

COUNCIL ACTION FORM

SUBJECT: REQUEST FOR ANNEXATION OF LANDS AT INTERSECTION OF LINCOLN HIGHWAY AND NORTH 500TH AVENUE

BACKGROUND:

On March 23, 2021, the City Council voted to initiate a voluntary annexation for eleven parcels, totaling 41.11* acres plus rights-of-way, located immediately west of the Ames corporate limits and extending westward along Lincoln Highway to the Boone County line and then northward along North 500th Avenue. The action was in response to an annexation petition received from Chuck Winkleblack, which included seven parcels owned by two owners: Flummerfelt Quail Ridge, LLC and John R. Crane along with rights-of-way along North 500th Avenue totaling 36.76 acres. [**Please note that the acreage at time of initiation was indicated as 40.75 acres. Subsequent survey information indicates the acreage as 41.11 acres plus rights-of-way.*] State law permits a voluntary annexation to include up to 20% of the territory with non-consenting abutting properties, for the purpose of eliminating islands or creating more uniform boundaries. **There are four properties considered non-consenting as part of the annexation.** (See Attachment A).

At the time City Council initiated the annexation, the following conditions were required: 1) defining the annexation territory as the original petition plus all four non-consenting properties plus abutting rights-of-way; 2) requiring receipts of waiver of withdrawal from the two consenting property owners prior to proceeding with the annexation; 3) designating Planning & Housing staff as representatives in the consultation with township trustees and county supervisors; and 4) directing staff to prepare a development agreement addressing infrastructure needs and developer responsibilities related to future development.

The 80/20 annexation was initiated in order to adjacent properties to form a more uniform boundary for the area and to avoid creating an island. The proposed annexation includes a 0.5-acre island parcel owned by Lemer Land Holdings, LLC, a non-consenting property owner. Islands are not permissible by state law and it must be included with the annexation. Additionally, the Council determined that the other three non-consenting parcels located along the north side of Lincoln Highway, should also be included in the 80/20 annexation. In this case, there are three remaining parcels on the north side of Lincoln Highway, which comprise 5.92 acres of land. All four of the non-consenting properties are not in a consolidated area, but are interspersed among the applicant's properties with private drive extensions to Lincoln Highway. The inclusion of these properties makes for a uniform boundary along Lincoln Highway, which provides access to all of the properties. The City already has jurisdiction of Lincoln Highway to the Boone County line at 500th Avenue. Having a uniform boundary along Lincoln Highway will help

to ensure efficient provision of City infrastructure as development proceeds, as well as the ability to plan for safe access to the properties from Lincoln Highway.

There are three separate entities that own the four non-consenting properties. The property owners are: Lemer Land Holdings, LLC, Brant Lemer, and Brian Adams. Land ownership and acreage is identified in the table included as *Attachment F*.

The 41.11-acre annexation territory includes 6.42 acres of non-consenting parcels. The non-consenting parcels represent 15.6% of the total annexation territory, not including rights-of-way. Additionally, the annexation includes approximately 4.04 acres of rights-of-way.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission considered the request at a Public Hearing on May 5, 2021. Several members of the public, including non-consenting parties, spoke against the annexation. Their concerns were primarily related to the future rezoning, including the potential for a manufactured home park, and other development aspects of the property. The Commission voted 6-0 to recommend that the City Council approve the request to annex 41.11 acres plus rights-of-way, by finding that the proposed annexation is consistent with the Land Use Policy Plan and Urban Fringe Plan, pending approval of the AUFPP amendment that is on this same agenda.

Resolution of the Board of Supervisors. On May 11, 2021, the Story County Board of Supervisors passed Resolution No. 21-89 supporting the proposed annexation.

DEVELOPMENT AGREEMENT:

At the time of annexation initiation, staff identified issues related to infrastructure and future development that were appropriate to address with a development agreement along with an annexation. Staff also noted to Council that much of the property was part of a previously rural subdivision, Crestview, that created a number of undeveloped 6,000 square foot lots that City staff was concerned would be considered legal lots even though they do not meet city standards.

The attached agreement addresses these issues with the following requirements as they relate to the consenting property owners of the annexation, Crane and Flummerfelt:

1. Traffic Study- The property owner acknowledges that a traffic study must be completed to analyze the impacts of development to adjacent street system. The traffic study scope shall be defined by the City's Traffic Engineer, performed at the sole cost of the owner, and shall be completed prior to the rezoning of the property to a residential or commercial zoning district. Furthermore, the owner is responsible for improvements identified as part of the traffic study necessary to serve the development of the site. *(Note a traffic study has been initiated consistent with this requirement for the Flummerfelt properties)*
2. Infrastructure Extensions- The property owner acknowledges that water and sewer lines must be extended into and through the site with the future development of the site. These extensions are at the expense of the owner. Subdivision approval

will determine the precise location and nature of these extensions, including the need for looping of a water main consistent with the City's Master Plan.

It should be noted that the total 41.11 acres are within the Ames water service territory.

3. Stubbed Streets from Sunset Ridge Subdivision- The property owner acknowledges that future development shall include the extension of stub streets from Sunset Ridge (Ellston Avenue, Springbrook Street, and Durant Street) into the development consistent with City standards. The extension of streets and their design will be determined with subdivision approval.
4. Previously Platted County Lots- The property owner agrees that they will not seek approval of a building/zoning permit for a building on any lot within the Crestview AC Subdivision and will instead replat the property in conformance with City zoning and subdivision standards.

In addition to describing improvement obligations, the agreement also specifies that the obligations in the agreement are not triggered unless the annexation is approved and recorded. Implementation of the described improvements would occur along with the platting of the property for development. (See Attachment G.)

ALTERNATIVES:

1. The City Council may approve by resolution all consenting and nonconsenting properties as:
 - A. Annexation of eleven parcels and abutting rights-of-way, totaling 41.11 acres of real property (rights-of-way acreage not included in calculation), for the properties located immediately west of the Ames corporate limits and extending westward along Lincoln Highway to the Boone County line along North 500th Avenue, in Washington Township, Story County, Iowa, by finding that the proposed annexation is consistent with the Land Use Policy Plan and Urban Fringe Plan, and that the proposed annexation territory eliminates a potential island and creates more uniform boundaries consistent with state law; and
 - B. A Development Agreement (Attachment G) addressing infrastructure needs and developer responsibilities for future development.
2. The City Council may approve by resolution the minimum area for annexation with the one nonconsenting "island" parcel (Tract F on Attachment B) as:
 - A. Annexation of eight parcels and abutting rights-of-way, totaling 35.19 acres of real property (rights-of-way acreage not included in calculation), for the properties located immediately west of the Ames corporate limits and extending westward along Lincoln Highway to the Boone County line along North 500th Avenue, in Washington Township, Story County, Iowa, by finding that the proposed annexation is consistent with the Land Use Policy Plan and Urban Fringe Plan and eliminates a potential island; and

- B. A Development Agreement (Attachment G) addressing infrastructure needs and developer responsibilities for future development.

This Alternative would be consistent with the original annexation requires.

- 3. The City Council may deny the request to annex land generally located immediately west of the Ames corporate limits and extending westward along Lincoln Highway to the Boone County line along North 500th Avenue, in Washington Township, Story County, Iowa as not in the interest of the City of Ames at this time.
- 4. The City Council may defer this item and request additional information from either city staff or the applicant.

CITY MANAGER’S RECOMMENDED ACTION:

The subject area is within the Southwest Growth Area I of the City’s current Land Use Policy Plan (LUPP). The Southwest Allowable Growth Area has long been considered the next development area on the periphery of Ames. (Note: The City Council recently included these properties within Tier 1 west growth area in the new Comprehensive Plan.)

There is also a concurrent application to amend the Ames Urban Fringe Plan for approximately half of the annexation territory to Urban Service Area to match the City’s Southwest Growth Area designation. With approval of the Fringe Plan change to Urban Service Area, the annexation request will be consistent with both the City’s LUPP and the Ames Urban Fringe Plan process for annexation.

The annexation cannot proceed as a 100% voluntary annexation only, due to a half-acre island parcel owned by a non-consenting property owner. Therefore, it must proceed as an 80/20 annexation to include all the territory that is part of the initial petition for annexation plus the one “island” parcel. Three additional parcels owned by non-consenting property owners are also included in the annexation for the purpose of creating a uniform boundary along the Lincoln Highway frontage. If the annexation were to proceed without the entire quadrant, irregular boundaries along Lincoln Highway would result. The four parcels represented by non-consenting property owners total 15.6% of the total real property acreage, which is allowed under the Code of Iowa.

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to approve the 80/20 annexation of 41.11 acres of real property (rights-of-way acreage not included in calculation), and approve the development agreement related to future development requirements with the consenting property owners.

Addendum

Land Use Policy Plan (LUPP) and Zoning.

The City has a policy that annexations be consistent with the LUPP and the Ames Urban Fringe (AUF) Plan. The LUPP identifies the subject property as part of the "Southwest I Allowable Growth Area" (*Attachment E*). "Allowable Growth Areas" identified in the LUPP are areas that have been determined by the City Council to be appropriate for future expansion of the municipal boundaries, based in part on the City's ability to serve the areas with public services. In addition, this area is designated as a Tier 1 growth area in the Draft Ames Plan 2040.

The area proposed for annexation has two separate designations within the Ames Urban Fringe Plan (AUF) (*See Attachment C & D*). They include an "Urban Service Area" with an "Urban Residential" designation as well as "Rural Urban Transitional Area" with "Highway Oriented Commercial." A "Convenience Commercial Node" is also present on the Framework Map at the intersection of Lincoln Highway and North 500th Avenue.

Concurrent with this annexation, the "Rural Urban Transitional Area" is being considered for a LUPP Amendment to "Urban Service Area". Having an "Urban Service Area" designation is required prior to annexation (*See Attachment C*). The AUF allows property to be annexed per the terms of the City's 28E agreement with Story County.

Land within the "Urban Residential" designation is planned for future annexation into the City with development of urban densities and design standards. Once annexed, the LUPP designation would be "Village/Suburban Residential" allowing for a broad range of residential development types.

"Highway-Oriented Commercial" property within close proximity to a "Convenience Commercial Node" within an "Urban Service Area" may be annexed. The intent of the Framework Map designations is for development of residential in conjunction with three to five acres of commercial land at the corner of Lincoln Highway and North 500th Avenue. Three to five acres of land will support 15,000 - 30,000 sq. ft. of commercial use. (*See Attachment D*).

Proceeding with an 80-20 annexation of the entire quadrant is appropriate so that the land can be served with city infrastructure and create logical uniform boundaries. The consenting property owners have waived their right to withdraw the annexation request, which ensures that the City does not unnecessarily use its resources to process an annexation that is later withdrawn.

Due to the area of land and the number of infrastructure improvements needed to support development of the site, the City Council directed that a development agreement be considered concurrent with the annexation. The infrastructure items listed below address the currently known issues related to serving the site. It is expected that the developer will bear the costs of providing infrastructure improvements to serve the site.

The applicant has indicated an interest in proposing RLP zoning for a manufactured home park and some commercial zoning. A decision on the type and extent of zoning areas is

not included in the annexation process. When a property is annexed into the City, it is automatically zoned as "Agricultural." Zoning does not change unless a request is initiated by an individual property owner or by the City Council. Any proposed zoning must be consistent with the LUPP land use designation. Future development would require rezoning consistent with the Village/Suburban Residential land use designation and a commercial node.

Current Land Use: The properties included in the petition are largely vacant. The Consenting Properties include three residential structures: one single-family, one 2-family conversion, and one 4-family conversion. There are also several agricultural buildings.

The Non-Consenting Properties include three residential structures: all single-family. The Non-Consenting Properties are all zoned Commercial / Light Industrial under the County's zoning and will continue to be subject to County zoning, until such time as the annexation of these properties is approved and recorded. As County parcels they do not have access to City water or sanitary sewer utilities. A County zoning permit to add an indoor mini-storage and RV/boat storage use on the parcel that was formerly the Crestview Mobile Home Park site was recently requested and denied.

Development Plan: A conceptual development plan has not yet been received from the developer, but preliminary discussion reveal their preference to rezone and develop the land under RLP zoning as a manufactured home park with a corner commercial node. RLP zoning is not discussed as a preferred zoning district for the area in the LUPP but can be considered within the Village/Suburban designation. Staff has reservations about future use of the site for a manufactured home park due to limited amount of land for the use when considering the desired commercial land, need for additional single-family ownership housing options, and the desire to have continuity with three public street extensions from the abutting Sunset Ridge Subdivision (which would otherwise be disrupted with private streets through a manufactured home park).

The annexation may proceed without a concept plan for the site as the rezoning and development is a subsequent step after annexation. If the site is annexed, City Council would consider a specific rezoning proposal in the future that could include RLP or other zoning district commonly used in the City such as FS-RL and FS-RM that are consistent with the Village/Suburban Residential land use designation of the area.

Infrastructure.

Staff reviewed the annexation submittal and notes that infrastructure improvements would be needed to serve any development of the area. Water, sanitary sewer, storm sewer, street paving, sidewalk, and shared use path improvements would all be needed to serve the proposed development and connect it to existing infrastructure east of the site. Some of these details will be worked out at the time of rezoning and subdivision based upon an actual project plan; however, a development agreement is included to address some of the most significant items of staff concern.

Street Connectivity to/from Sunset Ridge: The new development will be required to have an interconnected street network. At a minimum, stub streets from Sunset Ridge (Ellston Avenue, Springbrook Street, and Durant Street) will need to be extended into the property

as an extension of Sunset Ridge and developed with similar FS-RL development. A final decision on the circulation design would occur with a rezoning master plan and subdivision approval. The developer has indicated his preference to develop the land as RLP with private streets.

Transportation Improvements: A traffic impact study has been initiated by the developer and is currently underway to assess development impacts, including site access and operations of adjacent intersections.

Turn lane improvements and storage lengths will be identified. Access to the commercial node area will likely have one access point to Lincoln Highway with a frontage road. The results of the traffic study will indicate what are expected developer financed improvements. The needed improvements will be identified prior to rezoning.

Development of the property requires frontage and intersection improvements along both Lincoln Highway and the County Line Road (N 500th Avenue) for full access and service to the site, consistent with the subdivision ordinance for street improvements. Points of access into the site have been identified for purposes of the traffic impact study.

The shared use path that abuts Sunset Ridge Subdivision on the north side of Lincoln Highway will be required to be extended westward to County Line Road (North 500th Avenue).

Water Main Extension: Water mains have been constructed for Sunset Ridge Subdivision within the City boundaries, adjacent to the north and east boundaries of the proposed annexation. The 12" water main stub in Lincoln Highway will need to be extended westward to North 500th Avenue and then northward to Westfield Drive to form a continuous loop with the Sunset Ridge system. The City's master planning for water service includes a future looped system that will connect south to the water tower on South 500th Avenue as well as extending northward along North 500th Avenue to Ontario Street. Expenses associated with internal connections would be the developer's responsibility. The timing of the main extensions will be discussed with rezoning and subdivision.

Sanitary Sewer Improvements: The sanitary sewer system from Sunset Ridge is stubbed at Durant Street. It has the depth and capacity to service this property assuming an Urban Residential development with a Commercial node of 3-5 acres. It is not anticipated to be able to serve development beyond this site. Extension of this sewer line will occur with subdivision approval.

Electric Improvements: Electric service is currently provided to the area by Alliant Energy. As the land is annexed, electric service will continue to be provided by Alliant Energy for any new development of the annexed properties.

Stormwater Improvements: The southern portion of the property regularly retains water after storm events and has seen flooding with storms due to drainage issues. The property is located within the Boone County / Story County Drainage District #4. The site is bisected by two drainage basins for natural flow to the south and to the northeast. Development of the property will need to follow all stormwater treatment and control

requirements of Chapter 5B of the Municipal Code. A full review of the stormwater improvements will be part of the site plan review and subdivision review for the site.

Replating: A large portion of the proposed annexation was previously platted as 6,000 square foot lots in the County with 50-foot rights-of-way. The dashed lot lines shown on the Annexation Plat (*Attachment B*) illustrate a previously recorded plat in the County. Staff believes it is important to have an agreement that the owner will not seek to build upon these previously platted County lots that would not meet City standards. Instead, the developer will seek to re-subdivide the site consistent with City standards.

Outreach.

As part of the state-mandated annexation process, City staff invited the Washington Township Trustees and the Story County Board of Supervisors for a Consultation Meeting on April 14, 2021 via Zoom. Those in attendance included: Kelly Diekmann, Ames Planning & Housing Director; Amelia Schoeneman, Story County Planning Director; Chuck Winkleblack, Applicant and Developer; Latifah Faisal, Story County Board of Supervisors Vice-Chair; Linda Murken, Story County Board of Supervisors, Member; Lisa Heddens, Story County Board of Supervisors Chair; and Mark Lambert, Ames City Attorney. No one representing Washington Township attended the meeting. No comments have been received as of the writing of this report.

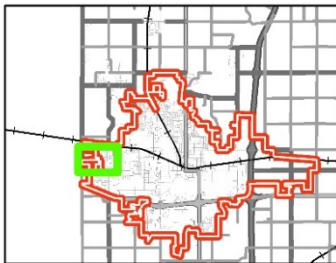
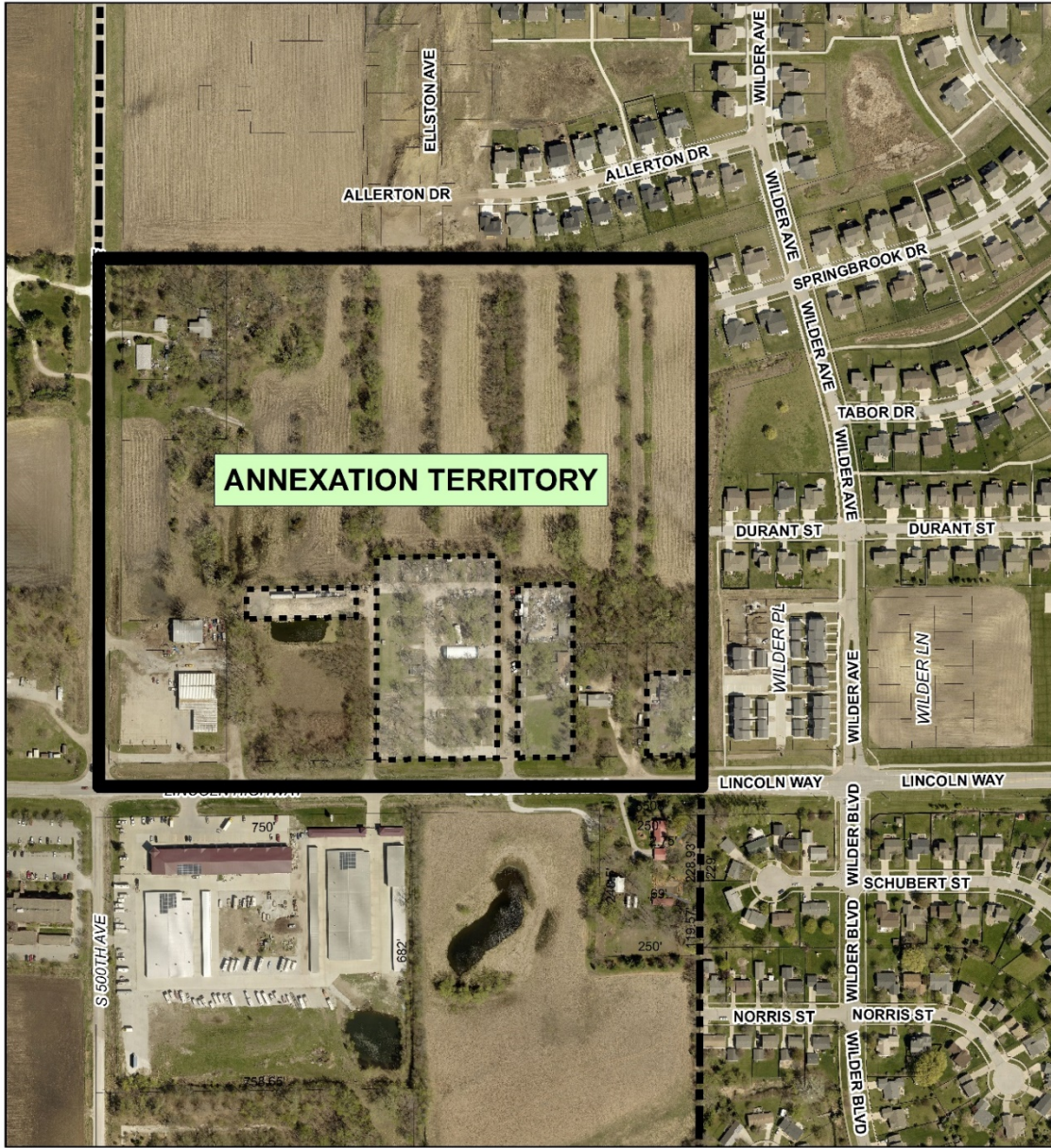
Noticing. Property owners within 200 feet of the subject property were notified of the proposed annexation and invited to this meeting.

Next Steps.

Following the City Council's approval of the annexation and adoption of a resolution to that effect, the annexation will go to the state City Development Board for a hearing due to the inclusion of non-consenting property owners as an 80/20 annexation. The state City Development Board will be the final approval authority.

ATTACHMENT A



Location Map



LOCATION MAP Annexation Territory - 45.15 acres

0 150 300 600 Feet

Legend

-  Non-Consenting Properties
-  PARCELS



ANNEXATION PLAT

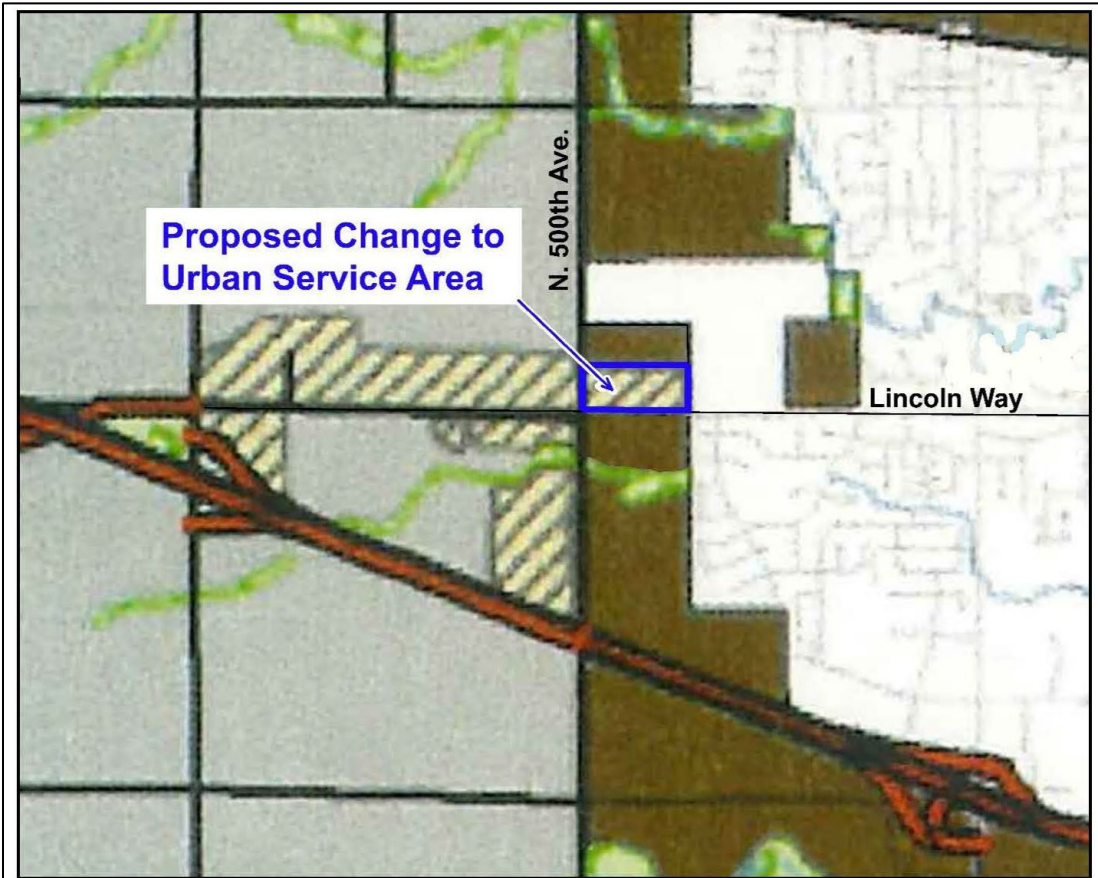
LOCATION: THE SW1/4, SW1/4 OF SEC. 6-83-24
STORY COUNTY, IOWA

REQUESTED BY: CHUCK WINKLEBLACK




SURVEYOR: R. BRADLEY STUMBO, PLS #17161
FOX ENGINEERING ASSOCIATES, INC.
AMES, IA 50010
515-233-0000

ATTACHMENT B
Annexation Territory Plat

ATTACHMENT C
Ames Urban Fringe Plan
Land Use Classes Map (Excerpt)



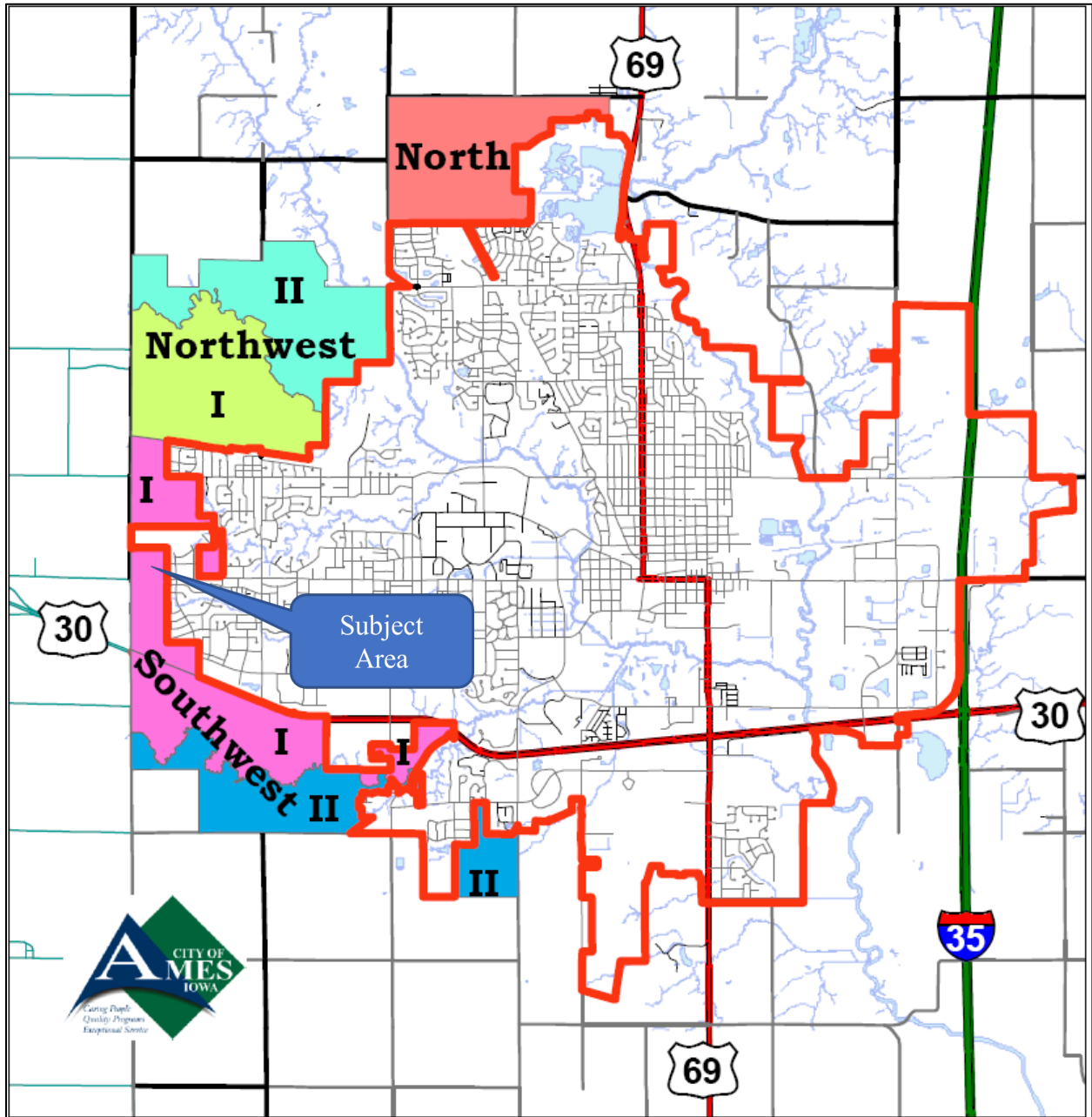
LEGEND:

-  - Rural Service and Agricultural Conservation Area;
-  - Rural/Urban Transition Area; and
-  - Urban Service Area.

ATTACHMENT D
Ames Urban Fringe Plan
Framework Map (Excerpt)



ATTACHMENT E
Allowable Growth Areas
(Excerpt from Land Use Policy Plan)



ATTACHMENT F
Listing of Parcels & Ownership

LISTING OF PARCELS & OWNERSHIP - Total Annexation Plat (45.15 acres)				
Address	PIN	Acres	Owner	Mailing Address
7 parcels - Consenting Owners (34.69 acres)				
632 N 500th Ave	09-06-350-105	2.63	John R. Crane	632 N 500th Ave, Ames, IA 50014
634 N 500th Ave	09-06-350-020			
	09-06-350-130	32.06	Flummerfelt Quail Ridge LLC (Michael D. Flummerfelt and Diane M. Flummerfelt)	113 Robin Street, Ames, IA 50010
	09-06-350-135			
	09-06-350-030			
5521 Lincoln Hwy	09-06-350-460			
	09-06-350-520			
4 parcels - Non-Consenting Owners (6.42 acres):				
5615 Lincoln Hwy	09-06-350-224	0.5	Lemer Land Holdings LLC (Brant Lemer)	5615 Lincoln Way, Ames, IA 50014
	09-06-350-340	3.76		
		09-06-350-435	1.46	Brant Lemer
5507 Lincoln Hwy	09-06-350-526	0.7	Brian Adams	5507 Lincoln Way, Ames, IA 50014
11 parcels Total				
Rights-of-Way (4.04 acres)				
North 500th Ave		4.04	Story County	900 6th Street, Nevada, IA 50201
Lincoln Highway				
TOTAL		45.15		

ATTACHMENT G
Draft Development Agreement

