

ITEM #: 6
DATE: 02-06-13

COMMISSION ACTION FORM

DATE PREPARED: January 30, 2013

REQUEST: Land Use Policy Plan (LUPP) Amendment to Designate Future
Land Use Following Annexation

BACKGROUND INFORMATION:

Prior to the adoption of the Ames Urban Fringe Plan in 2007, the City's Land Use Policy Plan had land use designations within the City that were the same as outside the City. For instance, outside the City, an area would be designated Village/Suburban Residential. After the land was annexed, it would retain that LUPP designation.

With the adoption of the Ames Urban Fringe Plan, a new designation was created for areas outside the city limits intended for residential development. This Urban Residential designation is similar to Village/Suburban Residential, although the different terminology does not allow for the retention of the LUPP designation after annexation.

It was discovered following the Rose Prairie annexation in 2011, there was no LUPP designation assigned to it. It remains even now as a blank spot on the map. Now the City has been presented with two more annexation requests for which staff, in order to avoid creating another blank spot, has asked the applicants to submit an application for LUPP map amendments. The intent, at this point, is to process both the annexation requests for the Athen and Quarry Estates properties, and the respective LUPP map amendments, so that the Commission and the City Council can take action on them simultaneously.

However, there are several issues to consider with this process. One is that the process of an annexation and of an LUPP map amendment are different (notifications, hearings, etc.) so that assuring that the public hearings on each occur at the same Council meeting cannot be guaranteed.

Two is that, at least in the case of the Athen request, the property just went through a long process for an LUPP amendment (from Priority Transitional Residential to Urban Residential). An additional amendment process might lead to confusion among the neighbors who participated in the previous amendment process. (Quarry Estates was designated as Urban Residential in 2010.)

The LUPP notes that "New Lands" are intended to include those areas designated as Urban Services Area in the Urban Fringe Plan (LUPP, p. 53). New Lands are intended to be developed as villages or as suburban residential. These development types are accomplished with the LUPP designation of Village/Suburban Residential. Therefore,

implicit in the Urban Services area is the expectation that it would become Village/Suburban Residential.

Under current policy, the assigning of an LUPP designation is not automatic; it requires a deliberate action by the City Council. However, upon annexation, *zoning is automatic*. Section 29.302 assigns an Agricultural zoning classification when a tract of land is annexed. The City Council then would change it through the specified process for a zoning map amendment.

Using the language of the zoning ordinance as a model, language is proposed for the LUPP that would automatically allow for the designation of newly-annexed property consistent with the LUPP. Since the Urban Fringe Plan allows for annexation only of land designated Urban Services, it would be possible to assure LUPP designations that correlate directly with the Urban Fringe designations. Urban Residential would become Village/Suburban Residential. The other Urban Fringe Plan designations of Planned Industrial, Community Commercial Node and Convenience Commercial Node would carry over into the LUPP map.

In addition, language in the LUPP can be incorporated that designate Natural Areas in the Urban Fringe Plan as Environmentally Sensitive Areas in the LUPP. The descriptions of these land uses are similar and are intended to designate areas of steep slopes, flood plains and areas of natural vegetation.

The proposed language also allows the City Council, at the time of the consideration of an annexation petition, to direct that the applicant seek a different LUPP designation. This would occur if the City Council felt that the automatic designation is not the appropriate land use due to changing circumstances or development patterns.

By adopting changes that assign LUPP designations automatically upon annexation, the City can be more responsive to customer timetables. Staff, City Council, and the customer's time can be used more efficiently and multiple similar (but different) processes for a single tract of land can be avoided.

If this change was ultimately adopted by the City Council, it would apply to the pending Athen and Quarry Estates annexation requests.

PROPOSED CHANGES

The following is intended to be incorporated into Appendix C of the Land Use Policy Plan:

VII. LUPP DESIGNATION UPON ANNEXATION

To ensure consistency of the Land Use Policy Plan with the Ames Urban Fringe Plan, the Urban Fringe Plan's Urban Services Area and adjacent Natural Areas designations shall be retained upon annexation with the exceptions noted below, unless the City Council, at the time of initial receipt of an annexation petition, shall require that the applicant seek an LUPP

map amendment to a different category:

1. Areas designated as Urban Residential in the Urban Fringe Plan shall be designated as Village/Suburban Residential upon annexation,
2. Areas designated as Natural Area in the Urban Fringe Plan shall be designated as Environmentally Sensitive Lands upon annexation.

ALTERNATIVES:

1. The Planning & Zoning Commission can recommend amending the Land Use Policy Plan as proposed by staff.
2. The Planning and Zoning Commission can recommend retaining the existing Land Use Policy Plan.
3. The Planning and Zoning Commission can defer action and seek additional information from staff.

RECOMMENDED ACTION:

The proposed amendment to the Land Use Policy Plan will streamline processes by eliminating one step in the annexation and development of land in the Urban Services area. Staff resources and customer's time can be more effectively used and development timetables can be better met.

While the existing language of the LUPP implicitly anticipates that Urban Residential land will become Village/Suburban Residential, action is not automatic and requires a number of procedural steps and explicit City Council action. The proposed amendment will allow for that automatic designation while also allowing the City Council to direct the applicant to a different designation if appropriate.

Therefore, it is the recommendation of the Department of Planning and Housing that the Planning and Zoning Commission recommend Alternative #1 to the City Council, to adopt the proposed changes to the Land Use Policy Plan.