

ITEM #: 29
DATE: 10/09/07

COUNCIL ACTION FORM

SUBJECT: WAIVER OF SUBDIVISION AUTHORITY FOR PROPOSED PROPERTY LINE ADJUSTMENT BETWEEN TWO PROPERTIES ON ZUMWALT STATION ROAD

BACKGROUND:

The City Council has two Council Actions Forms regarding rural subdivisions on its agenda. Both proposals are property line adjustments without additional buildable lots being created. The other case file involves two properties on Timber Road in which the applicant has requested that the City Council waive infrastructure and other urban subdivision requirements. In this case, the property owner's representative, Gary Reed with Civil Design Advantage LLC, requested a waiver of subdivision authority.

On August 22, 2007, the City's Development Review Committee (DRC) processed a Sketch Plan application concerning this proposed property line adjustment located directly north of Zumwalt Station Road, east of South 500th Avenue, and west of South Dakota Avenue. The properties are located southwest of the corporate limits of the City of Ames (see attached Location Map).

The two properties are both owned by Ev Cochrane. The proposal involves a relocation of the common east/west property line to a north/south configuration. No public improvements or infrastructure are proposed. City staff has determined that since the property does not contain public infrastructure, a Major Subdivision would be required.

The attached letter dated August 28, 2007, from the owner's representative requested that the City waive its subdivision authority rather than apply for approval of a Major Subdivision, was received by the City Council during its regular meeting on September 11, 2007. At that meeting, the City Council referred this item to staff.

Chapter 354 of the Code of Iowa includes provisions for the division and subdivision of land. Section 354.9 addresses the "Review of subdivision plats within two miles of a city." Subsection two (2) includes the following provision:

Section 354.9(2). "...Either the city or county may, by resolution, waive its right to review the subdivision or waive the requirements of any of its standards, or conditions for approval of subdivisions, and certify the resolution which shall be recorded with the plat."

Chapter 23 of the Municipal Code includes provisions for the subdivision of land in Ames and within two (2) miles of the corporate limits. Section 23.103 addresses "Waiver/Modification." Subsection (1) reads as follows:

Section 23.103 (1). *"Where, in the case of a particular subdivision, it can be shown that strict compliance with the requirements of the Regulations would result in extraordinary hardship to the Applicant or would prove inconsistent with the purpose of the Regulations because of unusual topography or other conditions, the City Council may modify or waive the requirements of the Regulations so that substantial justice may be done and the public interest secured provided, however, that such modification or waiver shall not have the effect of nullifying the intent and purpose of the Regulations. In no case shall any modification or waiver be more than necessary to eliminate the hardship or conform to the purpose of the Regulations. In so granting a modification or waiver, the City Council may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so modified or waived."*

These properties are located to the southwest of the City in Story County outside the current City of Ames corporate limits. The properties are not located within the "Priority Transitional Residential" area of the City of Ames. However, the properties are identified on the Ames Urban Fringe Plan as being Urban Residential and Natural Areas. The Urban Fringe Plan identifies five policies for Urban Residential as follows:

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.

The proposed property line adjustment does not create an additional buildable lot, nor is public infrastructure proposed. Story County would currently allow the existing southern (vacant) property to be improved with a single-family home. The proposed property line adjustment would allow for the proposed home to be built to the north, thereby allowing the remainder of the site to be further developed in compliance with the Urban Fringe Plan at a future time.

Inasmuch as this is a request for an outright waiver of jurisdictional rights rather than a waiver of specific subdivision standards, and considering the previously stated facts and recent past practice, staff has not anticipated the need for the covenants for rural water and waiver of objections to future assessments.

Staff recommends that the following stipulation be placed upon the approval of the waiver of subdivision authority.

- The platting requirements of Story County will need to be met and a copy of the recorded Plat of Survey shall be delivered to the Ames City Clerk for our records.

ALTERNATIVES:

1. The City Council can grant the request for a waiver of subdivision authority for the proposed property line adjustment on Zumwalt Station Road in Story County with the stipulation described above.
2. The City Council can deny the request for a waiver of subdivision authority for the proposed property line adjustment on Zumwalt Station Road in Story County.
3. The City Council can refer this request back to staff and/or the applicant for additional information.

MANAGER'S RECOMMENDED ACTION:

The proposed property line adjustment does not create an additional buildable lot, nor is public infrastructure proposed. Story County would currently allow the existing southern (vacant) property to be improved with a single-family home. The proposed property line adjustment would allow for the proposed home to be built to the north, thereby allowing the remainder of the site to be further developed in compliance with the Urban Fringe Plan at a future time. In these limited circumstances, it seems appropriate that the City waive its subdivision authority. However, this waiver only applies to this property line adjustment. All other future subdivisions on this land will be independently reviewed by the City to determine the applicability of its subdivision standards.

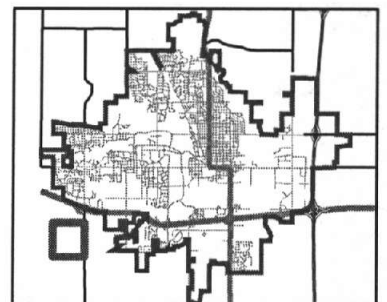
Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1, granting the request for a waiver of subdivision authority for the proposed property line adjustment on Zumwalt Station Road with the stipulation noted above.



Location Map
5239 Zumwalt Station Road
& Property Directly South



0 275 550 1,100
Feet





CIVIL DESIGN ADVANTAGE L.L.C.

ENGINEERS, LANDSCAPE ARCHITECTS, PLANNERS & SURVEYORS

August 28, 2007

Honorable Mayor and Ames City Council Members
City of Ames, Iowa
515 Clark Avenue
Ames, Iowa 50010

RE: Request for Waiver of Jurisdictional Rights
Proposed Property Division – 5239 Zumwalt Station Road
Story County, Iowa
CDA 0708.230

Dear Mayor and Council Members:

Enclosed please find information related to the proposed division associated with the property at 5239 Zumwalt Station Road in Story County, Iowa. Civil Design Advantage (CDA) represents Ev Cochrane in his pursuit to modify the existing tax parcel line as shown within the attachments.

The property is situated within Story County, although, it is within the 2 mile planning jurisdiction of the City of Ames. Thus, there exists dual jurisdiction (Story County and the City of Ames) over various subdivision related issues to this property.

On Monday August 21, 2007, Civil Design Advantage submitted a sketch plan to the City of Ames outlining our proposal to adjust the tax parcel line that already exists on the property. Ev desires to create a split of the approximate 80 acre parcel as shown in yellow on the attached sketch plan exhibit. The property is already divided by an existing tax parcel line as shown on the other attached exhibit.

Based on the attached City of Ames response to the submitted sketch plan, division of the property is not supported due to the need for the property to be annexed into the City based on the City of Ames Urban Fringe Plan. We would like to outline the reasoning why we believe it is in the best interest of the City to allow the division and show how we are meeting the intent of the City of Ames Urban Fringe Plan. We offer you the following;

1. The approximate 80 acre parcel already has a tax parcel line associated with it. We are simply requesting to adjust the location of this division line. This proposal does not create any additional parcels of land. There are 2 parcels now and there will be 2 parcels if our proposal is granted.

2. We believe the proposed subdivision meets the guiding principles and goals of the Ames Urban Fringe Plan. Currently, as we understand, the land owner could construct a second homestead on the southerly 40 acre tax parcel. The ultimate wish of the property owner is to divide in a northerly/southerly orientation as proposed and construct a second home on the northerly end of the property. This would provide efficient means to serve both homesteads via public sanitary sewer in the future. Both sites would be situated to the north which is likely the location of future sanitary sewer service if the site was ever annexed. I offer the following excerpts from the Ames Urban Fringe Plan:
- a. Page 11..."Cooperative planning for development offers opportunities to..."Efficiently provide infrastructure facilities and services."
 - b. Page 14, under Growth Issues..."Foster efficient growth patterns and land uses."
 - c. Page 14, under Growth Issues..."Encourage residential growth where services can be efficiently distributed."
 - d. Page 16, under Common Goal 1.5..."To coordinate development decisions with the efficient provision of public facilities and services."

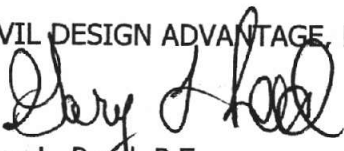
We believe it would be more efficient to locate a second homestead to the north where possible future sanitary sewer service would be oriented.

Thus, based on the above discussions, we are requesting that the City of Ames waive their jurisdictional right to review the division and allow the land owner to work directly with Story County to accomplish the proposed property split. We have briefly discussed the ability to provide a plat of survey to accomplish the proposed division and the County is acceptable.

Thank you for this consideration.

Sincerely,

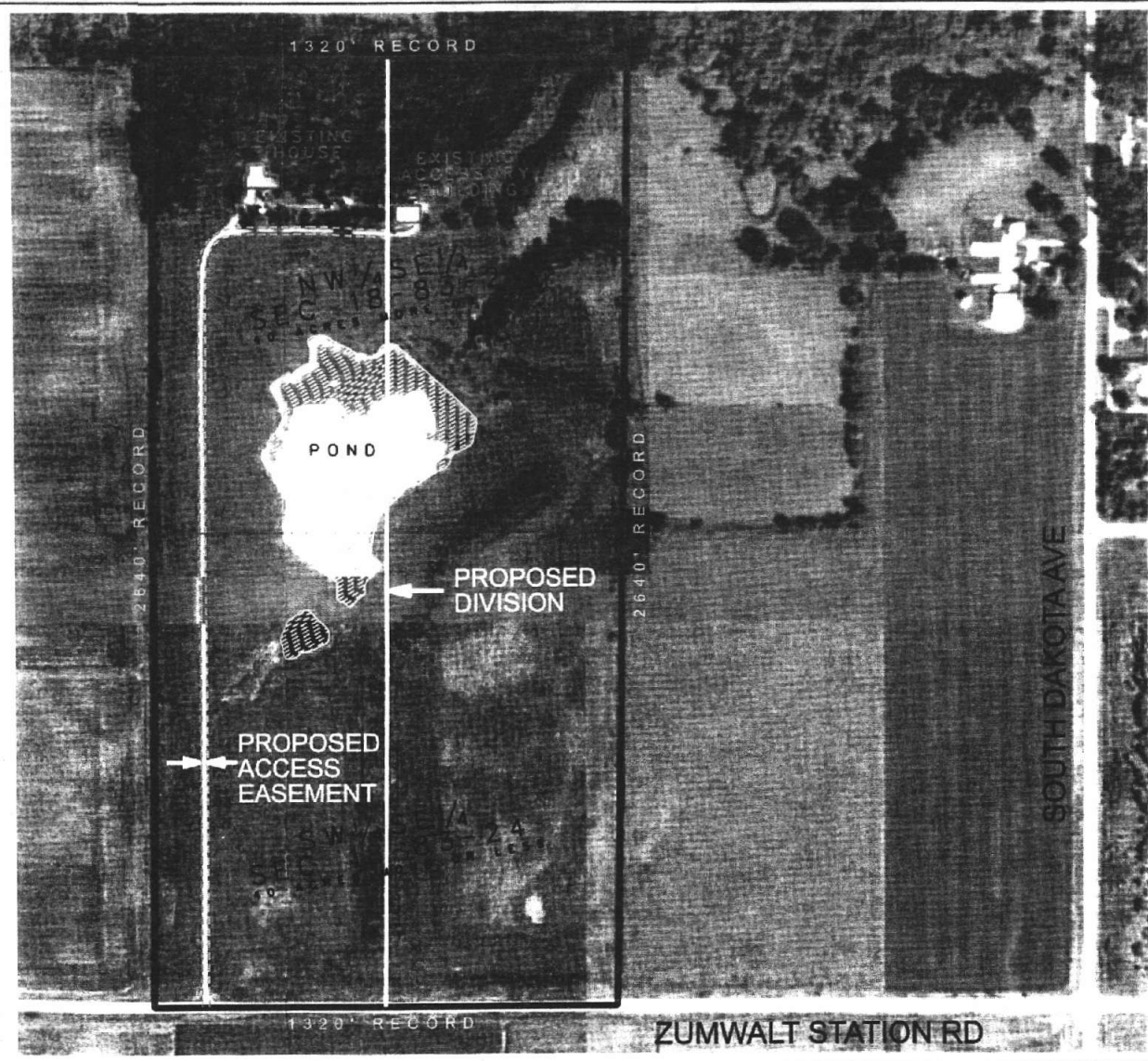
CIVIL DESIGN ADVANTAGE, LLC



Gary L. Reed, P.E.
Project Manager

Copy: Ev Cochrane

enclosure

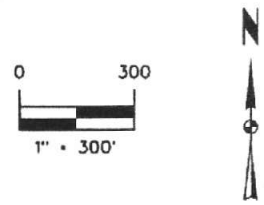


ADDRESS:
5239 ZUMWALT STATION RD

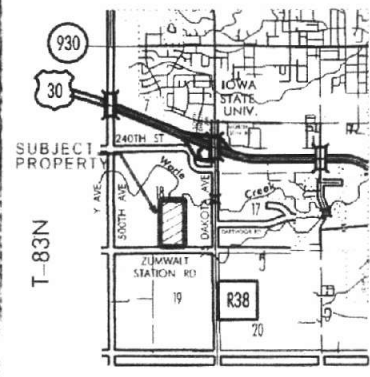
PROPERTY DESCRIPTION:
THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE 5TH P.M., STORY COUNTY, IOWA.

PROPERTY ID NUMBER:
09-18-400-100 AND 09-18-400-300

OWNER:
EVERETT W COCHRANE III
PO BOX 1099
AMES, IA 50014-1099



VICINITY MAP



5001 NW 112th SUITE G GRIMES IOWA 50111
 PH: (515) 368-4400 FAX: (515) 369-4410
 CITY OF AMES, IOWA
 PLANNING & ENGINEERING
 CIVIL DESIGN
 STORY COUNTY, IOWA
 ZUMWALT STATION RD
 SKETCH PLAN
 1/1
 0006.000

RECEIVED
 AUG 21 2007