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Department of Planning & Housing

TO: Mayor and Ames City Council Members

FROM: Department of Planning and Housing

DATE: August 25, 2020

SUBJECT: Ames Urban Fringe Plan (AUFPP) Map Amendment Request for Rural Residential

BACKGROUND:

The City Council has directed staff to provide an informational memo in response to the request received from Chad Schneider on behalf of Ted and Peggy Sterling on July 20th, 2020. The request is to amend the *Ames Urban Fringe Plan (AUFPP)* map designation, for approximately 4.3 acres located outside the Ames corporate limits at 27107 Timber Road, which is located west of US Highway 69 and south of 265th Avenue (See Attachment A-Map). The property is bordered by an agricultural business to the north. Row crop land borders the property to the west, south and east across Timber Road. The current AUFPP map designation is *Agriculture & Farm Services (AFS)*. **The property owners are requesting that the designation be changed to *Rural Residential (RR)* to allow for an additional division of the property that is otherwise not permissible under Agriculture and Farm Services.**

The area in the request includes one parcel. **The current Story County A-1(Agricultural) zoning designation allows for one home on pre-existing parcels.** The owner proposes to split the existing parcel into two parcels, to create a new parcel for a future home to the south of the current home. The two new parcels would be 2.49 acres and 1.81 acres respectively.

With a Rural Residential designation, the County would permit the subdivision of each parcel as a Residential Parcel Subdivision without rezoning of the parcels. A farmstead previously existed here prior to 1986. However, the current home replaced that farmstead. This provision does not permit construction of additional homes through a parcel division. **The intention of the Agricultural & Farm Services was to simply allow homestead lots to be created out of a**

larger farm parcel, but not to allow additional divisions. The existing business to the north is supported under the Agricultural and Farm Services (AFS) land use designation.

The Ames Plan 2040 draft future land use map shows expansion within a mile of this area moving this direction as part of the South Ames scenario evaluation. The principal development area is the east side of Highway 69, but the west side is also shown as service area for the City as residential down to 265th Street. The draft Ames Plan 2040 does not show expansion south of 265th Street.

Fringe Plan Land Use Descriptions

Agriculture & Farm Service (AFS) is the current land use designation within this area of the Ames Urban Fringe. This land use designation is intended to be agricultural as the main activity as it develops maintaining only single homes on one parcel and agricultural oriented operations. (Attachment C- AFS Policies)

Rural Residential (RR) is the proposed land use designation. This land use allows rural subdivisions developed at rural densities and recognizes a residential market segment seeking large lots. The *Rural Residential* land use designation would allow for rural residential subdivisions of up to 1 home per acre without rezoning of the properties to a County residential zoning district. This allowed density would permit the owners desire to build a home on a newly created parcel. Any subdivision developed under these standards would not be required to have urban infrastructure.

OPTIONS:

The request is to allow for initiation of a Fringe Plan Amendment that would require concurrence by both the City, and Story County to proceed. If the application proceeds it could be viewed as minor amendment by the City Council. Ultimately, both the City and Story County would need to approve the change through a formal noticed amendment process. Gilbert would not need to participate due to the location of the proposed change.

Option 1: Retain the existing Urban Fringe Plan designation.

If City Council is satisfied with the current AUFPP policies that support the current designation of *Agriculture & Farm Service (AFS)*, then City Council would choose Option 1. This option would leave the current designation as is. There would be no further action on this request by the City Council. This approach would maintain the very low-density rural character of this area and minimize housing in an unurbanized area consistent with the current AUFPP goals.

Option 2: Place on a future agenda as an action item to discuss changing the current land use designation to Rural Residential from Agricultural and Farm Services.

The City Council could place on a future agenda an action item to allow Mr. & Mrs. Sterling to seek an amendment to the AUF map to designate this site as Rural Residential. The Rural Residential areas are limited in the Fringe and are generally found in marginally productive areas

but generally near paved roads to accommodate expected increases in traffic. Timber Road is an unpaved road and it is not common to have individual home sites with a Rural Residential designation. The Rural Residential designation was not designed for the limited scale of this proposal as it allows for 1-acre lot sizes and supports rural subdivisions over scattered home sites.

Under this option, the Sterlings could seek a map amendment to designate the property to Rural Residential. This designation would allow Mr. & Mrs. Sterling to seek a residential subdivision for their property after approval of the land use designation change. The merits of the request would be evaluated as a Fringe Plan Amendment. This item would need to be discussed on a future agenda.

STAFF COMMENTS:

The proposed request is a somewhat common request that has been before the City Council for other properties to allow for an additional division of a parcel in an AFS area. Although the County would allow for these divisions, the AUFPP and accompanying 28 E are more restrictive. City Council has typically not supported the initiation of a request to convert AFS to RR because it is not addressed as policy within the Fringe Plan. When the City and County take up a review of the Fringe Plan in 2021 this will likely be an issue of discussion.

Staff believes Option 1 aligns with the expectations of the Fringe Plan for limited rural development sites in the AFS areas of the City and to amend the Plan for additional divisions is not prudent. **This policy helps to minimize impacts on viable farmland areas and limits development to identified areas rather than scattered around the Fringe.**

Attachment A: Property Location Overview



27107 Timber Road
Location & General Overview

Legend

Fringe Land Use Designations

Land Use Classification

- Rural Residential
- Natural Areas
- Agriculture and Farm Service



Attachment B- Existing Parcel



**Current Parcel
27107 Timber Road**



Attachment C: Letter from Chad Schneider on behalf of the Sterlings.



HASTINGS, GARTIN, & BOETTGER, LLP
ATTORNEYS AT LAW

July 20, 2020

Mayor and City Council of Ames
515 Clark Ave.
Ames, Iowa 50010

Re: Zoning Amendment for 27107 Timber Rd., Kelley

Dear Mayor Haila and City Councilpersons,

I am writing to you on behalf of my clients, Ted and Peggy Sterling, who live at 27107 Timber Road, Kelley, Iowa. My clients have lived at 27107 Timber Road for 45 years. In 1986, they subdivided the property to conform to county zoning requirements because the property had two homesteads and was used for commercial purposes.

My clients' property is currently designated as "A-1 Agricultural" by Story County. They are seeking to amend the zoning to "A-R Agricultural-Residential," which would allow them to divide their current subdivision lots into two lots that conform with the county requirements of the amended zoning designation. They met with city staff on June 25, 2020, to discuss the minor subdivision of their property. Based on said discussion and the location of their property within the fringe of the Ames Urban Fringe Plan, they are required to seek your approval for an amendment to the zoning of their property before proceeding with the minor subdivision process with Story County. My clients believe that their request to amend the current zoning should be granted, or at least investigated further, based on several factors.

The first factor is the distance of their property from the City of Ames. It is located approximately 1 mile south of the southern most tip of the Ames Airport and nearly 2 miles south of the general southern edge of the city.

The second factor is the size of the lots proposed. My client's minor subdivision would divide a 4.3-acre parcel into two lots – one lot of 2.49 acres and another of 1.81 acres – whose sizes exceed the minimum lot size of 1 acre required by the county.

The third factor is the recent development of subdivisions in close proximity to their property. Their property is located 1/3 of a mile north of two housing developments – one zoned as "A-R Agricultural Residential" and the other zoned as "R-1 Residential." So the proposed minor subdivision of their property would be in conformity with these developments, which actually have smaller lot sizes than their proposed lot sizes.

Craig R. Hastings (1949-2016) | Timothy L. Gartin | Andrew J. Boettger
Chad E. Schneider

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Attachment B Cont.



The fourth factor is the historic use of the property by the same family. The current site upon which their home sits had at one time two homes sitting upon it. There was a second home located just north of their current home, which was eventually removed. Additionally, the home my clients currently occupy was previously owned by the parents of Peggy Sterling and has been improved and added on to by my clients.

The final factor is my client's need to build a home that fits their needs. When the original subdivision was platted over 30 years ago, my clients never imagined the need to build a different home to fit their long-term needs. Had they envisioned such a need, they would have created two separate lots upon the current parcel to provide the opportunity to meet such a need.

Based on the aforementioned factors, my clients respectfully request that you grant them the opportunity to amend the zoning of their property with Story County so they may proceed with the minor subdivision. In the alternative, they ask that their request be referred to city staff for a full review and recommendation to you at a later date.

Respectfully,

/s/ Chad E. Schneider

Chad E. Schneider
Attorney & Counselor at Law