

Staff Report

Story County
Board of Supervisors

Date of Meeting:
March 5, 2013

Case Number REZ01-13
Ordinance Number 220
Soupir Official Zoning Map Amendment Request

APPLICANT: Steven Soupir

STAFF PROJECT MANAGER: Charlie E. Dissell, AICP





Property Information

PROPERTY OWNER

Sansgaard Seed Farms Inc.

GENERAL PROPERTY LOCATION

An area of land in the North $\frac{3}{4}$ of the Northeast Quarter of the Northeast Quarter of Section 31, Franklin Township, which is approximately 0.05 to 0.15 miles west of North Dakota Ave.

LEGAL DESCRIPTION

The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 31, except Parcel "H" a part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 31 and a part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 32, both in Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa (previously identified as Parcels "A" and "B" and described in a Plat of Survey prepared by John Conis in August, 1995 and filed in the office of the Story County Recorder as Instrument Numbers 95-06895 and 95-06896), as shown on the "Plat of Survey" filed in the office of the Recorder, Story County, Iowa, on May 19, 2000 as Instr. No. 00-05277, Slide 68, Page 5; and Parcel "G" a part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 31, and part of the NW $\frac{1}{4}$ of Section 32, both in Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa (previously identified as Parcels "A" and "B" and described in a Plat of Survey prepared by John Conis in August 1995 and filed in the office of the Story County Recorder as Instrument Numbers 95-06895 and 95-06896), as shown on the "Plat of Survey" filed in the office of the Recorder, Story County, Iowa, on May 19, 2000 as Instr. No. 00-05277, Slide 68, Page 5.

PARCEL IDENTIFICATION NUMBER

05-31-200-215

SIZE OF PARCEL

28.78 Gross Acres

CURRENT ZONING

A-1 Agricultural

CURRENT LAND USE

The site is assessed as agricultural.

LAND USE FRAMEWORK MAP DESIGNATION

The *Ames Urban Fringe Plan*, a component of the *Story County Development Plan* designates this property as Urban Residential, a sub-category of the Urban Services Area, and Natural Areas.

CITIES WITHIN TWO MILES

Ames

Background

The applicant proposes to re-zone this property in an effort to construct a single-family dwelling on the ~ 29 acre piece of land to R-1, Residential. The subject property is currently inside the A-1 Zoning District. When zoning was implemented in Story County on September 2, 1958, the east $\frac{1}{2}$ of this property was zoned R-1, Residential while the west $\frac{1}{2}$ was zoned A-1, Agricultural. On March 22, 1989,



the Story County Board of Supervisors amended the Official Zoning Map of Story County, which changed the zoning of the subject parcel to all A-1, Agricultural.

On August 30, 2012, property research was performed on the subject property. Based on the research, it was found that none of the exceptions to the minimum lot size requirement of the A-1, Agricultural Zoning District (35 net acres) applied and as such, a zoning permit for a single family dwelling could not be issued. On October 3, 2012, a Development Application for a Variance was submitted by the applicant for a variance to Section 4.20.E of the Story County Land Development Regulations to allow for a single family dwelling to be built upon a parcel that is less than 35 acres. On December 5, 2012, the Story County Board of Adjustment reviewed the proposed variance and on a 4-0 vote, denied the variance request.

Applicable Regulations

According to Section 15.20.B of the *Story County Land Development Regulations*, Standards for Approval, all Petitions to Rezone shall satisfy the following standards for such requested action to be approved:

- 1) The proposed rezoning shall conform to the Story County Development Plan.
- 2) The proposed rezoning shall conform to the Statement of Intent for the proposed district and district requirements.
- 3) The proposed rezoning shall be compatible with surrounding land uses and development patterns.
- 4) The proposed rezoning shall protect environmental resources. Rezoning of parcels containing more than fifty (50) percent of the gross acreage as lands identified with areas designated Natural Resource Areas on the Story County Development Plan shall not be approved unless such requested action results in a district designation more restrictive than the current designation, the R-C Residential Conservation Design (Overlay) District is applied to the property, or conditions protecting the identified areas are attached to the rezoning request. (Ordinance No. 184)
- 5) In areas where the Petition to Rezone requests a change from A-1 District or A-2 District to another district, lands scoring 267 or above for total LESA score, as determined by a Land Evaluation Site Assessment.

Summary

The *Ames Urban Fringe Plan*, a component of the *Story County Development Plan* designates this property as Urban Residential, a sub-category of the Urban Services Area and Natural Areas.

Urban Services Area

This Urban Services Area is intended to be urban in character and become part of a municipal jurisdiction as it develops. Urban services and development standards are required for development within this area. Typically, lands within this area are annexed as they are developed. The following policies apply to the entire Urban Service Area (USA):

- USA Policy 1: Require land uses and the intensity of development within identified growth areas to be consistent with the Ames Urban Fringe Plan.
- USA Policy 2: Require all urban development to provide improvements consistent with the improvement standards, building codes, and service requirements adopted by the City of Ames to ensure adequate public facilities and building safety.



- USA Policy 3: Ensure that annexation is coordinated with the timely and efficient provision of adequate public facilities and services.
- USA Policy 4: Require developments to provide adequate street, right-of-way, and drainage, bicycle, pedestrian and connected open space improvements. Such improvements should allow for adequate emergency access and ability to connect to municipal street networks in the future.
- USA Policy 5: At the time of development provide secure funding sources for the cost of new improvements and services required by new development.
- USA Policy 6: Ensure that development for which services may change from rural systems to urban infrastructure when available has guaranteed the costs for installation and connection to future urban infrastructure in an acceptable manner before recording final plats for development.
- USA Policy 7: Coordinate street and drainage improvement projects with other service providers to meet the demands from planned development more efficiently. Prior to constructing improvements, ensure that needed utility improvements are coordinated so new pavement will not need to be disturbed for planned upgrades.
- USA Policy 8: Promote coordination and cooperation among all fire prevention, emergency medical services, and law enforcement agencies.
- USA Policy 9: Support the provision for responsive, high-quality fire suppression and emergency medical services. Require that development have adequate access to emergency services. Coordinate the design, location, and construction of standpipes and fire hydrants with fire districts and the City of Ames Fire Department as needed to protect new development.
- USA Policy 10: Establish a process to enable the City of Ames to negotiate with the owners of property planned for park and recreation purposes prior to the approval of rezoning or subdivision applications.

Urban Residential

This Urban Residential land use designation applies to areas reserved for future City (Ames) growth. Residential land uses within Urban Residential designated areas are annexed and then developed at an urban density and with infrastructure and subdivision according to urban standards.

- UR Policy 1: This land use designation includes residential use in "traditional" Village Residential Development with minimum average net density of 8 units per acre. It also includes conventional single-family/suburban residential development with minimum average net residential densities of 3.75 units per acre and conventional suburban/medium density residential development with minimum average net residential densities of 10 units per acre. When combined in a development or area, conventional suburban single-family and conventional suburban medium density residential developments should not exceed 5 dwelling units per net acre.
- UR Policy 2: Require annexation by the city before land is developed or further subdivided.
- UR Policy 3: Require urban infrastructure and subdivision standards, including urban right-of-way standards, urban street construction, urban sanitary and potable water systems and urban storm water management systems.
- UR Policy 4: Require land development agreements with the city before land is developed or further subdivided.



- UR Policy 5: Mitigate and manage stormwater run-off, soil erosion, and wastewater discharge according to IDNR and city standards.

Natural Areas

Natural Areas are vital to the region. They provide habitat for wildlife, minimize storm water run-off, stabilize soils, modify climactic effects, provide for visual attractiveness, and serve some recreational purposes. This designation seeks to conserve such natural resources. This designation is intended to prevent development encroachment and encourage greater mitigation standards. A buffer or other mitigation device may be necessary to fully protect Natural Areas.

- NA Policy 1: Natural Areas are composed of the following features and locales that intermingle with each other.

Environmentally Sensitive Areas – flood-prone areas, wetlands, water bodies, areas of steep slopes and sensitive soil conditions, and other designated areas that should be protected from detrimental impacts from other land uses.

Significant Natural Habitat -- areas surveyed and evaluated based on vegetation type and condition in the “Norris Study.” These Significant Natural Habitat Areas may also occur outside of the designated Natural Areas. In such locations, the underlying land use designation applies.

Parks and Open Spaces – facilities, land, and/or structured programs for a variety of public recreational opportunities. The term "Open Space" refers to primarily undeveloped areas; such areas are typically maintained and managed as natural areas for passive recreational uses.

Future Parks -- general areas where future parks are anticipated.

Greenways -- stream ways, parks, improved and unimproved trail systems, and open spaces that provide linkages that in effect create a continuous "greenway" or recreational system. Greenways provide recreational and open space linkages in both rural and urban areas.

Particular features and locales in the Natural Areas often are appropriately described by more than one of the above labels. This is a reflection of the multiple benefits of, and the diversity of landscapes represented in the areas designated Natural Areas. Regardless of type, Natural Areas are protected from negative land use impacts.

- NA Policy 2: Prevent subdivisions for new non-farm residential development. However, Natural Areas may include farm and non-farm residences existing at the time of this Plan or remaining scattered building sites where farmstead homes once existed or homes on very large parcels of ground typical of the agricultural setting.
- NA Policy 3: Mitigate negative impacts to Natural Areas, including, but not limited to: agricultural chemical application, animal confinement and feeding, agricultural irrigation, miscellaneous agricultural activities like manure and fuel storage, outdated and non-functioning on-site wastewater systems, underground storage tanks, and nutrient-loaded urban stormwater run-off.

R-1, Residential Statement of Intent

The Statement of Intent for the R-1, Residential district states that “The R-1 Residential District is designed to provide a district for single-family detached dwellings at a low density. Subdivisions created within the R-1 district may also include community facilities and open space uses, with special provisions to protect the residential character of the District. This District is not intended to permit isolated rural dwellings incompatible with surrounding land uses and not in conformance with the *Story County Development Plan*.”



Surrounding Land Uses and Development Patterns

The proposed amendment area is located in an area that is one of unincorporated Story County’s more dense residential areas. The amendment area is adjacent to R-1 Residential zoning on its east side, which includes some large lot (~6.5 acres) residential uses. On a majority of the adjacent north side and the entire adjacent west side of this amendment area is undeveloped agricultural land. There is a ~4.5 acre farmstead site adjacent to the amendment area on its northeast corner, and a ~8.5 acres farmstead site adjacent to this amendment area on the south side. Within three-fourths mile of this proposed area,

- 61.20% of the land is used for agriculture
- 15.14% for commercial
- 12.18% is tax exempt (ISU, Church, Railroad, City/County owned properties)
- 11.48% for residential.

Of the 361 total parcels located within three-fourths mile,

- 76.45% of the parcels are used for residential
- 13.57% for agricultural
- 7.76% are commercial
- 2.22% are tax exempt (ISU, Church, Railroad, City/County owned properties).

Environmental Resources

This proposed amendment area does include some land located Natural Areas on the Ames Urban Fringe Plan, and total 10.11 acres, or 35.19% of the total amendment area. The Natural Area designation does include land located in a Special Flood Hazard Area as defined by FEMA.

Land Evaluation and Site Assessment

The proposed amendment area scored a 150 for Site Assessment (SA) and 220 on the total Land Evaluation and Site Assessment (LESA).

Analysis

When examining the Standards of Approval as laid out in Section 15.20.B of the *Story County Land Development Regulations*, Staff concludes that numbers three (3), four (4), and five (5) are satisfied. If the Board were to agree with that, it would need to decide whether numbers one (1) and two (2) were satisfied.

Standard of approval number one (1)

On the ~35% of the parcel that is designated as “Natural Areas”, Staff concludes that this area appears to be preserved by the applicant’s site plan, and the applicant’s proposal also appears to adequately buffer the natural area. If the Board agrees, it would need to decide if the proposal conforms to the Urban Residential land use category of the Urban Services Area. As this land use class is meant to be the area that will be annexed into the City in the foreseeable future, a high emphasis is placed on making sure any development of this area is done to City standards in an orderly manner. The Urban Service Areas shall be protected from any inappropriate development that would constrain the efficient growth of the City.

As the Board shall note, the policies and goals of the Urban Services Area and the Urban Residential land use designation commonly use the term “development”, which the *Story County Land Development*



Regulations defines as “any man-made change to improved or unimproved real estate including, but not limited to, building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations”. The applicant’s site plan proposes placing one (1) single-family dwelling on approximately 16.5 acres of developable land. While this particular proposal is no way in conformance to the Urban Residential land use designation, the applicant argues that his proposed plan will allow for development in the future to the Urban Residential density under the *Ames Urban Fringe Plan*. While staff agrees that the applicant’s statement is correct, and that all of the policies and goals of the Urban Services Area and the Urban Residential land use designation would probably continue to be attainable with the proposal, a vacant parcel would make for the goals and policies to be much more easily obtained.

Standard of approval number two (2)

As noted, the Statement of Intent of the R-1 district states “the R-1 Residential District is designed to provide a district for single-family detached dwellings at a low density. Subdivisions created within the R-1 district may also include community facilities and open space uses, with special provisions to protect the residential character of the District. This District is not intended to permit isolated rural dwellings incompatible with surrounding land uses and not in conformance with the *Story County Development Plan*.”

While one single-family dwelling on 16.5 acres is not considered low density, it is possible to meet this statement with a subdivision of this land. Furthermore, the R-1 district is not intended to permit isolated rural dwelling incompatible with surrounding land uses and not in conformance with the *Story County Development Plan*. While it appears at this time the main focus of this rezoning, by the applicant, is to permit an isolated rural dwelling, such a dwelling may not be incompatible with the surrounding land uses. There are currently ten (10) parcels that surround the proposed amendment area, five (5) of which have a single family dwelling located on them. Those that have a single family dwelling located on them average a little over nine (9) acres in size. However, as there is an abundance of vacant agricultural land on the amendment areas west, northwest and most of its north sides, if those lands were to be developed to the policies and goals of the Urban Services Area and the Urban Residential land use designation as envisioned in the *Ames Urban Fringe Plan*, an isolated rural dwelling inside the proposed amendment area would be incompatible with the surrounding land uses.

Commentary

The following comments are part of the official record of the proposed **Soupir Official Zoning Map Amendment, Case No. REZ01-13**. If necessary, conditions of approval may be formulated based off these comments.

Comments from the Interagency Review Team

The proposal underwent the usual Interagency Review. The following were comments documented by the Interagency Review Team:

David Swanson, Story County Assessor's Office:

The assessor’s office has no comments at this time.

Scott Wall, Story County Auditor’s Department:

The Auditor’s Office does not have any comments regarding the rezoning of this parcel. However, at the December 12 meeting where Mr. Soupir presented his request, there was talk of the potential to



eventually subdivide the property for additional development. The parcel is currently landlocked and any future development, including Mr. Soupir's proposed home, will have to provide for access to the parcel.

Mike Cox, Story County Conservation Director:
No comments submitted.

Keith Morgan, Story County Emergency Management Coordinator:
No comments submitted.

Darren Moon, Story County Engineer:
No comments.

Margaret C. Jaynes, Story County Environmental Health:
No comments submitted.

Jeff Benson, City of Ames Planning:
No comments submitted.

Floodplain Management Program Comments

The property is located in a Special Flood Hazard Area as defined by FEMA. As such, requirements of the Floodplain Management Ordinance are applicable.

Comments from the General Public

Notification letters were mailed to surrounding property owners regarding the subject hearing on the subdivision request on January 23, 2013, and legal notifications were published in the three official County newspapers on January 24, 2013.

Conditions of Approval

Section 15.20: Procedure for Amending the Official Zoning Map

D. As a part of an ordinance authorizing an amendment, supplement or change in a district, or from one district to another district, the Board of Supervisors may impose conditions on a property owner, heirs and assigns, which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the required public hearing or any adjournment of the hearing regarding the third consideration of the application. (Ordinance No. 184)

Planning and Zoning Commission

On Monday, February 4, 2013, the Story County Planning and Zoning Commission recommended denial of the Official Zoning Map Amendment, as put forth in case REZ01-13, to the Story County Board of Supervisors, and directed staff to schedule first consideration on March 5, 2013.

- Motion: Gast
- Second: Vegge
- Voting Aye: Couser, Vegge, Gast
- Voting Nay: Weigel
- Not Voting: None
- Absent: Struthers, Miller



Findings of Fact

1. The subject property, which is owned by Sansgaard Seed Farms Inc., contains 28.78 gross acres, is inside the A-1 Agricultural Zoning District, and is assessed as agricultural. The applicant is Steven Soupir.
2. When zoning was implemented in Story County on September 2, 1958, the east ½ of this property was zoned R-1, Residential while the west ½ was zoned A-1, Agricultural. Then, on March 22, 1989, the Story County Board of Supervisors amended the Official Zoning Map of Story County, which changed the zoning of the subject parcel to all A-1, Agricultural.
3. As the subject property is within two (2) miles of the City of Ames, it is part of the *Ames Urban Fringe Plan*, which is a component of the *Story County Development Plan*. That plan, which was adopted in July of 2006, designates this property as Urban Residential, a sub-category of the Urban Services Area, and Natural Areas.
4. On August 30, 2012, property research was performed on the subject property. Based on the research, it was found that none of the exceptions to the minimum lot size requirement of the A-1, Agricultural Zoning District (35 net acres) applied and as such, a zoning permit for a single family dwelling could not be issued.
5. On October 3, 2012, a Development Application for a Variance was submitted by the applicant for a variance to Section 4.20.E of the Story County Land Development Regulations to allow for a single family dwelling to be built upon a parcel that is less than 35 acres. On December 5, 2012, the Story County Board of Adjustment reviewed the proposed variance and on a 4-0 vote, denied the variance request.
6. On January 7, 2013, a Development Application for an Official Zoning Map Amendment was submitted by the applicant to rezone the subject property from the A-1, Agricultural Zoning District to the R-1, Residential Zoning District.
7. On Monday, February 4, 2013, the Story County Planning and Zoning Commission recommended denial of the subject Official Zoning Map Amendment to the Story County Board of Supervisors on a 3-1 vote, with two (2) commission members absent from the meeting.
8. When examining the Standards of Approval for an Official Zoning Map Amendment, as laid out in Section 15.20.B of the *Story County Land Development Regulations*, numbers three (3), four (4), and five (5) are satisfied.
9. The Urban Services Area is intended to be urban in character and become part of a municipal jurisdiction as it develops. Urban services and development standards are required for development within this area. Typically, lands within this area are annexed as they are developed. As such, Standard of Approval number one (1) is not satisfied.
10. The Statement of Intent of the R-1 district states “the R-1 Residential District is designed to provide a district for single-family detached dwellings at a low density. Subdivisions created within the R-1 district may also include community facilities and open space uses, with special provisions to protect the residential character of the District. This District is not intended to permit isolated rural dwellings incompatible with surrounding land uses and not in conformance with the *Story County Development Plan*.” As the current proposal includes one dwelling to be located on the 28.78 acres, Standard of Approval number two (2) is not satisfied.



Alternatives

The Story County Board of Supervisors may consider the following alternatives:

1. The Story County Board of Supervisors accepts the recommendation from the Planning and Zoning Commission and denies the proposed rezoning request as part of Ordinance No. 220 on first consideration and sets second consideration for Tuesday, March 12, 2013.
2. The Story County Board of Supervisors acknowledges the recommendation from the Planning and Zoning Commission; however, approves the proposed rezoning request, and adopts Ordinance No. 220 on first consideration and sets second consideration for Tuesday, March 12, 2013.
3. The Story County Board of Supervisors acknowledges the recommendation from the Planning and Zoning Commission; however, approves the proposed rezoning request with conditions, and adopts Ordinance No. 220 on first consideration and sets second consideration for Tuesday, March 12, 2013.
4. The Story County Board of Supervisors tables the proposed rezoning request as put forth in case REZ01-13 and direct staff to address specific areas for additional information for further review and/or modifications.

Return to
Planning and
Development

ORDINANCE NO. 220

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF STORY COUNTY, IOWA; CHANGING THE BOUNDARIES OF THE DISTRICTS ESTABLISHED AND SHOWN ON SAID MAP AS PROVIDED IN CHAPTER 15 OF THE *STORY COUNTY LAND DEVELOPMENT REGULATIONS*, STORY COUNTY, IOWA; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith AND ESTABLISHING AN EFFECTIVE DATE.

BE IT HEREBY ORDAINED by the Board of Supervisors of Story County, Iowa;

Section 1: The Official Zoning Map of Story County, Iowa, is amended by changing the boundaries of the districts established and shown on said map in the manner authorized by Chapter 15 of the *Story County Land Development Regulations* as follows:

That the following described property is amended from the A-1-AGRICULTURAL ZONING DISTRICT TO THE R-1 RESIDENTIAL ZONING DISTRICT.

GENERAL PROPERTY LOCATION: An area of land in the North $\frac{3}{4}$ of the Northeast Quarter of the Northeast Quarter of Section 31, Franklin Township, which is approximately .05 to .15 miles west of North Dakota Ave.

LEGAL DESCRIPTION: The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 31, except Parcel "H" a part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 31 and a part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 32, both in Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa (previously identified as Parcels "A" and "B" and described in a Plat of Survey prepared by John Conis in August, 1995 and filed in the office of the Story County Recorder as Instrument Numbers 95-06895 and 95-06896), as shown on the "Plat of Survey" filed in the office of the Recorder, Story County, Iowa, on May 19, 2000 as Instr. No. 00-05277, Slide 68, Page 5; and Parcel "G" a part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 31, and part of the NW $\frac{1}{4}$ of Section 32, both in Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa (previously identified as Parcels "A" and "B" and described in a Plat of Survey prepared by John Conis in August 1995 and filed in the office of the Story County Recorder as Instrument Numbers 95-06895 and 95-06896), as shown on the "Plat of Survey" filed in the office of the Recorder, Story County, Iowa, on May 19, 2000 as Instr. No. 00-05277, Slide 68, Page 5.

PARCEL IDENTIFICATION NUMBER: 05-31-200-215

Section 2: All other ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: This ordinance is in full force and effect from and after its adoption and publication as provided by law.

Action upon FIRST Consideration: _____

DATE: _____

Moved by: _____

Seconded by: _____

Voting Aye: _____

Voting Nay: _____

Not Voting: _____

Absent: _____

Action upon SECOND Consideration: _____

DATE: _____

Moved by: _____

Seconded by: _____

Voting Aye: _____

Voting Nay: _____

Not Voting: _____

Absent: _____

Action upon THIRD Consideration: _____

DATE: _____

Moved by: _____

Seconded by: _____

Voting Aye: _____

Voting Nay: _____

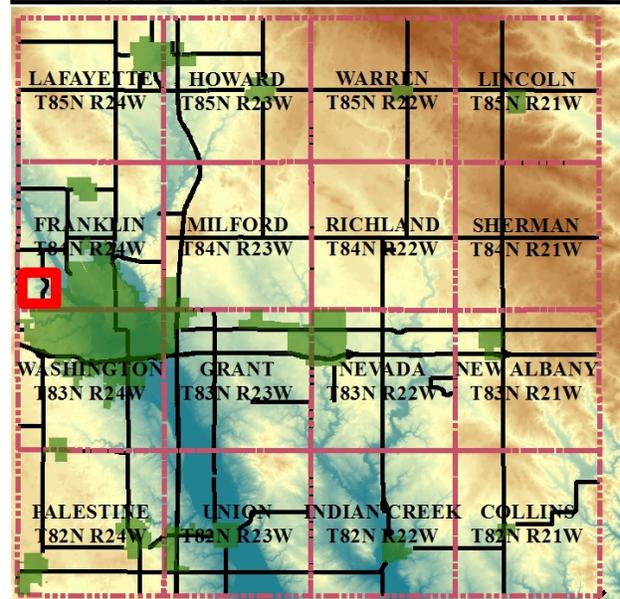
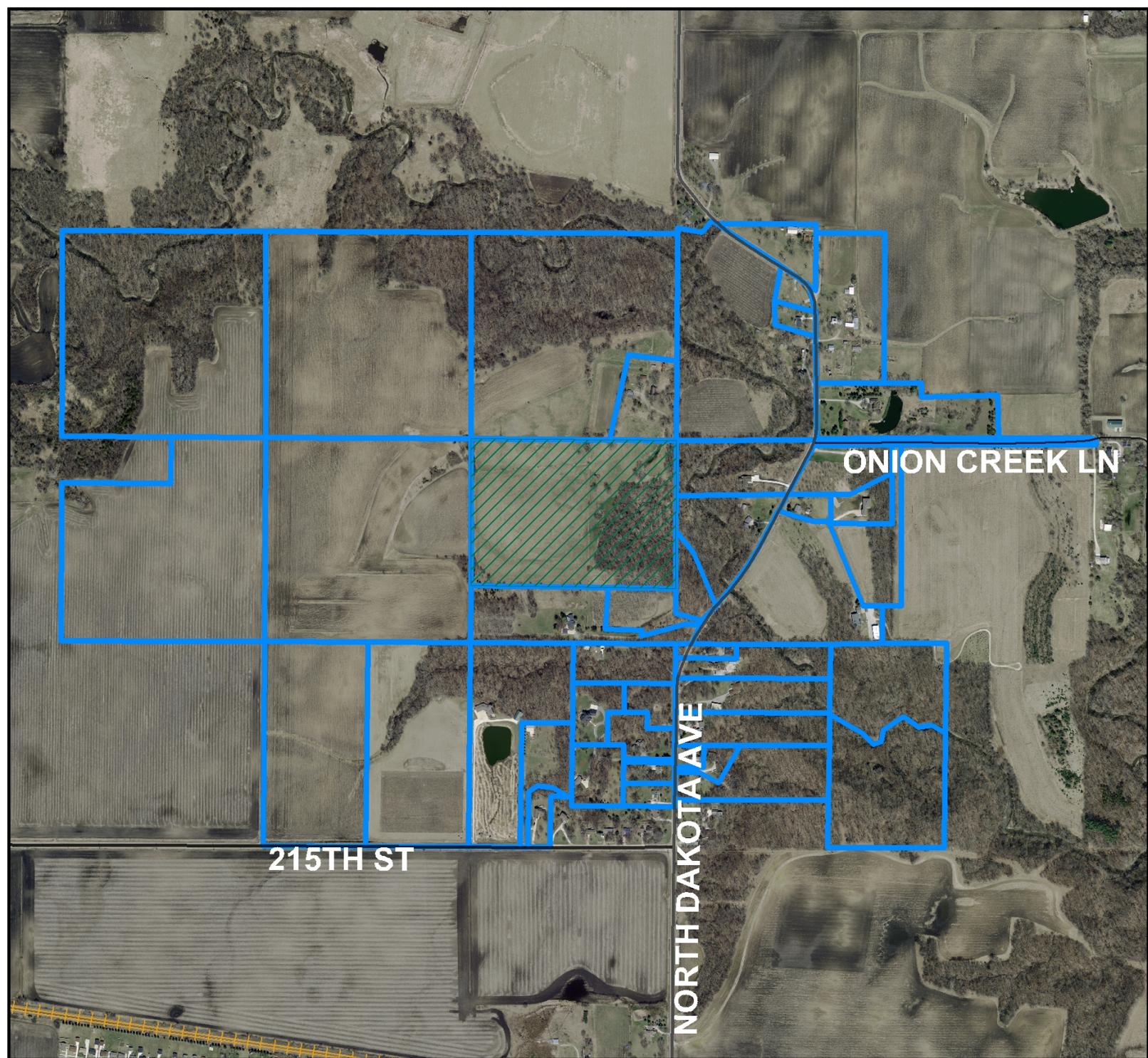
Not Voting: _____

Absent: _____

ADOPTED THIS _____ day of _____, 2012.

Story County Board of Supervisors

ATTEST: County Auditor



**REZ01-13
Soupir
Official Zoning Map
Amendment Request**

Legend

- REZ0113_Soupir
- Surrounding Property Notifications



Map created on
1/9/2013
by the
Story County
Planning and Development
Department.



DISCLAIMER:
Story County's digital cadastral data is a representation of recorded plats and surveys for use within the Geographical Information System for the purpose of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.

FORM D - Development Application



Type of Request Please indicate the type of application(s) submitted by checking the box preceding the appropriate request.

BOARD OF ADJUSTMENT

- Appeal of Director's Decision
- Conditional Use Permit
- Conditional Use Permit Modification
- Floodplain Variance
- Variance

BOARD OF SUPERVISORS

- Agricultural Subdivision Plat
- Residential Partial Subdivision
- CDP Amendment
- LDR Text Amendment
- Major Subdivision—Preliminary and Final
- Minor Subdivision
- Official Zoning Map Amendment
- R-C Overlay District Initial
- Right-of-Way (ROW) Vacation
- RMH Site Development Plan
- Road Renaming
- Waiver Request
- Zoning Permit—Commercial and Industrial

ADMINISTRATIVE (STAFF)

- Agricultural Exemption*
- Conditional Use Permit Modification
- E911 Address
- Floodplain Permit*
- Home Business Permit*
- Property Research
- Sign Permit Application
- Zoning Permit—Non-commercial

*See Form E on reverse.

GENERAL INFORMATION TO BE COMPLETED

E911 Address: Not Available Parcel Number (PIN): 05-31-200-215

Type of Structure/Use: Residential Home Dimensions: unknown Height: unknown

Applicant/Property Owner: Soupir Steven
(Last Name) (First Name)

3321 Sedwick Street Ames Iowa 50010
(Address) (City) (State) (Zip)

515-233-5089 ssoupir@yahoo.com
(Phone) (Email)

Contractor Information: Unknown
(Last Name) (First Name)

Unknown Unknown Unknown IA
(Address) (City) (State) (Zip)

Unknown Unknown
(Phone) (Email)

SITE PLAN REQUIREMENTS

Applicants must **SUBMIT A SITE PLAN** for the following types of applications: **Zoning Permits, Floodplain Permits, E911 Address, Agricultural Exemption Request, and Sign Permits** showing the following:

SETBACK DISTANCES FROM ALL EXISTING AND PROPOSED STRUCTURES (INCLUDING SIGNS) MUST BE SHOWN, MEASURED AT A RIGHT ANGLE FROM LOT LINES.

Indicate the front of the principal building.
 Location and size of existing and proposed signs (if permitted).
 Location, size, height and use of all existing and proposed buildings
 Parking lots, driveways and loading areas: signage/markings, parking stalls including total
 Any other information determined need by Planning and Development staff.

Dimensions of all lot lines.
 All roads and private lanes abutting the property.
 Landscaping: location, type and size of plant materials
 Wells/waste treatment systems: location and type.
 Drainage patterns: method/area for disposal of surface runoff with calculations of design. Identify erosion and siltation control.
 Outside lighting: location, height and type of existing and proposed.

For **SIGN PERMITS**, please include a **SKETCH/DRAWING** for the sign(s) demonstrating proposed sign and support structure; location, dimensions and height of all existing external signs on the structure. (if applicable); dimensions of and location on the surface to which the sign will be attached.

CERTIFICATION I/we certify that the information and exhibits submitted are true and correct to the best of my knowledge and that in filing this application I am acting with the knowledge, consent and authority of the owners** of the property. Pursuant to said authority, I hereby permit County officials to enter upon the property for the purpose of inspection, and, if necessary, for posting a public notice on the property.

SIGNATURE [Signature] DATE 1/7/13

**If signature is not the owner of the property, a written statement from the owner of record stating the applicant signing this form may act on his/her behalf must be submitted.

January 6, 2013

Charlie Dissell
Planner
900 Sixth St.
Nevada, IA 50201

RE: North Dakota Avenue Property
Parcel ID 05-31-200-215 (28 Acres)
Development Application – Rezoning Request

Dear Mr. Dissell,

The Form D Development Application for an official zoning map amendment request and fee are included in the attached documents for a property in story county, parcel ID 05-31-200-215. We currently have a purchase agreement in place for this property with the intention to construct a single-family residence. However, it is our understanding that the property cannot be built upon given the current land development regulations in place, specifically the net lot area requirements in section 4.20 of the County Land Use Regulations. The current property owner is choosing to sell this property due to its low rate of return as useful farmland. The purpose of this letter is to outline why this parcel is eligible for rezoning. The following is a brief explanation of the property:

1. Parcel 05-31-200-215 lies west of North Dakota Avenue and North of 215th Street. The property is zoned A-1 Agricultural. The property appears to be in the Ames Urban Service Area designated as residential, and it is near if not overlapped by designated natural area. The tract's current configuration appears to have been created by a division of the quarter-quarter section created in 1995.
2. LIDAR elevation data shows elevations on this property ranging from 930 feet to 960 feet. Soil types are generally silty to sandy soils that do not yield adequately to allow row crop to thrive. In addition, use as hay ground is relatively unproductive due to the sandy soils in the upper lying areas and the limited moisture available in these soils during key growth periods. The Site Assessment (SA) score for the property is 150 while the total LESA score is 220. Under the Story County ordinance, this would allow the property to be built upon for a single family residence with a minimum lot size of one net acre if the property were not a part of an urban fringe plan or designated as "Agricultural and Farm Service" on the Ames Fringe Plan.
3. Approximately 7.8 acres of the property is forested in the low lying areas that are susceptible to flooding. The food plain area includes 3.3 acres, further rendering this area difficult for farm production and delegating portions of the property unbuildable.
4. A request for a variance from the minimum net lot area size requirements in section 4.20 of the County Land Use Regulations was denied by the Board of Adjustments. The reason the variance denial was due to the possibility of rezoning of the property to R-1 Residential.

In addition, the petition for rezoning satisfies the following standards for such requested action for approval as outlined below:

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1. The proposed rezoning shall conform to the Story County Development Plan.

The Story County Development Plan includes the adoption of the Ames Fringe Plan as the Story County Development Plan in this area. The property appears to be in the Ames Urban Service Area designated as residential, and contains a portion of the designated natural area. The proposed residential concept plan will therefore be located outside the natural area. The requested R-1 zoning designation allows for a minimum of 10,000 sqft lot size, in general conformance with Story County Development Plan. In addition, the proposed residential plan will allow for development in the future to the Urban Residential density desired under the Ames Fringe Plan.

It is important to note that the 28E agreement that encompasses the Ames Fringe Plan and the Story County Development Plan in this area allows for agencies to participate in joint undertakings. However, it does not confer any additional powers on the cooperating agencies; it merely provides for their joint exercise. Therefore, while the Ames Fringe Plan is part of the Story County Development Plan, it appears that the Story County zoning regulations regulate development in this area until the area is annexed by the City of Ames. In addition, the current Story County Zoning district that conforms to the Story County Development Plan in this area is the R-1 Zoning District. An official zoning map change for this parcel to R-1 Residential conforms to the Story County Development Plan.

2. The proposed rezoning shall conform to the Statement of Intent for the proposed district and district requirements.

The statement of intent for the R-1 Zoning District is as follows:

"The R-1 Residential District is designed to provide a district for single-family detached dwellings at a low density. Subdivisions created within the R-1 district may also include community facilities and open space uses, with special provisions to protect the residential character of the District. This District is not intended to permit isolated rural dwellings incompatible with surrounding land uses and not in conformance with the Story County Development Plan. (Ordinance No. 184)"

A residential use would be entirely in keeping with the character of the neighborhood, which tends to be R-1 Residential along the North Dakota and 215th corridors. It appears that residential development of this parcel not only would employ land that is not in production and preserve natural areas, but generally conform to the spirit and intent of the county development plan for residential development of the area.

3. The proposed rezoning shall be compatible with surrounding land uses and development patterns.

As stated, a residential use would be entirely in keeping with the character of the neighborhood, which tends to be R-1 Residential along the North Dakota and 215th corridors.

4. The proposed rezoning shall protect environmental resources. Rezoning of parcels containing more than fifty (50) percent of the gross acreage as lands identified with areas designated Natural Resource Areas on the Story County Development Plan shall not be approved unless such requested action results in a district designation more restrictive than the current designation. The R-C Residential Conservation Design (Overlay) District is applied to the property, or conditions protecting the identified areas are attached to the rezoning request.

The parcel does not contain more than 50 percent of the gross acreage as lands identified with areas designated Natural Resource Areas on the Story County Development Plan.

5. In areas where the Petition to Rezone requests a change from A-1 District or A-2 District to another district, lands scoring 267 or above for total LESA score, as determined by a Land Evaluation Site Assessment (LESA) as adopted for Story County, shall not be approved.

The total LESA score for this parcel is 220 and therefore appears to be eligible for rezoning.

For all the reasons stated above, it is our contention that a residential use would be entirely in keeping with the character of the neighborhood, which tends to be residential along the North Dakota and 215th corridors. A rezoning to R-1 Residential would employ land that is not in production, preserve natural areas, and generally conform to the spirit and intent of the county development plan for residential development of the area.

We appreciate your consideration in this matter.

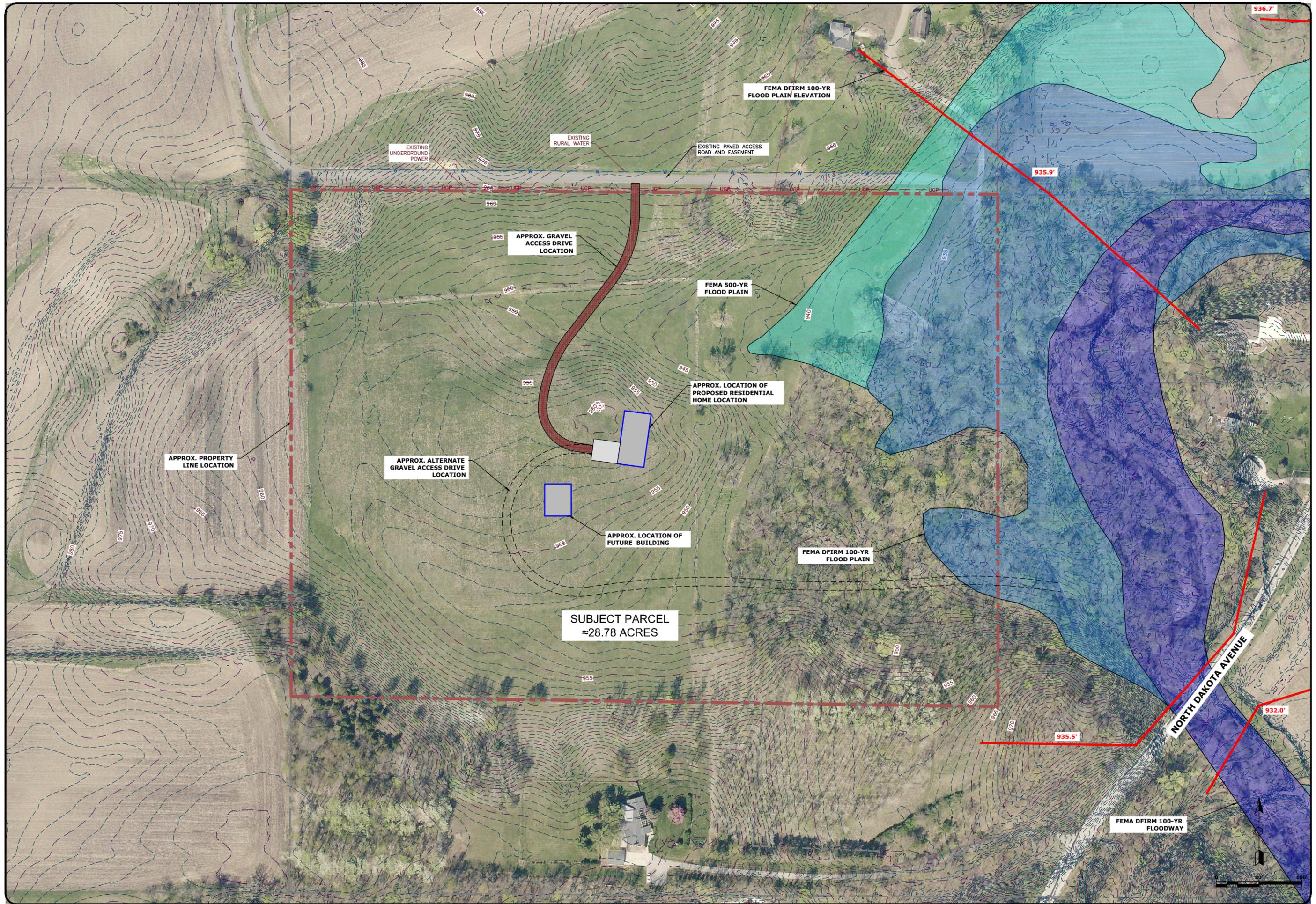
Sincerely,



Steven Soupir



Michelle Soupir

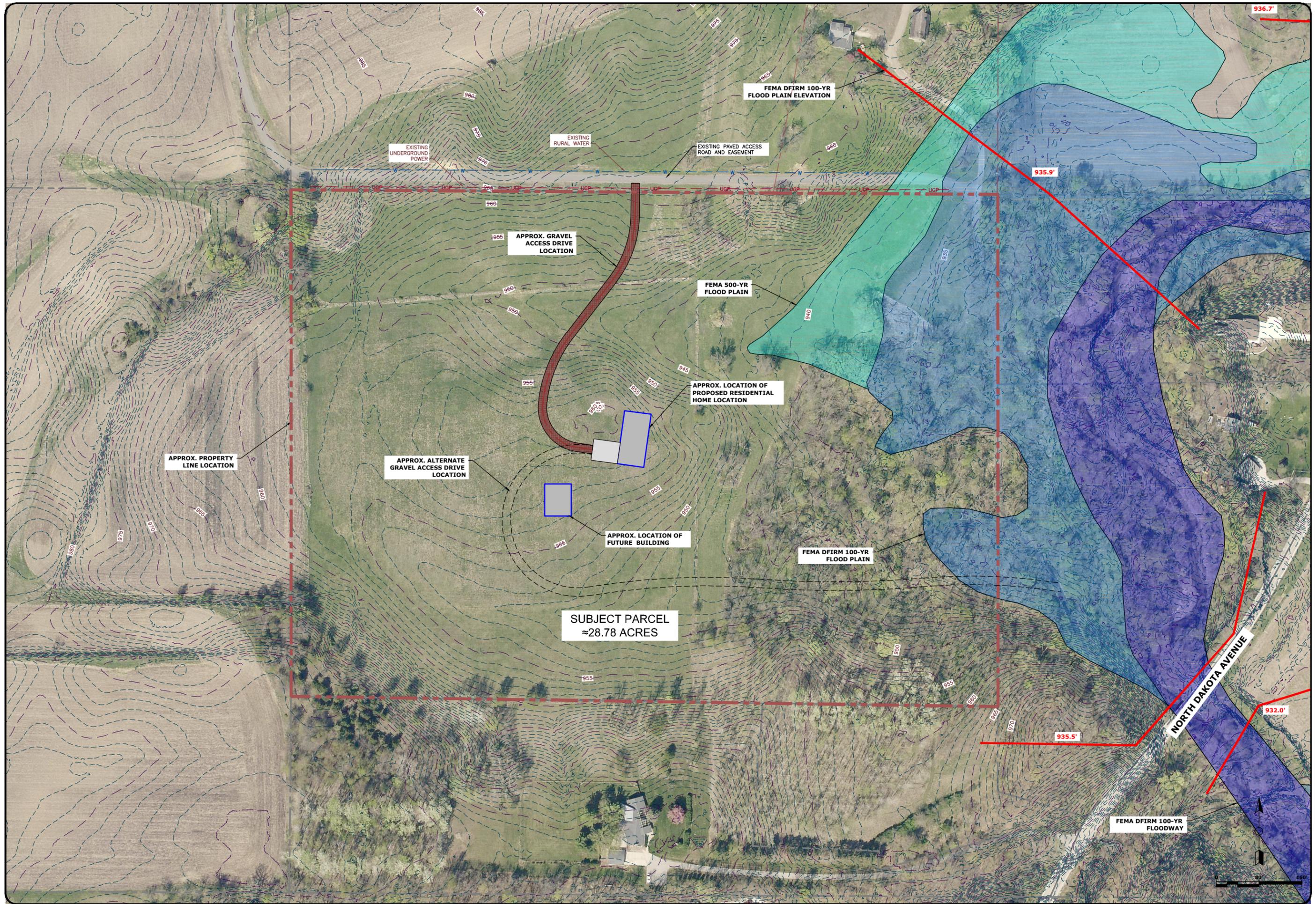


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 STORY COUNTY
 IOWA

PROJECT NO.
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