

COMMISSION ACTION FORM

DATE PREPARED: March 1, 2013

REQUEST: Voluntary Annexation (100 percent consenting)

PROPERTY OWNER: James Athen Revocable Trust
Phyllis Athen Revocable Trust
Ricky Madson

APPLICANT: Hunziker and Associates, Realtors

CONTACT PERSON: Chuck Winkleblack

LOCATION: In Sections 20 and 21 of Franklin Township in Story County,
located west of George Washington Carver Avenue.

BACKGROUND:

The City of Ames received an annexation petition for 121 acres of land adjacent to the City limits along George Washington Carver Avenue. The annexation petition was filed in accordance with local policies and meets the requirements of the Code of Iowa for a 100 percent consenting annexation. A location map is included as Attachment A. The legal description is included as Attachment B.

Land Use Policy: The Ames Urban Fringe Plan—a component of the Land Use Policy Plan—was amended in December 2012 to designate this property, as well as an additional parcel to the south, as Urban Residential from its original Priority Transitional Residential. The Natural Area designation was retained for the western portion of the land. As Urban Residential, the policy of the City is that development will not occur on the land unless and until the land is annexed and full City services are extended to the site. The Urban Fringe Plan Map designations are included in Attachment C.

The Allowable Growth Area map of the Land Use Policy Plan was also amended in December 2012 to allow these properties to be annexed and subsequently developed. The allowable Growth Areas of the LUPP are shown in Attachment D.

When the City Council amended the LUPP Map for these properties in 2012, they included several conditions. These conditions are:

1. Development of a proposal for the distribution of cost for any needed sanitary sewer improvements.
2. The impact the development in this area may have on emergency service response.
3. The impact the development in this area may have in areas that have already been targeted for growth or have been invested in by the City for growth.
4. The possibility that a developer's agreement be investigated to require a care facility.

5. Consideration be given to ensure the protection of the natural area of at least at or before the tree line.
6. This area be provided with two zoning designations with the minimum zoning necessary for the care facility and low density housing.

A development agreement is being prepared that will require the developer to pay a portion of the costs of improving an existing sanitary sewer line to serve this area. The development agreement will also limit the zoning designations that can be sought and further limit the uses that will be allowed for any parcel zoned FS-RM. The development agreement also sets a deadline for construction of the proposed senior living facility by not granting occupancy permits for single family homes until a building permit is obtained for the senior living facility.

An issue recently arose concerning the provision of water service to this site. At this point it is unclear whether or not Xenia Rural Water Association will transfer this portion of its rural water territory to the City. City staff is working on this issue, which will certainly need to be resolved prior to final City Council action on the annexation.

The City Council has given consideration to the impact of development in this area on emergency services and on the impact of the City's investment for growth along Grant Avenue. With their approval of the LUPP amendments, the City Council determined that the impacts fall within the expectations of the City Council.

The determination of the protection of the Natural Area was made with the LUPP map amendment approved by the City Council placing the edge of the Natural Area at the tree line of the property.

Infrastructure: Since this land is not within an Incentivized Growth Area, the City will not financially participate in any of the costs associated with the infrastructure installation of this annexation and its subsequent development.

Additional Information: The proposed voluntary annexation area does not include any non-consenting property and will not create any jurisdictional islands. It does not lie within two miles of the corporate limits of Gilbert.

Consultation with Township Trustees and County Supervisors: As part of the state-mandated process for annexations, the City Council held a consultation with the Franklin Township Trustees and the Story County Supervisors on February 26. The Supervisor and the Trustee in attendance voiced support for the proposed annexation and development.

ALTERNATIVES:

1. The Planning and Zoning Commission can recommend that the City Council approve the request to annex the two parcels known as Parcel F in Section 29 and Parcel U in Section 20, both in Franklin Township, Story County by finding that the proposed annexation is consistent with the Land Use Policy Plan and Urban Fringe Plan.
2. The Planning and Zoning Commission can recommend that the City Council deny the request to annex the two parcels known as Parcel F in Section 29 and Parcel U in

Section 20, both in Franklin Township, Story County by finding that the proposed annexation is not consistent with the Land Use Policy Plan and Urban Fringe Plan.

DEPARTMENT RECOMMENDATION:

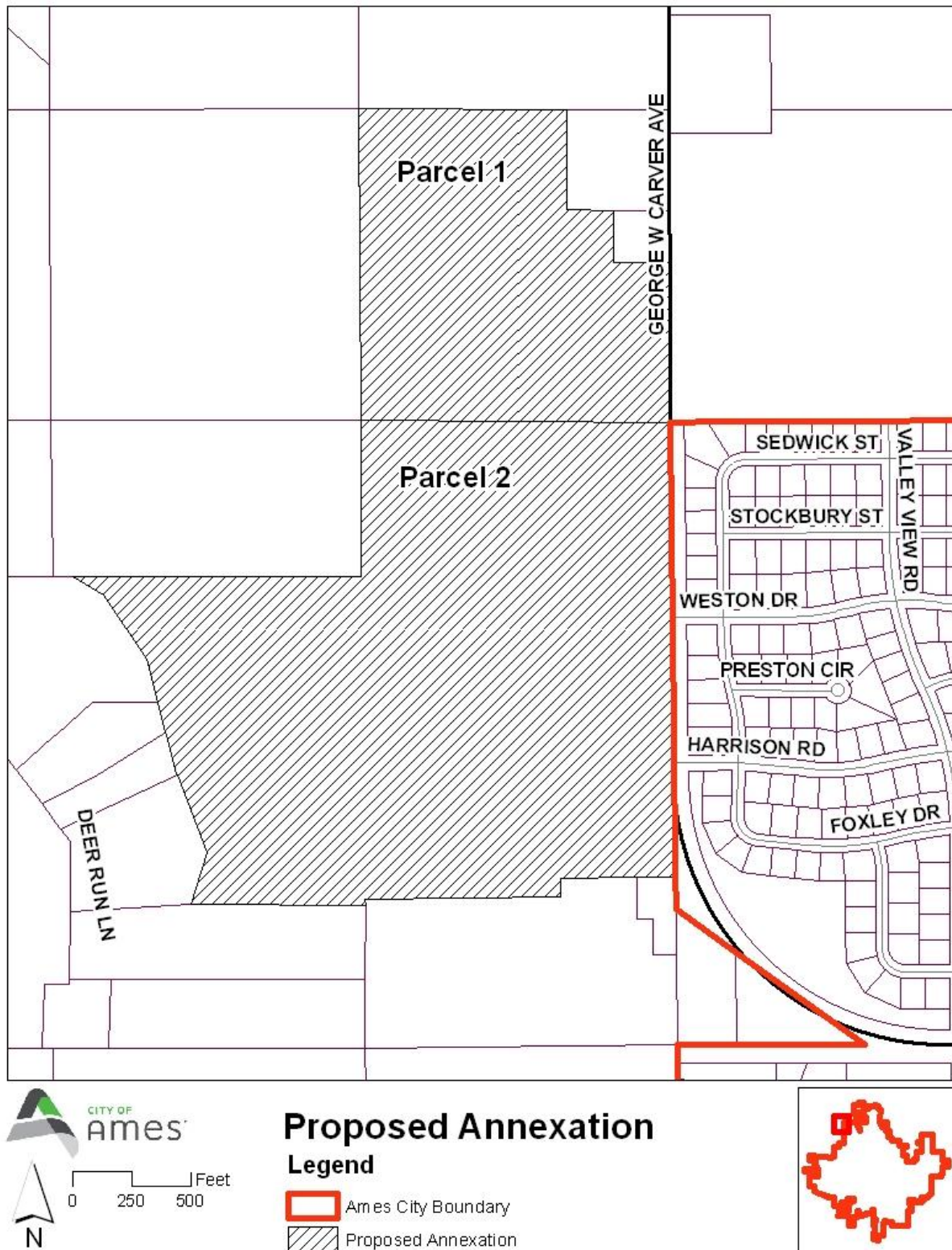
The City of Ames has given considerable thought to the impacts, desires, expectations, and costs of development north of Ames. The Ames Urban Fringe anticipated dense, urban-style development in much of this area, yet without annexation or connection to City infrastructure. However, the desire to develop within the City limits, with access to City sanitary sewer and public water, led the City to reevaluate the costs and benefits of allowing annexation. In 2010, the LUPP was amended to designate much of the area between Ada Hayden Park and the Union Pacific Railroad as Urban Residential. In 2011, the area between H.P. Jenson Subdivision (just west of the former Oaks Golf Course) and George Washington Carver Avenue was designated as an Allowable Growth Area.

In 2012, the owner of these subject properties sought a reconsideration of the extent of the Allowable Growth Areas to expand it further west. The City Council approved the inclusion of these properties lying west of George Washington Carver Avenue in late 2012. That approval came with a number of conditions which the City staff is working with the developer on meeting through a development agreement. While the development agreement is not yet completed, the City Council anticipates that it will be prior to final action on this annexation request.

It is the recommendation of the Department of Planning and Housing that the Planning and Zoning Commission act in accordance with Alternative #1. This would recommend to the City Council approval of the annexation of the two parcels known as Parcel F in Section 29 and Parcel U in Section 20, both in Franklin Township, Story County by finding that the proposed annexation is consistent with the Land Use Policy Plan and Urban Fringe Plan.

After the Commission meeting, this item will return to the City Council for a public hearing on April 9.

ATTACHMENT A: LOCATION MAP



ATTACHMENT B: LEGAL DESCRIPTIONS

Parcel 1

Owner: Phyllis Athen Revocable Trust 1/4, James Athen Revocable Trust 1/4, Ricky Dean Madson 1/2, c/o Phyllis Athen. 3601 George W. Carver Avenue, Ames, IA 50014

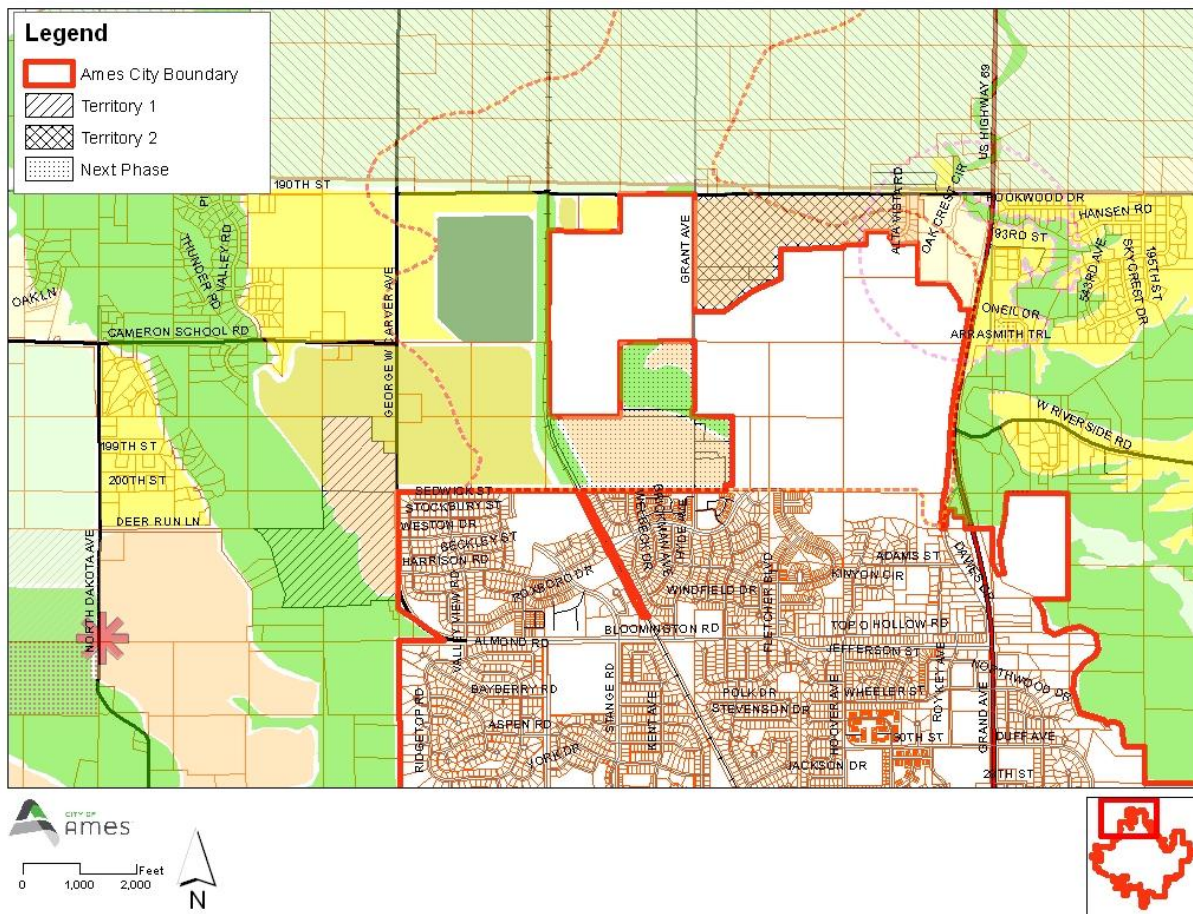
Legal: Parcel 'U' in the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section 20, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa; as shown on the Plat of Survey filed in the office of the Recorder of Story County, Iowa, on December 23, 1999, as Instrument # 99-16786. Contains 34.34 gross acres.

Parcel 2:

Owner: Phyllis Athen Revocable Trust 1/4, James Athen Revocable Trust 1/4, Ricky Dean Madson 1/2, c/o Phyllis Athen. 3601 George W. Carver Avenue, Ames, IA 50014

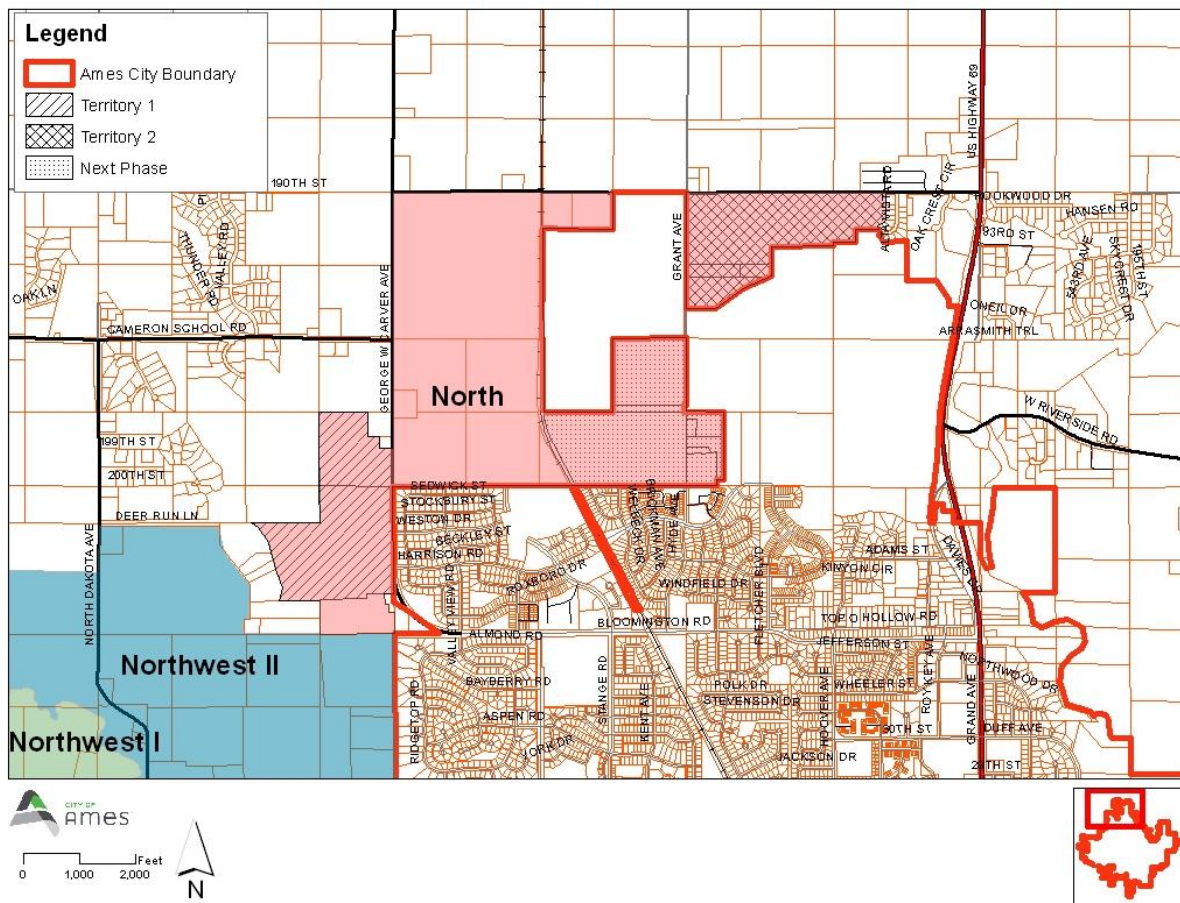
Legal: Parcel 'F' in the Northeast Quarter (NE ¼) of Section 29, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa; as shown on the Plat of Survey filed in the office of the Recorder of Story County, Iowa, on May 4, 2012, as Instrument # 2012-00004713. Contains 86.68 gross acres.

ATTACHMENT C: URBAN RESIDENTIAL AREAS OF URBAN FRINGE PLAN



Territory 1 is the subject Athen parcels. Territory 2 is the Quarry Estates and other included parcels for a separate annexation. Next Phase is a possible third annexation that is moving ahead.

ATTACHMENT D: GROWTH AREAS OF LUPP



Territory 1 is the subject Athen parcels. Territory 2 is the Quarry Estates and other included parcels for a separate annexation. Next Phase is a possible third annexation that is moving ahead.