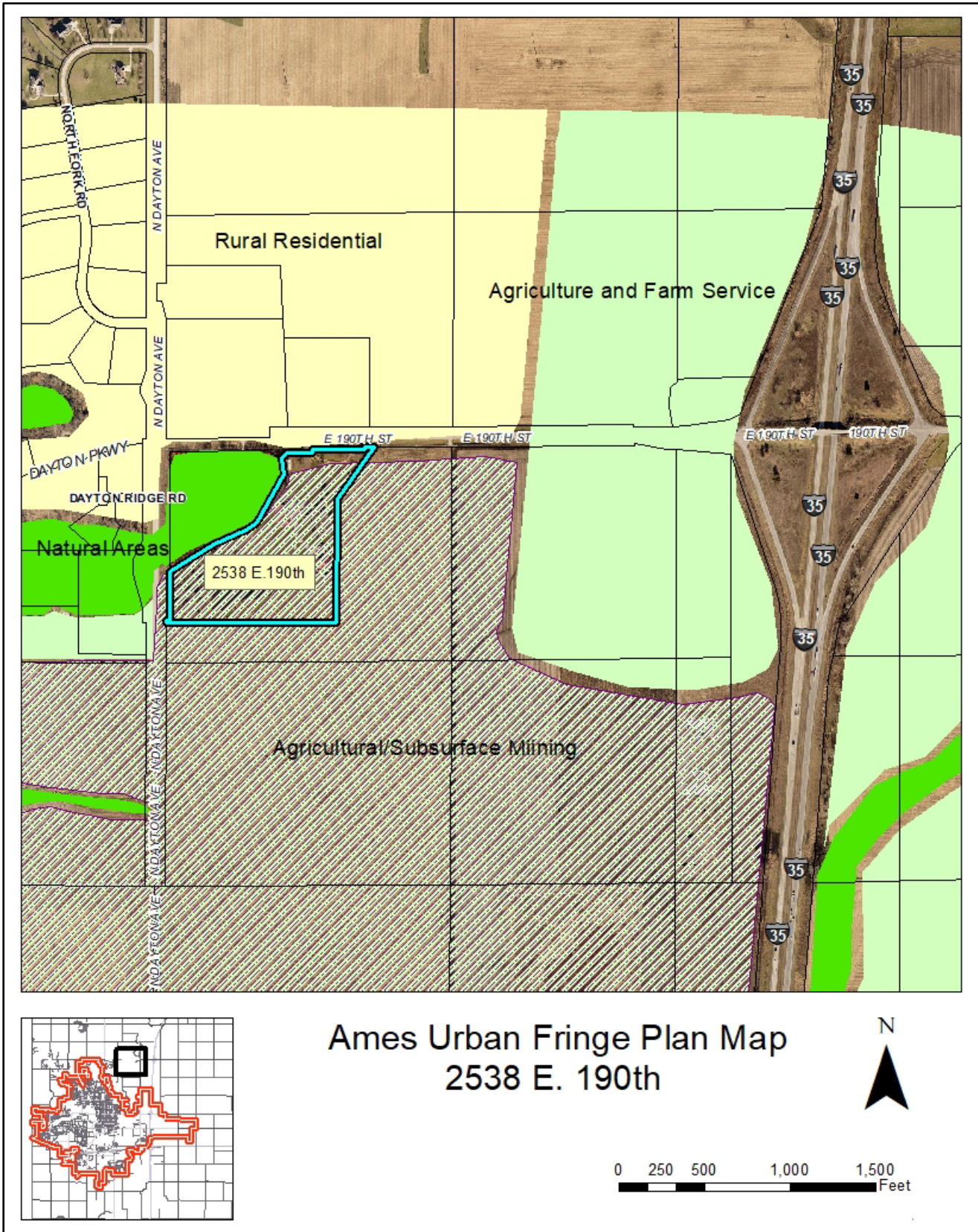
The HOC designation is applied sparingly in the current AUFPP. It was placed principally on properties in Story County that were used for commercial purposes as the time of the Fringe Plan adoption. This includes land along west Lincoln Highway and the land in the southeast quadrant of the I-35 and Hwy. 30 interchange. Isolated commercial sites are not commonly around the periphery of Ames.

The purpose of the proposed Fringe Plan Amendment is to resolve a situation in the county with a home business that has been in place for several years that now exceeds the number of employees allowed by the zoning regulations. A reduction in the number of employees, or a text amendment to the zoning regulations for home businesses could accomplish what the property owners are wanting. **The County recently amended their Home Occupation regulations and does not intend to take the issue up as zoning text amendment in light of the property owner's situation.**

In recent years there have been other inquires for a land use changes along 190th Street due to the I-35 interchange access east of this site within Ag and Farm service designated areas. None of these requests proceeded to a formal amendment process. **The City has shown no interest in establishing a commercial node at this location or any form of commercial land use during the creation of the Fringe Plan. Staff does not believe supporting new commercial development outside of the City is consistent with many of the policies of the AUFPP when viewed as wanting to centralize most activities in Urban Service Areas.**

City Council should only respond to this request to initiate a change in the designation if it finds that there may be merit in accommodating the current site development and use.

Attachment A
Ames Urban Fringe Plan & Location Map



Attachment B
Property Owners Request

Ames City Council

We have a small family business, PSA (Property Service Agency), that we have been operating from our home and property at 2538 E 190th Street, Ames, Iowa. Approximately 20 years ago, when our 2 sons and son-in-law graduated from college, we decided to expand our business and have them join the two of us. We met with Story County Planning and Development at that time and were granted a home business permit. We have been operating under that ever since, getting yearly renewals. Last year Jerry Moore, Story County Planning and Development, advised us to contact you about getting rezoned.

We have 17 acres with our home as well as a Morton style building that we operate our business from. We do HOA property management, grounds care, and home improvement. The number of people working (including family) runs approximately 4-5 during the "off season" and 10 or just over during "peak" season: One to two work in the office and the rest load up and leave for the day. We, by choice, have no business signs displayed on the property.

We are requesting to be able to initiate an AUPF Amendment from Ag/Natural Area and Mining to Highway Commercial to accommodate our business. I am informed this would allow us to request a rezoning from Story County to accommodate our business.

We thank you so much for your time and for helping us keep our Small Business in operation.

Norm and Vicky Marty