

COMMISSION ACTION FORM

DATE PREPARED: March 1, 2013

REQUEST: Voluntary Annexation (81.3 percent Consenting)

PROPERTY OWNER: Quarry Estates, LLC

ALSO INCLUDES AS NON-CONSENTING:

Harold and Bette Frame
Brian and Jamie Frame
Hunziker Land Development LLC

APPLICANT: Quarry Estates, LLC, c/o Kurt Friedrich

CONTACT PERSON: Scott Williams, FOX Engineering

LOCATION: In Section 22 of Franklin Township in Story County, located east of Grant Avenue and south of 190th Street of George Washington Carver Avenue.

BACKGROUND:

The City of Ames received an annexation petition for 105 acres of land adjacent to the City limits along Grant Avenue and 190th Street. The annexation petition was filed in accordance with local policies. Since the annexation request would create an island of unincorporated land, three non-consenting owners have been added to the territory as allowed by Code of Iowa, Section 368.7(a). These additional properties are owned by Harold and Bette Frame, Harold and Bette Frame on contract to Brian and Jamie Frame, and Hunziker Land Development, LLC. A location map is included as Attachment A. The legal description and owners' names are included as Attachment B.

Land Use Policy: In 2010, the Ames Urban Fringe Plan—a component of the Land Use Policy Plan—was amended to designate the area between H.P. Jenson Subdivision (west of the former Oaks golf course) and the Union Pacific Railroad as Urban Residential. The areas identified as Natural Area were retained. 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 January 2011 to designate the area between the H.P. Jenson Subdivision and George Washington Carver Avenue as the North Allowable Growth Area. The allowable Growth Areas of the LUPP are shown in Attachment D.

Infrastructure: The City has been working with the various property owners within this proposed annexation territory as well as a Next Phase area (shown in Attachment C) on

development agreements for the costs of the paving of Grant Avenue, the installation of sanitary sewer and public water, and the establishment of connection fee districts for sewer and water. These agreements are not yet finalized but the City Council expects that they will be ready prior to final action on the annexation requests.

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.

Additional Information: The proposed voluntary annexation area includes non-consenting property owners in order to avoid creating a jurisdictional island. It also lies within two miles of the corporate limits of Gilbert. Because of these two conditions, the City Development Board in Des Moines will conduct a hearing and take action on this proposed annexation after City Council approval.

The Bloomington Heights Neighborhood Association has been following the North Growth Area issues intently. Much of their concern is regarding the impacts of development on their quality of life, especially those neighbors along Hyde Avenue, which will carry additional traffic after this area is developed. City staff has met with some of the residents of the neighborhood to apprise them of the process and to better understand their concerns. Staff is working to provide responses to their direct questions and will be prepared to report back to them at a later date.

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 four parcels known as Parcel B, Parcel C, Parcel K, and Parcel L, all in Section 22, 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 four parcels known as Parcel B, Parcel C, Parcel K, and Parcel L, all in Section 22, Franklin Township, Story County by finding that the Land Use Policy Plan is not consistent with the Land Use Policy Plan and Urban Fringe Plan.

DEPARTMENT RECOMMENDATION:

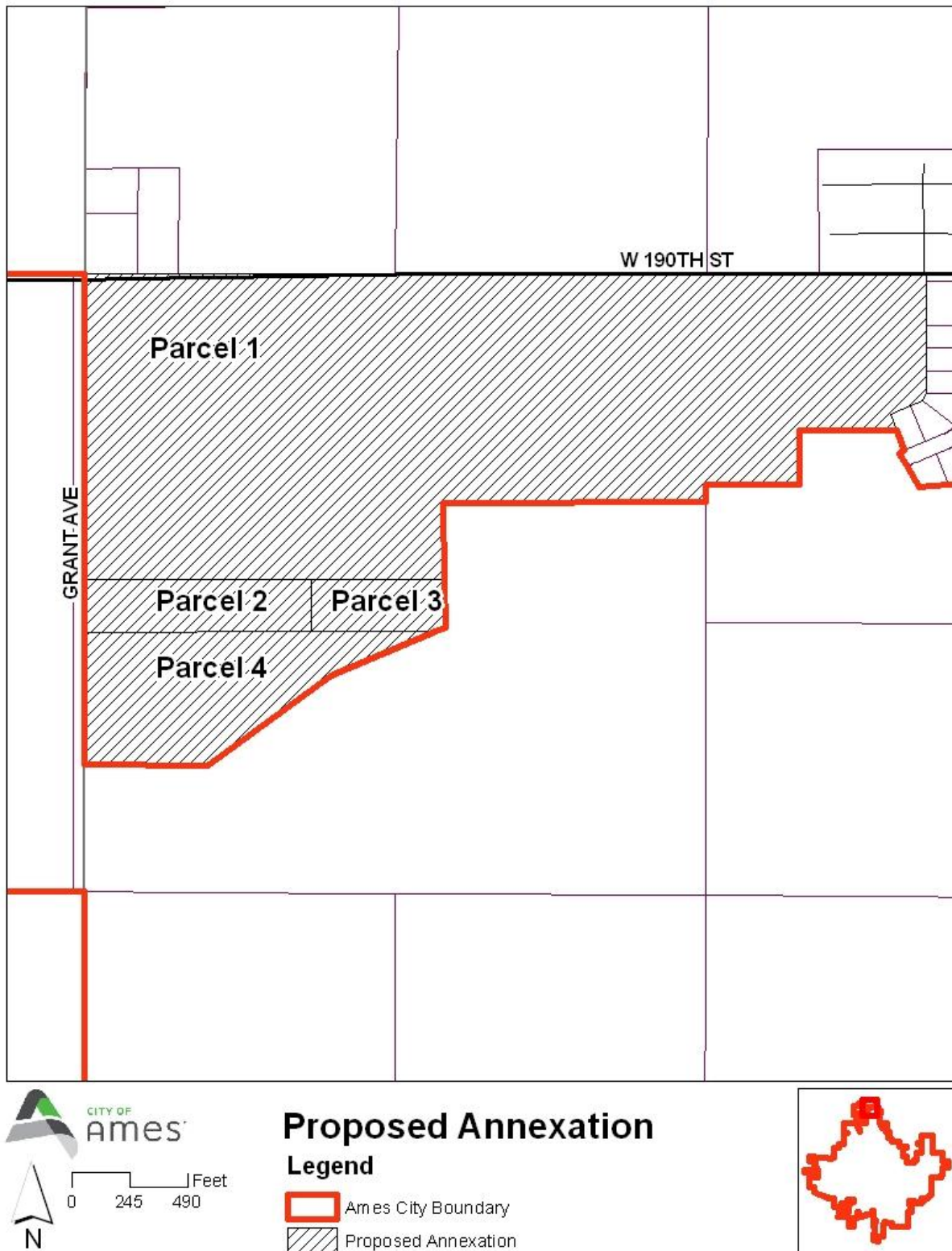
Interest in growth in the area north and west of Ada Hayden Park has accelerated with the annexation and development of the park and lake. The Rose Prairie annexation followed the amendments to the AUF and LUPP in 2010 and 2011, respectively. Although no development has yet occurred and the property has changed hands from that first development proposal, there remains interest in developing in this area.

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 four parcels known as Parcel B, Parcel C, Parcel K, and Parcel L, all in Section 22, Franklin Township, Story County by finding that the proposed annexation is consistent with the Land Use Policy Plan and the Urban Fringe Plan.

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

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ATTACHMENT A: LOCATION MAP



ATTACHMENT B: LEGAL DESCRIPTIONS

Consenting:

Parcel 1

Owner: Quarry Estates, LLC c/o Kurt Friedrich, 100 6th Street, Ames, IA 50010

Legal: Parcel 'L' in the North Half (N ½) of Section 22, 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 January 17, 2012, and recorded as Instrument # 2012-00000476. Contains 85.45 gross acres.

Non-Consenting:

Parcel 2

Owner: Harold Frame and Bette A. Frame, 5442 Grant Avenue, Ames, IA 50010

Legal: Parcel 'B' in the Northwest Quarter (NW ¼) of Section 22, 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 February 6th, 1998, and recorded as Instrument # 98-01464 in C&FN Book 15 at Page 110. Contains 4.84 gross acres.

Parcel 3

Owner: Harold Frame and Bette A. Frame, 5442 Grant Avenue, Ames, IA 50010 (deed holder);

Brian A. Frame and Jamie R. Frame, 5440 Grant Avenue, Ames, IA 50010 (contract buyer)

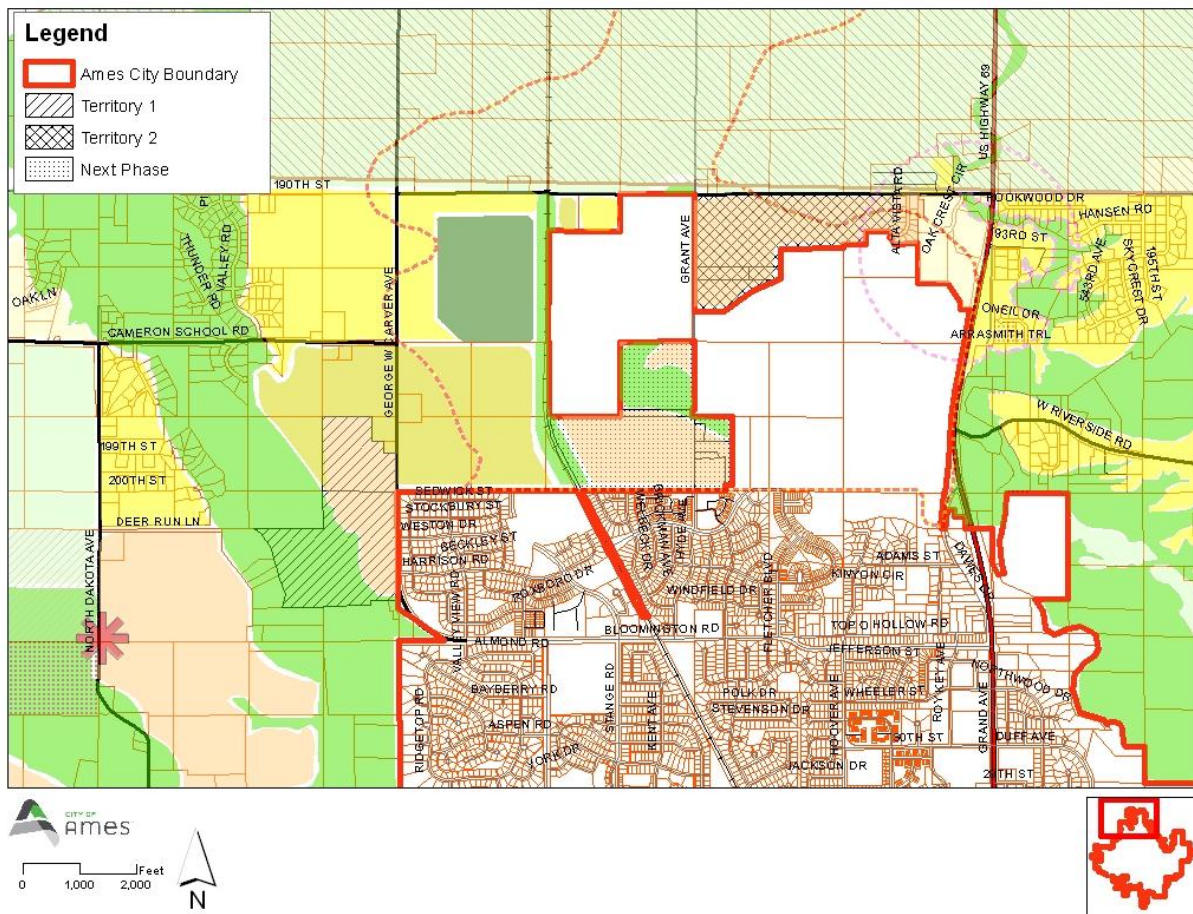
Legal: Parcel 'C' in the Northwest Quarter (NW ¼) of Section 22, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa; as shown on the Plat of Survey filed in the office of the Recorder of Story County, Iowa, on February 6th, 1998, and recorded as Instrument # 98-01464 in C&FN Book 15 at Page 110. Contains 2.83 gross acres.

Parcel 4

Owner: Hunziker Land Development Co. LLC, 105 S. 16th Street, Ames, IA 50010

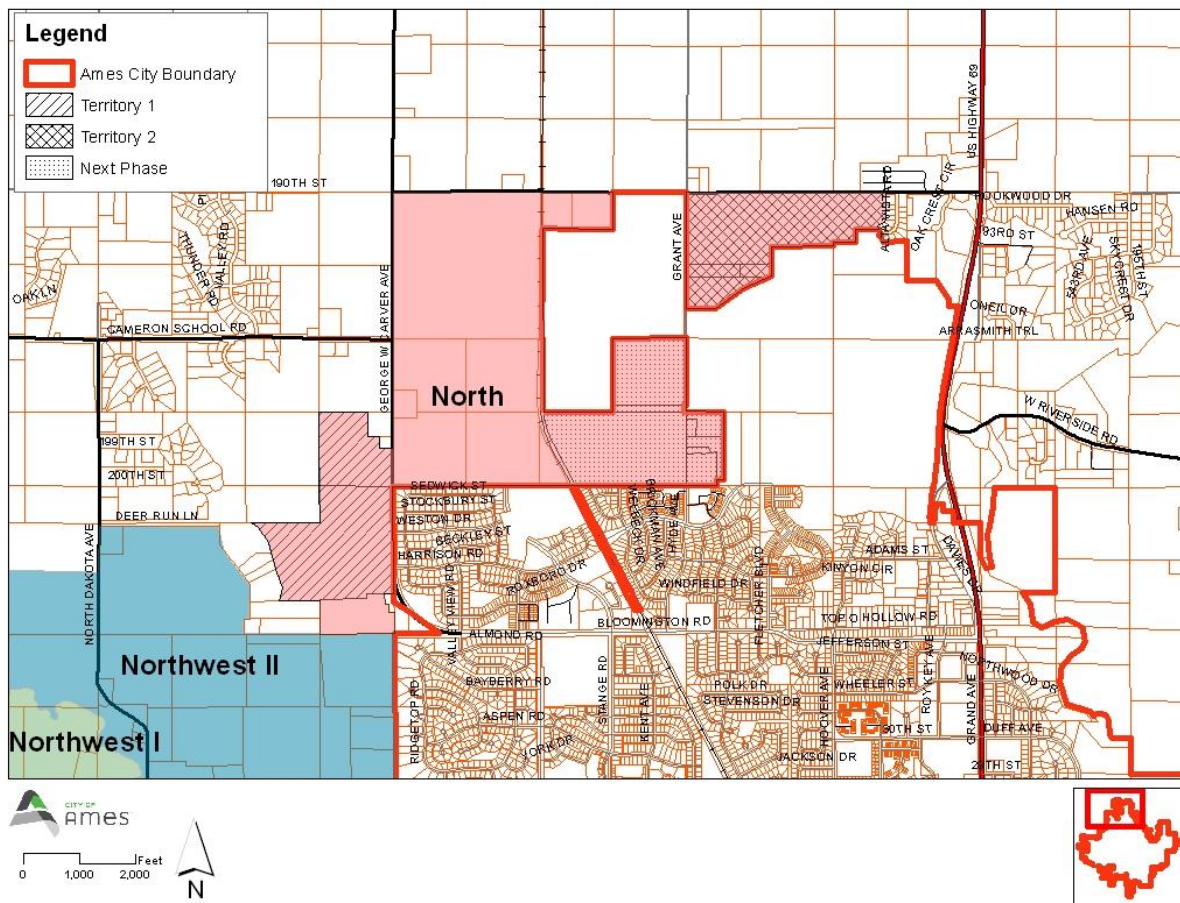
Legal: Parcel 'K' in the Northwest Quarter (NW ¼) of Section 22, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa as shown on the Plat of Survey filed in the office of the Recorder of Story County on June 8, 2011, on Slide 407, Page 5, and as Instrument # 11-05323. Contains 12.00 gross acres.

ATTACHMENT C: URBAN RESIDENTIAL AREAS OF URBAN FRINGE PLAN



Territory 1 is the Athen parcels. Territory 2 is the subject Quarry Estates and other included parcels. Next Phase is a possible third annexation immediately north of Bloomington Heights.

ATTACHMENT D: GROWTH AREAS OF LUPP



Territory 1 is the Athen parcels. Territory 2 is the subject Quarry Estates and other included parcels. Next Phase is a possible third annexation immediately north of Bloomington Heights.