

**COUNCIL ACTION FORM**

**SUBJECT: REQUEST TO AMEND AMES PLAN 2040 WITHIN FRINGE AREA FOR BROCK PROPERTY IN BOONE COUNTY AT 2359 210<sup>TH</sup> STREET**

**BACKGROUND:**

At its June 14, 2022 meeting, City Council reviewed a staff memo regarding a proposal to split property owned Anthony Brock and Suzanne Leaf-Brock at 2359 210<sup>th</sup> Street in Boone County. Council directed staff to place this matter on a future agenda. **The property owners requested in a May 2022 letter that City Council consider a land use change related to natural areas.** The letter was submitted by Joseph Wallace representing the property owners. *(See Attachment A – Location Map, Attachment B-Fringe Area Land Use Designation & Attachment C 2022 Letter Requesting Land Use Change).*

In May 2021, the property owners first approached the City regarding subdivision of this property. However, the City Council determined that it was not appropriate to take action because Ames Plan 2040 was not yet complete. Now that the Ames 2040 Plan is adopted the owners would like this matter considered again. The Ames Plan 2040 land use designation for the property and policies of the Fringe Plan have not been substantially changed since the initial request.

Mr. Wallace explained in his most recent letter to Council that the property owners would like to split the existing 21-acre property into two parcels with one parcel being 6.5 acres and the second parcel would be a 14.5-acre flag lot. One house has recently been built on the site. Access for both proposed sites would be from 210th Street. The preliminary sketch has access for the flag lot adding a crossing of Onion Creek. **The primary issue with the proposal is the division of land within the Natural Resources designation, which is inconsistent with the policies of Ames Plan 2040.**

The property currently has two land use designations, which are primarily Natural Area and small amount of Rural Character. The Natural Area designation encompasses the majority of the property with only the northeast area designated as Residential Character. The Natural Area designation is based upon the flow of Onion Creek through the site and its related wooded areas and slopes. Onion Creek is a tributary that flows through the Fringe area and connects to loway Creek within Ames.

The requested Rural Character classification is intended to cover broad development patterns, not individual house sites. Plan 2040 describes the designation as applying to areas of existing large lot and acreages generally lacking in urban infrastructure or services that is located within the subdivision jurisdiction of Ames but outside the Urban Reserve where urban infrastructure expansion is not expected. Activities in Rural

Character areas may also include rural commercial, limited agriculture or limited industrial uses that contribute to rural character. This area may also contain some conservation areas or fringe overlays in areas where residential uses might be existing or permitted.

Ames Plan 2040 describes Natural Area as intended for areas in the fringe that include forested land, floodplain, wetlands and sloped areas. The existing property has a significant amount of land that qualifies as Natural Area on it. Exceptions do exist near the southern portion of the property where row crop land is located and the far northeastern portion of the property near the north property line. **Natural Areas are not intended to have additional homes built on them and thus do not permit property splits. Ames Plan 2040 does not encourage converting Natural Areas into designations that allow for development.**

**Ultimately, subdivisions are not supported in Natural Areas and the creation of new residential homes are not supported as a result. Granting the change of land use here could set a precedent for the future that results in not being able to sustain the integrity of the land use plan in Ames Plan 2040 and the Urban Fringe Plan in rural areas within two miles of Ames. This is vital to ensuring that the vision of the Ames 2040 Comprehensive Plan and Urban Fringe Plan is realized.**

#### **ALTERNATIVES:**

1. Decline the request and retain the existing Land Use Designations on this property. No future subdivision of the natural area would occur.
2. Initiate the requested action by the property owner for a Rural Character land use classification amendment on the southern portion of the property near 210<sup>th</sup> Avenue.

*Note-Subsequent to approval of a land use amendment the property owner would need to pursue a rural subdivision and propose waivers to City Subdivision standards for approval by the City Council to create the desired additional lot.*

3. Refer this request to City staff for further information.

#### **CITY MANAGER'S RECOMMENDED ACTION:**

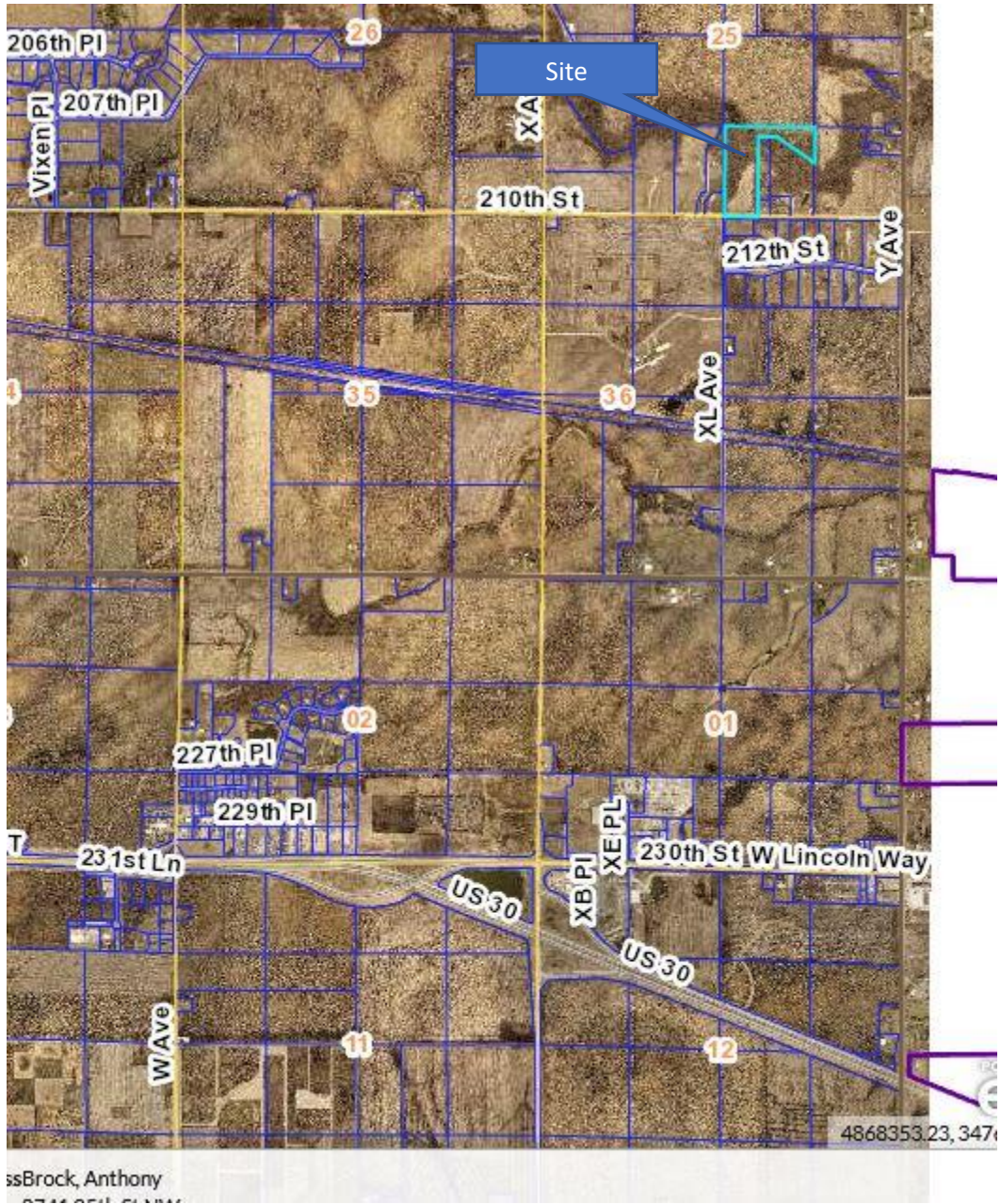
The applicant requests the City of Ames change the Land Use Designation on the property at 2359 210<sup>th</sup> Avenue in Boone County inside the Ames Urban Fringe area. **Along with this change, the applicant would later also request waivers to the City's subdivision standards to allow for rural development by splitting the lot.** It is likely the outcome of the request would be the construction of one additional home.

The Ames 2040 Comprehensive Plan has now been finalized. However, no expansion of Ames is planned for this area as part of the Plan, but that does not mean that intensified

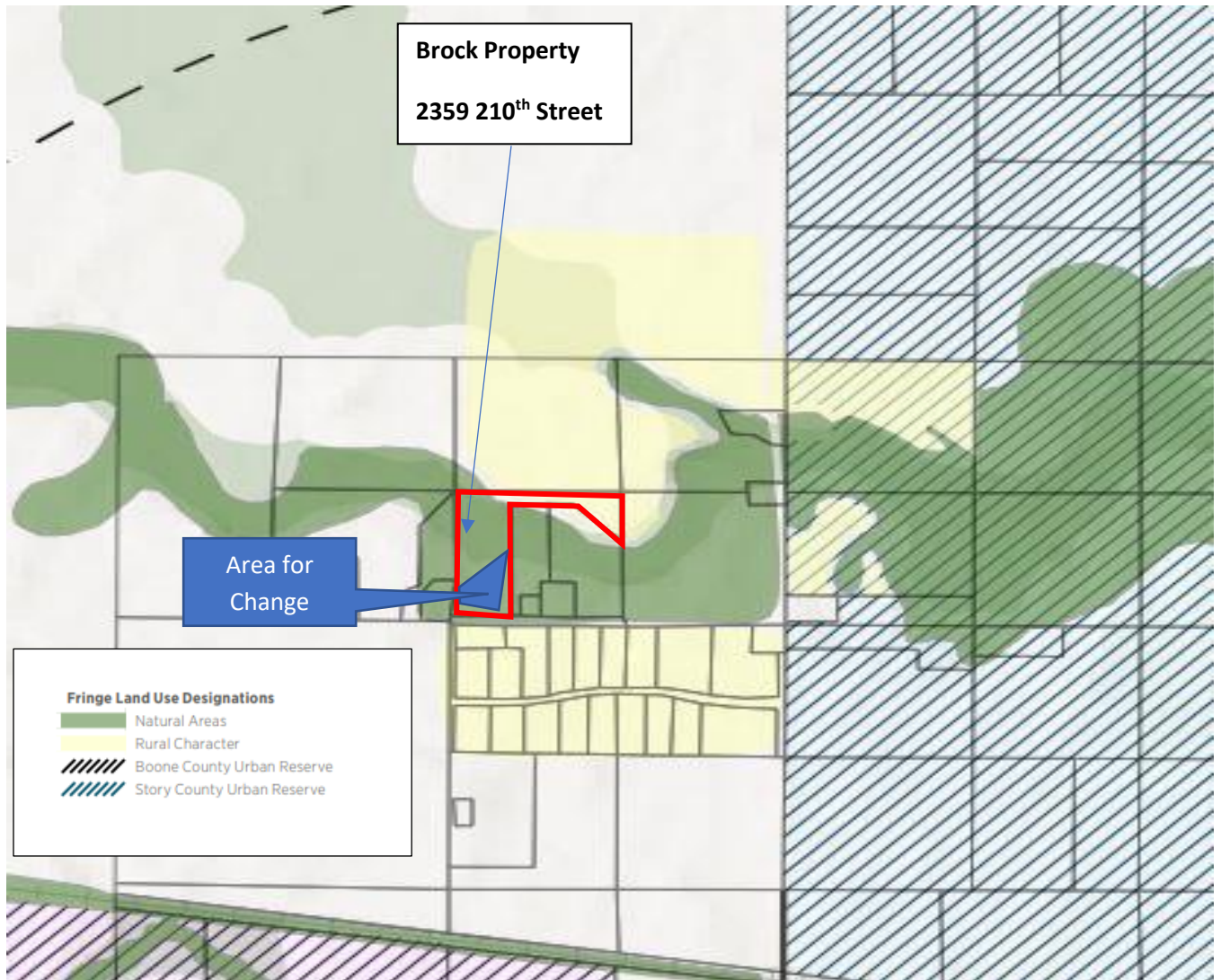
rural development is expected either. This is especially true in relation to Natural Areas. Staff believes, upon review of the Ames 2040 Comprehensive Plan and current Urban Fringe Land Use Designations, that the request cannot be supported by these policies.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1, as described above.

# Attachment A – Location Map



**Attachment B – Fringe Area Land Use Map from Plan 2040**



Attachment C- May 2022 Letter



**HASTINGS GARTIN & BOETTGER LLP**  
ATTORNEYS AT LAW

May 6, 2022

Dear Mayor Haila and Council Members,

Anthony Brock owns a 21- acre, “R” shaped, parcel on the far west side of Ames, in Boone County. The address is 2359 210<sup>th</sup> Street, Ames. (See Exhibit 1)

He has recently built a large, beautiful home in the far northwest corner of his parcel. We are requesting a subdivision of approximately 6.5 acres of his land, to be used for a private rural residence.

In 2021, Mr. Brock presented a subdivision request to the Ames Planning and Development department, however that request was not approved by the Ames Planning Department, see attached letter. The 2021 request asked for 4 small lots to be created, versus the single, 6.5 acre lot, now proposed.

Mr. Brock’s property is in the far western portion of the “Urban Fringe”. Under the Ames Plan 2040, the Urban Fringe policy is to “**ensure that non-urban development practices do not negatively affect the City of Ames**” and to preserve “**natural areas and development practices compatible with agricultural needs...critical to the general well-being and welfare of the City of Ames and Story and Boone Counties.**”

For the following reasons, among others, we believe the 6.5 acre single-lot, minor, subdivision should be approved:

1. The proposed 6.5 acre subdivided parcel will not commit the city or county to additional capital improvements.
2. The Ames Plan 2040 does not lay out any near-term action steps or proposals that would contradict the subdivision of the 6.5 acre parcel.
3. The subdivision would not change the rural character of the area, and we note that many lots within a stone’s throw of the subject property are 3 acres or less.
4. The Urban Fringe map shows that the subdivided parcel has a land use designation of “Open Space”, see Exhibit 2. Thus, if a single home with a 3,000 square foot layout were to be built on the 283,000 square foot parcel, the parcel would remain 99% open.

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5. The Boone County zoning maps indicate that this area is currently zoned as Rural Residential, and the future use is also Rural Residential, see Exhibits 4 and 5. Thus the proposed subdivision aligns with the Boone County planning expectations.

Thank you in advance for your consideration.

**Joseph B. Wallace**

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## Attachment C- Continued



**Exhibit 4 – Current Boone County Zoning – Rural Residential (Beacon Website)**



**Exhibit 5 – Boone County, Future Land Use – Rural Residential (Beacon Website)**







Exhibit 2 – Future Land Use Map (high resolution)

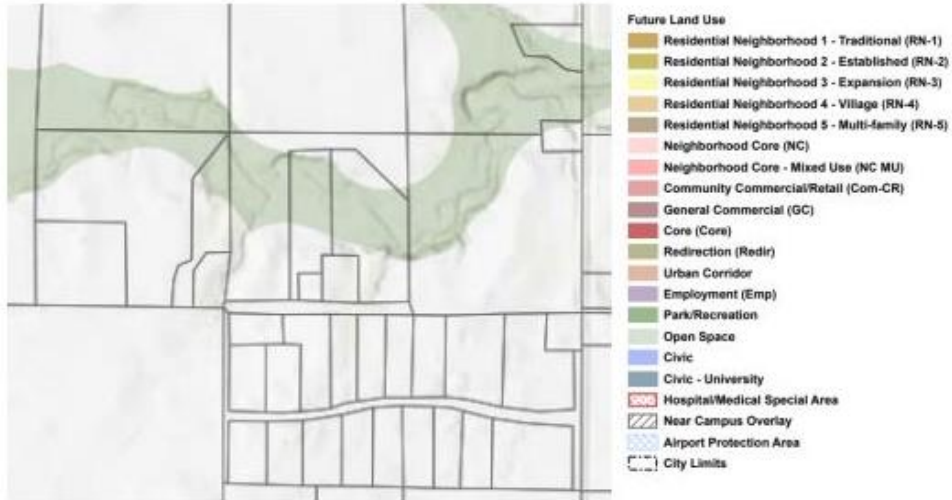


Exhibit 3 – the proposed minor subdivision

