

COUNCIL ACTION FORM

SUBJECT: PRELIMINARY PLAT FOR NORTHWOOD HEIGHTS SUBDIVISION, 4TH ADDITION

BACKGROUND:

Hunziker Land Development Co., LLC seeks approval of a Preliminary Plat for Northwood Heights 4th Addition, a subdivision in Section 20 of Franklin Township, an unincorporated area of Story County within two miles of the Ames city limits. Four lots are proposed for single family residences and six outlots set aside for open space, located on level terrain two miles north of Ames on North Dakota Avenue. It is west of the Squaw Creek and south of County Road E26. (See Attachment "A" Location Map)

Two roads serve the property: 199th Street on the north and 200th Street on the south, which connect east of the platted area to form a loop. The roads are within easements created by previous plats, but only a portion of the roads are within the area to be platted. These are private roads maintained by the Northwood Heights II Homeowners Association. This homeowners association includes owners of the area to be platted and of 17 residentially developed lots to the east served by the roads. At the west edge of the property, a 15-foot wide pedestrian easement provides a connection for residents who walk the loop road, as does another 50-foot wide surface water flowage and pedestrian easement in the center of the platted area.

The property within the plat is 19.2 acres in size. The four residential lots are 1.16 to 1.32 acres in size and each is surrounded by an outlot that is proposed to be private open space. (See Attachment "B" Preliminary Plat) The two remaining outlots at the east end of the plat form a conservation area, adjacent to another conservation area outside the platted area. The conservation area, open space, and road right-of-way account for 15.17 acres. With four residential lots on the remaining four acres, the net density is one unit per acre.

In its review of a preliminary plat, Section 23.302 states that the Council shall determine:

- Whether the Preliminary Plat conforms to relevant and applicable design and improvement standards in the City's subdivision regulations, the Land Use Policy Plan (LUPP) and to other duly adopted plans.
- Whether the subdivision conforms to minimum levels of service standards set forth in the LUPP for public infrastructure, and shall give due consideration to the possible burden of the proposed subdivision on public improvements in determining whether to require the installation of additional public improvements as a condition for approval.

Required infrastructure improvements for subdivisions are contained in Division IV of the subdivision code, and include requirements for streets (including curbs and gutters), sidewalks and walkways, bike paths, street lights, and street trees). They also include requirements for water, sanitary sewer, and stormwater control. The *Code of Iowa* allows the City to apply these standards within the Ames Urban Fringe.

Waiver of Subdivision Improvements Requirements. No subdivision improvements are proposed for this subdivision. The applicant has requested that the City Council waive the City's subdivision requirements regarding infrastructure, street trees, and street lighting. (See Attachment "C" letter dated March 12, 2009) Ames *Municipal Code* Section 23.103 provides for such a waiver and includes the following criteria that must be met to grant the waivers, and which allow the City Council to require conditions when granting such waivers.

- Strict compliance would result in extraordinary hardship to the Applicant.
- *Strict compliance would prove inconsistent with the purpose of the Regulations*
- Modifying or granting the waiver of the requirement will ensure that substantial justice may be done and the public interest secured.
- The modification or granting of the regulation shall not have the effect of nullifying the intent and purpose of the regulation.
- The granting of a modification or waiver shall be no more than necessary to eliminate the hardship or conform to the purpose of the Regulations.

The Ames Urban Fringe Plan also anticipates such a waiver for some cases in the Rural Transitional Residential land use areas and provides additional criteria. This report contains proposed findings related to all of these policies and criteria.

Existing Plat Restriction. The subject property consists of two lots created by the Northwood Heights 3rd Addition Final Plat. A note on this plat prohibits the owners of these two lots from any further subdivision of the lots. (See Attachment "G," Northwood Heights 3rd Addition Final Plat) On October 11, 2005, the City Council waived the City's subdivision requirements for public improvements to Northwood Heights 3rd Addition by Resolution No. 05-437, which referred to this restriction. The City Attorney has determined that in order to approve a plat that does not comply with the restriction on further division of the subject property, the owners of lots within Northwood Heights 3rd Addition must consent in writing to lifting the restriction. This Addition consists of two lots owned by the applicant and an Outlot owned by the Northwood Heights II Homeowners Association. A letter has been submitted from the Northwood Heights II Homeowners Association agreeing to the proposed division into four developable lots. (See Attachment "F")

Utilities. The subject property is within the service area of Xenia Rural Water Association. The Ames City Council approved Xenia's service to this area in 1996. City utility systems extend to the city limits, which is two miles south of the subject property and three-quarters of a mile east across the Squaw Creek valley. Under current codes, policies, and standards, the City does not extend city utility systems beyond the city limits, except to interconnect with other public utility providers. Limited exceptions relate to cases where the City's electric service territory extends outside the city limits, and cases where a rural water utility's request to provide service within the City's two-mile fringe has been denied.

Subdivisions are to be served by urban sanitary sewer and water systems at the developer's expense. However, current City policy does not accommodate extending the City's utilities beyond the city limits without annexation. The timing of annexation is at the City's discretion based upon its ability to service the area.

With the building sites widely separated by the private open space, the subdivision would be very inefficient to serve with City utilities. A likely location for any city sewer trunk line serving this area is the Squaw Creek valley to the east. The rural residential area to the east separates this site from that valley. Making the sanitary sewer connection through this developed, residential area would be a further challenge to serving the subject property by City utilities. **These utility issues make it unlikely that the City would approve annexation in the foreseeable future. If it is impossible to meet the City's standards for utilities now and until after 2030, there may be an extraordinary hardship to the applicant.**

Future Assessment and Rural Water Buyout. The land use policies for the subject area and the Rural Transitional Residential land use areas are intended to keep open the option for future annexation of these areas in the long-term future. Although annexation appears unlikely now, if it did occur, the City would need to connect the project to the City's sanitary sewer and water systems, which can be very costly. State law requires the buy-out of rural water systems including lost revenues, a very difficult cost to determine in advance. Additionally, in the future, the City may seek to assess the area residents for the costs of future street and utility system improvements. **To facilitate any future annexation, the City land use policy requires the current property owners to agree to future assessment and to buy out the rural systems. (See RTR Policies 4 and 5 in Attachment "E")**

Zoning and Land Use. The following table describes the Story County zoning surrounding the subject property.

Area	Zoning Designation	Current Land Use
North	R-1 Residential (Story County)	Residences
South	A-1 Agricultural (Story County)	Wildlife habitat, residences
East	R-1 Residential (Story County)	Residences
West	A-1 Agricultural (Story County)	Row crop

The Ames Urban Fringe Plan designates the subject property and the properties surrounding it on the north, east, and south as Rural Transitional Residential (RTR), a land use designation within the Rural/Urban Transition Areas. The land across the road to the west is designated Agricultural and Farm Service, land use designation within the Rural Service and Agricultural Conservation Areas. (See also Attachment "D" Land Use Map) One-eighth of a mile south is land designated as Urban Residential, where Ames will annex. In this area, a minimum density of 3.75 units per acre is required.

The Rural Transitional Residential land use designates single-family residential land use. It is intended to be rural in character as it develops, but may be within an urban setting at some time in the future. It therefore imposes a density range between one and 3.75 units per acre. This is intended to establish an orderly transition between the urban areas to the south, and the rural areas to the north. **The residential land use proposed is consistent with the City's land use policies if the density standards are met.**

Net Density. Required density in the location of the proposed subdivision is between one and 3.75 units per acres. The proposed 4-lot subdivision would achieve a gross density of only 0.26 units per acre. However, the code allows density requirements to be calculated as net density and allows open space to be netted out of the calculation. The applicant proposes six separate outlots designated as open space in order to meet the density target.

Four of the outlots would be associated with and independently owned by each of the four developable lot owners (proposed Outlots A, B, C & D). Note 8 on the Preliminary Plat states "Open space easements on Outlots A - D will be granted to the Northwood Heights II Homeowners Association for the use of all residents." The remaining two outlots would be owned by the Northwood Heights II Homeowner's Association (proposed Outlots E & F). The stated reason for dividing the open space into individually owned outlots is that the Association neither wants to own or be responsible to maintain more than two of the smaller outlots as open space. **The proposal therefore puts four of the outlots into individual ownerships, and requires each owner to be responsible for the maintenance of their own outlot.**

What is being proposed in this subdivision is a novel approach to meeting density requirements. Typically private open space is owned in common by all owners of a development, and maintained by the association. For example, The Reserve, Bloomington Heights, Northridge Heights, and Ringgenberg Park all have private open space excluded from a net density calculation, but in all of these cases, the open space is owned in common by lot owners, and easements or agreements specify the use (conservation, habitat and/or stormwater treatment) and maintenance of the private open space.

Although the proposed approach to open space is unusual, it could nonetheless serve to achieve density standards if the outlots meet the City's definition of open space. *Municipal Code Section 29.201(129)* defines open space as "useable open space designed and intended for the use of all residents of a residential development, including space dedicated to the public." Under this definition, the space must, (a) serve a useful purpose, (b) be designed for the use of all residents of the development, and (c), be accessible to all residents of the development. It could be argued that independently owned outlots with no common design and no common access for all residents would not meet this definition. In fact, from the public's perspective, each combined developable lot and outlot could appear to be one large private lot – i.e., the outlot could appear to be the resident's private backyard – especially if the outlots were separated from each other by fences, and/or if each outlot were put to a different use (e.g., one for a horse pasture, one for a corn field, one planted in lawn, and one left unmaintained).

With open space easements granting right of use of Outlots A - D to all Northwood Heights II residents, the outlots may initially be considered private open space, thereby bringing the plat into compliance with the density requirements. However, to overcome the above practical deficiencies, staff suggested to the applicant that an open space easement be imposed on the plat encompassing each of the outlots. The easement would grant access rights to all owners within the Northwood Heights development and describes how the Outlots A through F would be developed and maintained consistent the definition of open space, including but not limited to:

- a. allowing use of the Outlots as open space by all residents of Northwood Heights Subdivision 2nd, 3rd and 4th Additions
- b. prohibiting construction and other types of development in a manner that would restrict use of these properties by all residents of Northwood Heights Subdivision 2nd, 3rd and 4th Additions
- c. prohibiting construction or development that would physically divide these Outlots into separate open space areas (e.g. fences) or to appear or function only as private extensions of Lots 1 through 4
- d. defining responsibilities for improvement and maintenance costs
- e. defining maintenance activities required
- f. defining responsibility for maintenance activities required
- g. describing other provisions necessary for Outlots to function as Open Space as defined by Ames Municipal Code Section 29.201

Community Growth. The Ames Land Use Policy Plan, along with the Ames Urban Fringe Plan, set policies for community growth. The current Land Use Map, adopted by City Council on April 22, 2008, establishes expansion areas to the northwest and southwest. A study completed in 2006, established that when these areas are annexed and developed, the community could have housing for a population of 63,500, when existing subdivisions at that time were combined with both expansion areas. This meets the LUPP goal to provide for a population of 60,000 to 62,000 by the year 2030. To preserve the City's options for future growth beyond 2030, the Land Use Map establishes Priority Transitional Residential land use areas. These areas, all north of Ames, could accommodate an additional population of 5,350, according to a 2008 study. Compared with areas served by Ames infrastructure, the already developed areas along Squaw Creek have larger lot sizes and lower gross density, making it unlikely that the City will annex these developed areas. **Because the proposed Northwood Heights 4th Addition is located within an existing rural residential area, and outside the southwest and northwest expansion areas, and outside a Priority Transitional Residential area, it is not likely to affect community growth in a manner inconsistent with City policies and plans.**

Agreement for Future Annexation. Without the consent of land owners, under state law, annexation of the subject property and surroundings would require involuntary annexation or an 80/20 voluntary annexation. Both of these annexation methods are more difficult and the outcome less certain than a completely voluntary annexation. **To further reduce potential impediments to longer term growth by voluntary annexation, the Ames Urban Fringe Plan provides for agreements which bind current and future land owners to voluntary annexation should the City request it. (See RTR Policy 7 in Attachment "E")**

Environmental Resources. The goals and objectives of the LUPP include protecting environmental resources, particularly water resources and natural areas. The proposed Northwood Heights 4th Addition is not located within a designated Watershed Protection Area. It is outside the area that drains into the back-up water supply at Ada Hayden Heritage Park. It is not adjacent to any designated Natural Area. Although the AUF does designate a Natural Area in the Squaw Creek valley to the east, it is separated from the subject site by existing residences and a conservation area planted with native grasses and forbs. The proposed development places four homes on 19 acres, each surrounded by land that will remain largely undeveloped. **The proposed plat is not likely to impact the water resources or other environmental assets of the City.**

A concern has been raised about the possibility of increased stormwater runoff from the property if developed as proposed and its impact on the property to the south, particularly a pond. This is the natural flow of surface water in the area. Topography shows that the area from area North Dakota Avenue flows east to Squaw Creek. The subject property is currently in an agricultural field which is calculated to have a higher runoff factor than residential lawns. **Applying these factors indicates that water runoff should be reduced should the area be developed.**

Traffic and Transportation. No direct access to the lots within the plat will be allowed from North Dakota, which is a County road. Access to each lot is by existing paved roads 16 feet wide. No new streets are proposed. Staff has reviewed the roadway and found it to be in very good condition. There are no potholes present and preventive maintenance activities (crack sealing) have been performed fairly recently. The ditch sections along the pavement length are very shallow; therefore, they are not a safety concern for a car that does leave the roadway. There are numerous trees adjacent to the roadway, but a minimal amount of them are within the clear zone.

The *Code of Iowa*, *Ames Municipal Code*, and City policies require consideration of the impact of development on the transportation infrastructure of the City and allow the City to assign costs to mitigate such impact when development occurs. The rule of thumb for transportation impact is that there is an increase of 150 units before a formal analysis is needed. Therefore, the four units proposed as part of Northwood Heights 4th Addition would be insignificant in a traffic impact study that compares the proposed development to the regional growth over the next 25 years. If a traffic impact study were to be done, the results of the study would be highly questionable as it relates to the accuracy of the conclusions. **It is concluded that the proposed plat is not likely to impact the traffic or transportation infrastructure of the City.**

Sufficient right-of-way is provided for an urban street cross section. The street right-of-way is identified on the proposed plan as "public." However, Story County will not accept ownership of or maintain the new streets. Therefore, there is no public entity to accept ownership and maintenance of the streets. **Streets would not meet urban street standards, although sufficient right-of-way is provided for future expansion and dedication to a local jurisdiction.**

Sidewalks and Street Trees. The existing streets have a rural cross section with shoulders and drainage ditches. There is not enough room on the existing shoulder to safely accommodate a sidewalk, so any sidewalks would have to be on the side of the ditch opposite the street. **Street trees and sidewalks meeting City standards may require grading of the drainage ditches and the trees to be planted outside the right-of-way, but may not be consistent with the rural character called for by the Rural Transitional Residential Areas policies.**

Ames Urban Fringe Plan. The Ames Urban Fringe Plan designates this and other areas for Rural Transitional Residential land use, rather than Priority Transitional Residential land use, because of the many difficulties that the area presents for future urban expansion by annexation. **Based on current conditions and policy, this land and surrounding areas are not needed to accommodate future population growth within Ames.**

Subdivision Approval Authority. The boundary of the proposed project is within the Ames Urban Fringe Plan. According to *Code of Iowa* Chapter 354 and Ames *Municipal Code* Section 23.102(2)(b), **the City of Ames has authority to review and either approve or deny the proposed Preliminary Plat based on the possible burden on public improvements, on its subdivision regulations, on the Ames Land Use Policy Plan, and on all other City plans, regulations or ordinances.** Story County will also review and take action on the Preliminary Plat.

Conclusions. Based upon the above analysis, findings and conclusions, the staff further concludes that

- Application of infrastructure standards would result in extraordinary hardship to the Applicant – The hardship in this case is the impossibility of meeting the City’s standards not only at the current time, but beyond 2030, since no utility connections or annexation will be available.
- Application of infrastructure standards would prove inconsistent with the purpose of the Regulations – The purpose of the subdivision regulations is to encourage orderly development and provide for the regulation and control of the extension or urban areas consistent with the land use policies of the City. Those policies are based on the very low likelihood that future expansion to this area will occur.
- Substantial justice will be done in the granting of the requested waivers – Not granting the waiver would deny residential use of this land, when City policies designate it for that use and allow the waiver.
- The public interest can be secured without nullifying the intent and purpose of the Regulations by imposing conditions on the waiver – Conditions are addressed below.
- The location and characteristics of the proposed development are not critical to accommodating the future growth of the community and are not expected to impact the public improvements or environmental resources of Ames.
- The Plat is consistent with Ames Land Use Policy Plan and other City plans, **provided that the proposed open space is designed and maintained in such a manner that facilitates its use as open space to all owners within the plat and therefore justifies its removal from the density calculation.**

- The Ames Urban Fringe Plan designates this and other areas for Rural Transitional Residential land use, rather than Priority Transitional Residential land use, because of the many difficulties that the area presents for future urban expansion by annexation. Based on current conditions and policy, this land and surrounding areas are not needed to accommodate future population growth within Ames.

Public Input. Letters have been received from five people opposing the proposed waiver and Preliminary Plat (attached). Their comments can be summarized as follows:

- Traffic of all kinds, motor vehicles, bicycles, joggers, pedestrians and a few horses, has increased on North Dakota over the past years. This traffic and the lack of road shoulders present a serious safety hazard to the public, which will increase if the subdivision is approved.
- The two streets serving Northwood Heights (199th and 200th) are too narrow for vehicles to pass each other without one pulling off to a very narrow shoulder, even worse when a school bus or large vehicles are involved. The radius of the loop on the east end is very short, making it difficult to make turns, even for one car. When it was paved in 1999, the road did not meet county or city standards for width or pavement thickness, which the Homeowners Association, City of Ames and Story County knew at that time. The Municipal Engineer at the time stated that if the subject property was further divided, the road would be required to be improved to meet the standards. This condition continues and is a public safety issue, to be made worse if more lots are created and developed. Severe injury or death will result eventually.
- 200th Street is also substandard in that it is not contained within the right-of-way, particularly on the south side near Lots 17 and 18 of Northwood Heights II.
- The roads are not lighted, increasing the safety hazard at night.
- The narrow road width can also make it difficult for emergency response vehicles to reach sites along these roads. This has hampered response to several recent fires, which threatened more severe property damage than would have been the case if fire access had been adequate. More catastrophic damage could happen from the next fire.
- North Dakota, 199th and 200th Streets should be improved before additional development is approved.
- Contaminated ground water and surface runoff already cause environmental deterioration of properties to the south and southeast, as well as to a pond in this area. Children play in and around this pond, and increased pollution from more development will be a health hazard.
- The city's subdivision regulations are established to protect the health and safety of the present and future residents and therefore should not be waived when the result is that known safety, environmental and health hazards will continue. This is contrary to the Ames *Municipal Code* criterion that a waiver of the subdivision regulations not be contrary to the purpose of the regulations.
- Considering that the Ames Urban Fringe Plan designates land south of this proposed development as Urban Residential, the platting of more lots on the subject property now will lead more quickly to further division of the property into more than four lots and eventual annexation into the City of Ames.
- Current residents south of Northwood Heights value the rural environment and the

- ability to have horses, which more development will threaten.
- Restrictive covenants require these lots to be two acres or larger.

Recommendation of the Planning & Zoning Commission. At its meeting of May 6, 2009, the Planning and Zoning Commission reviewed the proposal, with discussion concerning the plat restriction on further lot splits, and on the likely maintenance of the private open space and who would be responsible for it. The Commission unanimously recommended approval of the Preliminary Plat for Northwood Heights Subdivision, 4th Addition with the following conditions to be met prior to Final Plat approval by the City Council:

- A. An agreement shall be provided whereby the property owner waives his or her right to protest a future annexation.
- B. An agreement shall be provided for any future assessment for the costs of City subdivision improvements should they be required in the future.
- C. An agreement shall be provided whereby the landowner shall be responsible for the full cost of abandoning any rural water and sewer systems and connecting to urban infrastructure.
- D. An easement document shall be provided establishing rights and responsibilities for Outlots A through F, including but not limited to:
 - i. allowing use of the Outlots as open space by all residents of Northwood Heights Subdivision 2nd, 3rd and 4th Additions
 - ii. prohibiting construction and other types of development in a manner that would restrict use of these properties by all residents of Northwood Heights Subdivision 2nd, 3rd and 4th Additions
 - iii. prohibiting construction or development that would physically divide these Outlots into separate open space areas (e.g. fences) or to appear or function only as portions of Lots 1 through 4
 - iv. defining responsibilities for improvement and maintenance costs
 - v. defining maintenance activities required
 - vi. defining responsibility for maintenance activities required
 - vii. describing other provisions necessary for Outlots to function as Open Space as defined by *Ames Municipal Code* Section 29.201
- E. These agreements shall bind all future owners of all of the property being platted.
- F. That a clear resolution regarding the plat restriction of Northwood Heights, 3rd Addition on further division of the two lots that comprise the subject property be determined by the City Attorney prior to the Preliminary Plat for Northwood Heights, 4th Addition moving forward to City Council.

(Note that Attachment "F" satisfies the Planning and Zoning Commission condition F.) The Commission also agreed that it should bring back to a future meeting the minimum density and open space issues.

ALTERNATIVES:

1. The City Council can
 - a. approve the waiver of all of the standards of Chapter 23 Division IV of the Ames *Municipal Code* and also approve the Preliminary Plat for Northwood Heights 4th Addition, based upon the above findings and conclusions, with the following conditions to be met prior to Final Plat approval by the City Council:
 - i. An agreement shall be provided whereby the property owner waives his or her right to protest a future annexation.
 - ii. An agreement shall be provided for any future assessment for the costs of City subdivision improvements should they be required in the future.
 - iii. An agreement shall be provided whereby the landowner shall be responsible for the full cost of abandoning any rural water and sewer systems and connecting to urban infrastructure.
 - iv. These agreements shall bind all future owners of all property being platted.

and
 - b. direct staff and the Planning and Zoning Commission to consider amendments to the definitions of open space used for determining compliance with the city's minimum density policies.
2. The City Council can approve the waiver of all of the standards of Chapter 23 Division IV of the Ames *Municipal Code* and also approve the Preliminary Plat for Northwood Heights 4th Addition, based upon the above findings and conclusions, with the following conditions to be met prior to Final Plat approval by the City Council:
 - A. An agreement shall be provided whereby the property owner waives his or her right to protest a future annexation.
 - B. An agreement shall be provided for any future assessment for the costs of City subdivision improvements should they be required in the future.
 - C. An agreement shall be provided whereby the landowner shall be responsible for the full cost of abandoning any rural water and sewer systems and connecting to urban infrastructure.
 - D. An easement document shall be provided establishing rights and responsibilities for Outlots A through F, including but not limited to:
 - i. allowing use of the Outlots as open space by all residents of Northwood Heights Subdivision 2nd, 3rd and 4th Additions
 - ii. prohibiting construction and other types of development in a manner that would restrict use of these properties by all residents of Northwood Heights Subdivision 2nd, 3rd and 4th Additions
 - iii. prohibiting construction or development that would physically divide these Outlots into separate open space areas (e.g. fences) or to appear or function only as private extensions of Lots 1 through 4
 - iv. defining responsibilities for improvement and maintenance costs
 - v. defining maintenance activities required
 - vi. defining responsibility for maintenance activities required
 - vii. describing other provisions necessary for Outlots to function as Open Space as defined by Ames *Municipal Code* Section 29.201
 - E. These agreements shall bind all future owners of all of the property being platted.

3. The City Council can deny the waiver of all of the standards of Chapter 23 Division IV of the Ames *Municipal Code*, and also deny the Preliminary Plat for Northwood Heights 4th Addition, if it finds that impacts of the proposed development cannot be mitigated and the development is not consistent with all applicable laws and policies. The City Council should develop findings of fact and conclusions that support a decision of denial.
4. The City Council can deny the waiver of all of the standards of Chapter 23 Division IV of the Ames *Municipal Code*, and also deny the Preliminary Plat for Northwood Heights 4th Addition, if the Council does not agree to lifting the Northwood Heights 3rd Addition Final Plat restriction on the further division of the proposed plat area.

CITY MANAGER'S RECOMMENDED ACTION:

The proposed development creates four lots and private open space without any public improvements planned. The policies of the Ames Urban Fringe Plan require case-by-case decisions about waiving urban infrastructure for this land use designation. Although some neighbors have raised concerns about the safety of the existing roads that serve the proposed plat and the about stormwater runoff, city and state codes require that the impacts of the proposed subdivision be the basis for the decision. The proposed subdivision would create two new developable lots, which will not have a significant impact on these conditions. Neighbors have also stated that restrictive covenants require these lots to be at least two acres; such covenants are private agreements and not within the City's jurisdiction.

Regarding the open space issue, staff's suggested language for an easement was intended to overcome the practical deficiencies presented by the way the open space is being defined. Subsequent to the Planning and Zoning Commission review, however, the applicant has expressed concern over the easement conditions, because they have never been imposed before and because this small property is not in the city. The burden of this proposal on the City and its infrastructure is one of the primary standards for review of the plat. Because of the location of the project there would be minimal, if any, impact on the City from the way this open space might evolve. The bigger impact is the precedent this would place on future development even within the City. However, the solution to that potential burden needn't be placed on the back of this single development.

The above findings, and conclusions, and the criteria of the Ames Urban Fringe Plan support the waiver of all of the standards of Chapter 23 Division IV of the Ames *Municipal Code*. The compliance of the proposed plat with the density policy of the Ames Urban Fringe is based on designation by easement of four, individually owned lots as open space that can be used by Northwood Heights residents. **Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, to approve the waiver of all of the standards of Chapter 23 Division IV of the Ames *Municipal Code* and also approve the Preliminary Plat for Northwood Heights 4th In addition, based upon the above findings and conclusions, with the following conditions to be met prior to Final Plat approval by the City Council:**

- i. An agreement shall be provided whereby the property owner waives his

- or her right to protest a future annexation.
- ii. An agreement shall be provided for any future assessment for the costs of City subdivision improvements should they be required in the future.
 - iii. An agreement shall be provided whereby the landowner shall be responsible for the full cost of abandoning any rural water and sewer systems and connecting to urban infrastructure.
 - iv. These agreements shall bind all future owners of all of the property being platted.

Signed agreements consistent with conditions i through iv have been submitted. Following this City Council action, if Story County approves the Preliminary Plat, the final plat documents will be prepared and submitted to the City Council for final approval of the subdivision.

As stated above, staff is concerned about future impact on the City if this type of individually owned open space is applied to plats within the City in order to conform to density standards. The purpose of deducting open space from the minimum density determination is to protect steep slopes, sensitive natural areas and “green” areas many people value and believe help to make Ames a great place to live. This represents a trade-off: accepting higher on-going cost for infrastructure in exchange for the preservation of green areas.

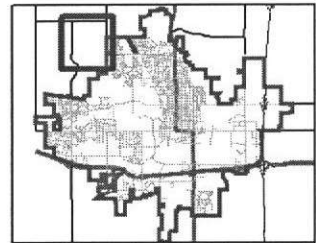
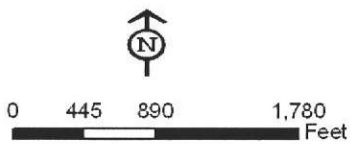
If “open space” is divided into small lots, independently owned by abutting individual residences, and developed and maintained according to individual preferences, does it really function as open space, or meet the definitional requirement that the open space be designed for and used by all residents within the development – even if an easement grants access rights to neighbors? Will such open space look any more inviting to neighbors than the private back yards of developments with all larger lots? Is this an acceptable trade-off?

In order to consider these issues, It is also the recommendation the City Manager that the City Council direct staff and the Planning and Zoning Commission to consider amendments to the definitions of open space used for determining compliance with the city’s minimum density policies.

ATTACHMENT A



**Location Map
Northwoods Heights 4th Addition**



ATTACHMENT C

Date: March 12, 2009

To: City of Ames

From: Chuck Winkleblack
Hunziker Land Development


RE: Northwood Heights 4th addition

Hunziker Land Development is requesting a waiver of the subdivision requirements regarding infrastructure, street trees and street lighting for the proposed subdivision at Northwood Heights. This proposed subdivision is a re-platting of two existing lots into four proposed lots and some additional land to be deeded to the home owners association.

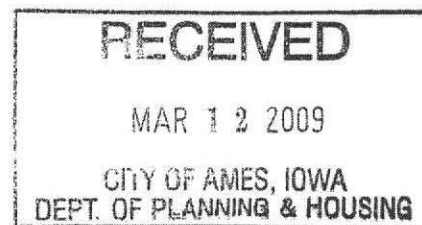
I have met with the Home owners association and residents of the subdivision and believe that the plat that I am submitting meets the needs and desires of the Developer and the existing residents.

The Developer agrees to waive the right to protest any future assessments by the City of Ames should the ground become part of the corporate limits of Ames.

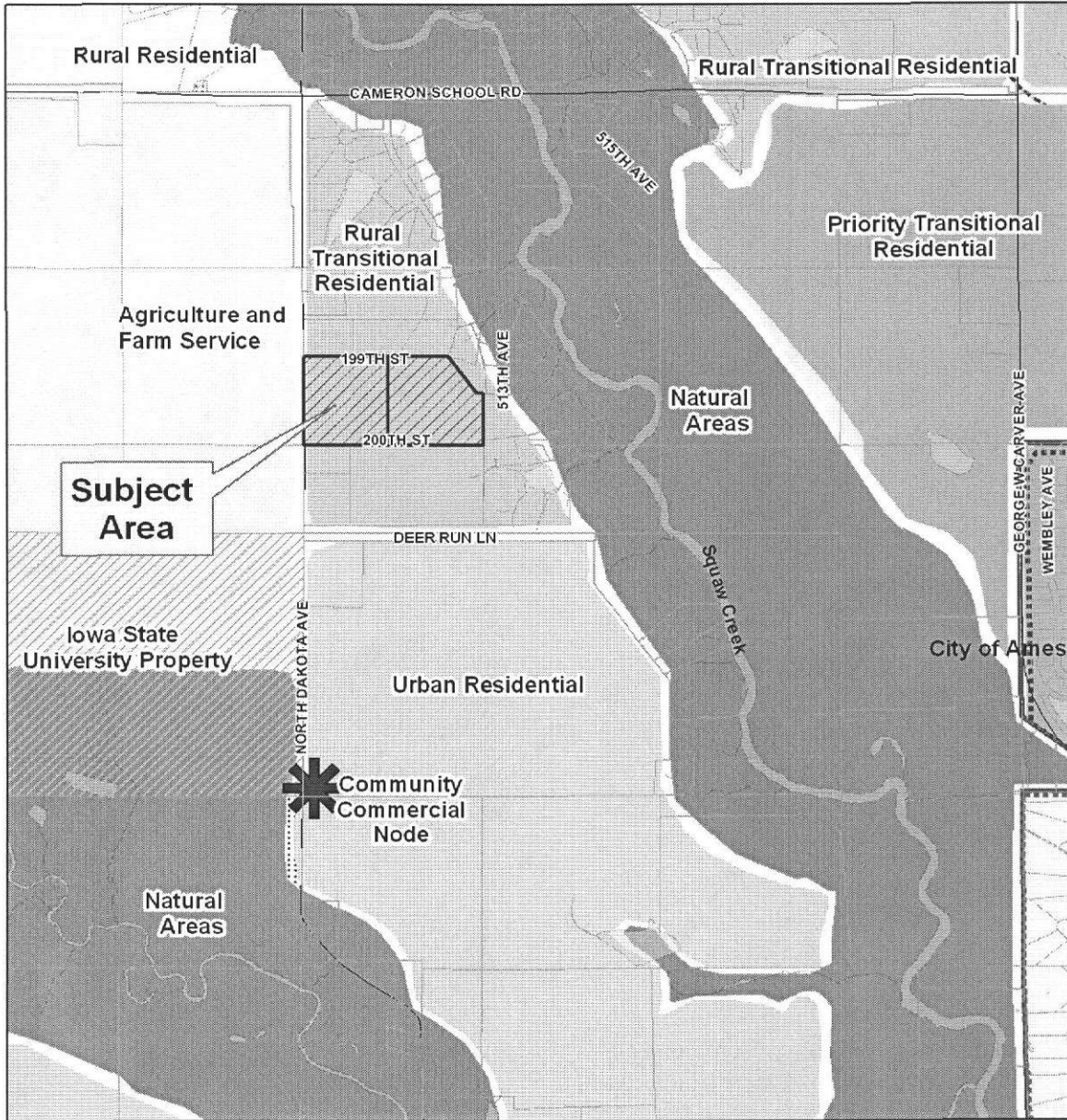
Respectfully submitted,



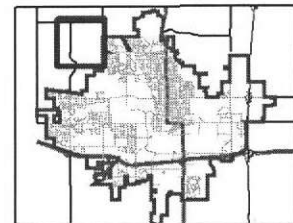
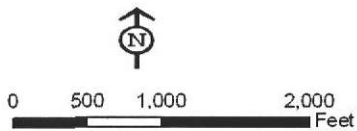
Chuck Winkleblack, Manager
Hunziker Land Development



ATTACHMENT D



**Land Use Map
Northwoods Heights 4th Addition**



ATTACHMENT E

From Ames Urban Fringe Plan Adopted July 17, 2006

Land Use Designations and Policies for Rural/Urban Transition Area

This area is intended to be rural in character as it develops, but within an urban setting at some time in the future, beyond the time horizon of the Ames Urban Fringe Plan. Urban services and development standards are required for non-agricultural development in certain critical locations within this area. Annexation agreements and/or other tools also may be utilized to ensure that the future transition into the City of Ames or City of Gilbert is a smooth one.

The following policies apply to the entire Rural/Urban Transition Area (RUTA)

RUTA Policy 1: Rural-type services and development standards are often acceptable in the Rural/Urban Transition Area, but urban services and standards may be required in certain critical locations or in response to certain intensities of development. (Relates to RUTA Goal 3.1, 3.3)

RUTA Policy 2: At the discretion of the cities, annexation agreements and other tools may be utilized to ensure that new development is prepared for potential annexation in the future. (Relates to RUTA Goal 3.2)

RUTA Policy 3: Ames, Gilbert, Story County and Boone County seek to accommodate public preferences by permitting an expanded range of rural development options that allow orderly and efficient future transition between urban and rural land uses. (Relates to RUTA Goal 3.1, 3.4)

RUTA Policy 4: Permit interim development to occur in a manner that will support long-term urbanization of the Ames Urban Fringe. (Relates to RUTA Goal 3.2)

RUTA Policy 5: Limit development in areas that would create a need for the upgrade of roads before they are scheduled in the appropriate jurisdiction's capital improvements program. Where proposed development will potentially increase the traffic volumes in excess of the current road capacity, provide for the cost of road improvements at the time of development. (Relates to RUTA Goal 3.5)

The following land use designations are planned in the Rural/Urban Transition Area:

Rural Transitional Residential (RTR)

Areas designated Rural Transitional Residential are located in areas where urban infrastructure may not be in place for a time period beyond the Ames Urban Fringe Plan planning horizon. Rural Transitional Residential development is designed to transition seamlessly into adjacent rural residential and agricultural land use, providing buffers where necessary to separate residences from particularly intense or noxious agricultural activities. Residential densities with this designation are between rural densities and urban densities.

RTR Policy 1: This land use designation includes all single-family and two-family residential land uses/developments that involve average net densities between one unit per acre and 3.75 units per acre. (Relates to RUTA Goal 3.2)

RTR Policy 2: Strategically locate Rural Transitional Residential land uses in areas where they can provide for an orderly and efficient future transition between land uses within the likely future extent of municipal limits and the unincorporated area. (Relates to RUTA Goal 3.2)

RTR Policy 3: Encourage clustering of residential sites within these land areas to limit the short-term and long-term costs associated with infrastructure improvements and the distribution of public services. (Relates to RUTA Goal 3.2, 3.4)

RTR Policy 4: Depending on location, density of units, size of lots, timing of development, development design, clustering of proposed sites, or other considerations, require full urban infrastructure standards. If the City does not require these improvements to be installed at the time of subdivision, require infrastructure assessment agreements.
(Relates to RUTA Goal 3.2, 3.3, 3.5)

RTR Policy 5: Any decentralized wastewater treatment facilities, wells and supporting infrastructure shall meet IDNR, county, and city standards. Other rural development standards may be acceptable on a case-by-case basis. Require agreements that if and when the property is annexed to a city, the land developer and/or landowner shall be responsible for the full cost of abandoning the rural systems and connecting to urban infrastructure. (Relates to RUTA Goal 3.2, 3.3)

RTR Policy 6: Make provisions to protect environmental resources, environmentally sensitive areas and adjacent Natural Areas. (Relates to RUTA Goal 3.4)

RTR Policy 8: Mitigate and manage stormwater run-off, soil erosion, and wastewater discharge according to IDNR and city standards. (Relates to RUTA Goal 3.4)

RTR Policy 7: Require annexation agreements and developer agreements in instances of new development that is particularly intense, or that occurs in certain critical locations. (Relates to RUTA Goal 3.2) . . .

(continues with other land use designations unrelated to this case)

ATTACHMENT F

Date: September 15, 2009

To: City of Ames
515 Clark Ave
Ames, IA 50010

From: Northwood Heights Neighborhood Association
Tom Davenport, President

RE: Northwood Heights 4th addition

To Whom It May Concern:

The board of the Northwood Heights Neighborhood Association has been made aware of the owners/developers intention to subdivide lots 1 and 2 of Northwood Heights 3rd addition. At the association meeting held on June 17th of this year a quorum of the membership made the following motion:

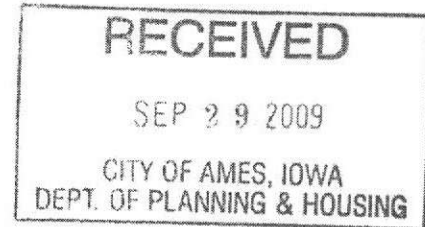
Drue Sanders made the following motion: Northwood Heights II is not opposed to dividing the center lots into 4 lots, subject to the Association being able to review the final documentation. Linda Borst seconded the motion. The motion was approved, with one abstention.

Please contact me if you have any additional questions

Sincerely,



Tom Davenport, President
Northwood Heights Neighborhood Association



ATTACHMENT F

Judy K Parks/COA 10/07/2009 04:37 PM	To	Jeff D Benson/COA@COA
	cc	
	bcc	
	Subject	Re: need written record on decision Northwood Heights plat restriction

Thank you for forwarding to me the letter from the Northwood Heights HOA concerning their action regarding the plat restriction noted on the plat of Northwood Heights 3rd Addition.

You had requested an written opinion indicating whether that restriction imposes an impediment to approval of the proposed 4th Addition, and if so, what is needed to change that restriction to resolve it so that the matter can proceed forward for City Council consideration. You had also asked if what has been furnished is sufficient documentation.

By way of background, when Northwood Heights 3rd Addition was platted, three parcels were involved, Lots 1, 2, and Outlot A. The properties included in that plat were owned by two owners. The Northwood Heights Homeowners Association owned Outlot A and still does. The other two lots, Lots 1 and 2, were then and are still owned by Hunziker Land Development. At the time the 3rd Addition was platted, all parties to that plat agreed to inclusion of a plat restriction, noted on the face of the plat that specifically restricted the owners of Lots 1 and 2 from any further subdivisions of their lots.

Northwood's 4th Addition is now proposed, which is a subdivision that would, if approved, further divide Lots 1 and 2. Since this would be in apperent contradiction to the limitation agreed to and placed on the 3rd addition plat, it was my determination that the City should not recommend approval of the 4th Addition unless and until there was evidence that the restriction had been changed in a way which would allow the subdivision. I advised that the City needed documentation from the landowners who agreed to place the restriction there in the first place that they now have agreed to change it. The two landowners who agreed to place the restriction on the plat of the 3rd Addition were Hunziker Land Development and the Northwood Heights Homeowners Association. Hunziker Land has implicitly agreed to have the restriction changed, as it is made application expressly seeking the further division of Lots 1 and 2. The City has recently been provided with a letter from the owner of the other lot, the HOA, as owner of Outlot A, which documents that the governing body of the Homeowners Association has met and approved the division of Lots 1 and 2 as shown on the proposed plat of Northwoods 4th Addition. The Board took this action subject only to being able to review the final documentation.

Based on what has been provided, it is my opinion that the City has documentation that establishes consent of the landowners has been given to change the restriction which was placed on the 3rd Addition plat. This resolves the issue of the plat restriction so that this matter can move forward in the process toward consideration by the City Council.

Judy Parks, Asst City Attorney

ATTACHMENT G

NORTHWOOD HEIGHTS SUBDIVISION

THIRD ADDITION AN OFFICIAL REPLAT

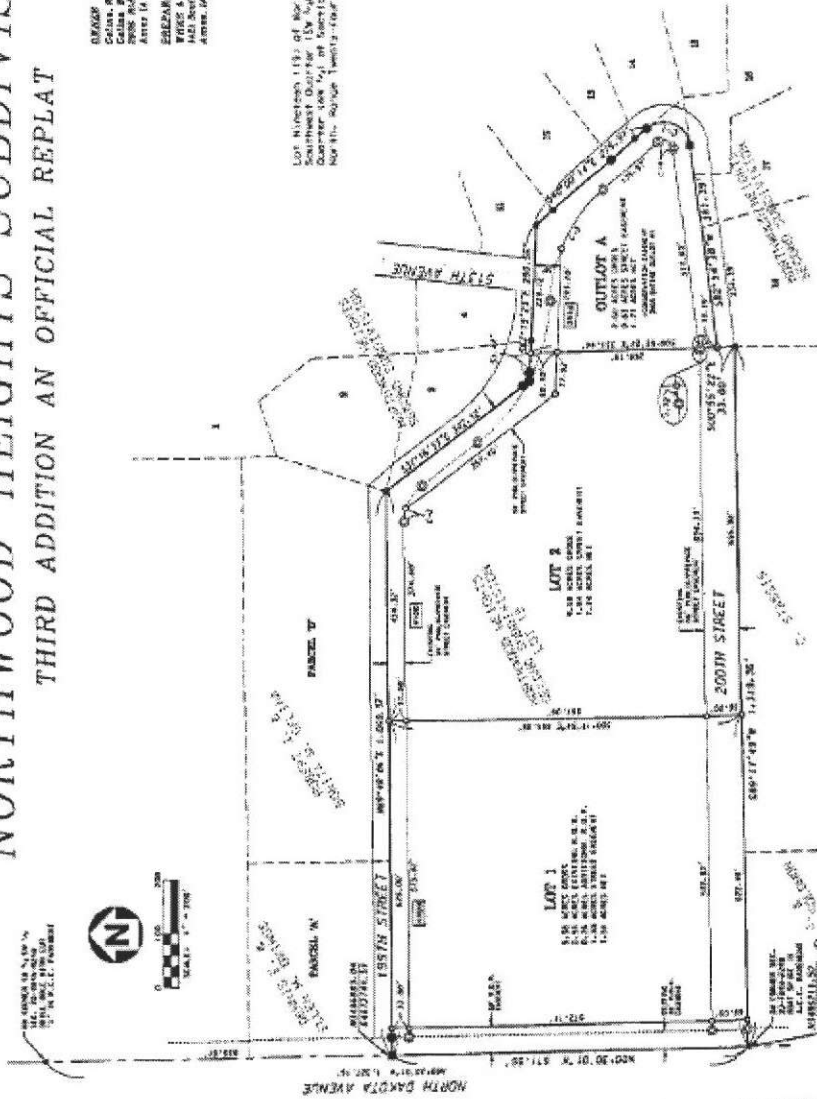
OWNER
 W & W Development Co.
 100 E. Main Street
 Ames, IA 50010

PREPARED BY
 WHKS & Co.
 141 State Street
 Ames, IA 50010

REVISIONS
 1. 10/20/06
 2. 10/20/06
 3. 10/20/06
 4. 10/20/06
 5. 10/20/06
 6. 10/20/06
 7. 10/20/06
 8. 10/20/06
 9. 10/20/06
 10. 10/20/06
 11. 10/20/06

DESCRIPTION
 Lot Northwood Heights Third Subdivision, in the
 Southwest Quarter (SW 1/4) of Section Twenty (20), and the NW 1/4 of
 Quarter one (1) of Section Twenty-two (22), in Township 6 North-Range 18E,
 Northwood Heights Fourth-Third Addition, Story County, Iowa.

- NOTES**
1. See Northwood Heights Third Subdivision, in the Southwest Quarter (SW 1/4) of Section Twenty (20), and the NW 1/4 of Quarter one (1) of Section Twenty-two (22), in Township 6 North-Range 18E, Northwood Heights Fourth-Third Addition, Story County, Iowa.
 2. The area of the SW 1/4 of Section 20 is shown in Section 20.
 3. The area of the NW 1/4 of Section 22 is shown in Section 22.
 4. The area of the SW 1/4 of Section 20 and the NW 1/4 of Quarter one (1) of Section Twenty-two (22) is shown in Section 20 and 22.
 5. The area of the SW 1/4 of Section 20 and the NW 1/4 of Quarter one (1) of Section Twenty-two (22) is shown in Section 20 and 22.
 6. The area of the SW 1/4 of Section 20 and the NW 1/4 of Quarter one (1) of Section Twenty-two (22) is shown in Section 20 and 22.
 7. The area of the SW 1/4 of Section 20 and the NW 1/4 of Quarter one (1) of Section Twenty-two (22) is shown in Section 20 and 22.
 8. The area of the SW 1/4 of Section 20 and the NW 1/4 of Quarter one (1) of Section Twenty-two (22) is shown in Section 20 and 22.
 9. The area of the SW 1/4 of Section 20 and the NW 1/4 of Quarter one (1) of Section Twenty-two (22) is shown in Section 20 and 22.
 10. The area of the SW 1/4 of Section 20 and the NW 1/4 of Quarter one (1) of Section Twenty-two (22) is shown in Section 20 and 22.
 11. The area of the SW 1/4 of Section 20 and the NW 1/4 of Quarter one (1) of Section Twenty-two (22) is shown in Section 20 and 22.



SECTION	AREA	PERCENT	ACRES	ADJACENT	OWNER	REMARKS
1	1.00	100.00	22.00	100.00	W & W Development Co.	
2	1.00	100.00	22.00	100.00	W & W Development Co.	
3	1.00	100.00	22.00	100.00	W & W Development Co.	
4	1.00	100.00	22.00	100.00	W & W Development Co.	
5	1.00	100.00	22.00	100.00	W & W Development Co.	
6	1.00	100.00	22.00	100.00	W & W Development Co.	
7	1.00	100.00	22.00	100.00	W & W Development Co.	
8	1.00	100.00	22.00	100.00	W & W Development Co.	
9	1.00	100.00	22.00	100.00	W & W Development Co.	
10	1.00	100.00	22.00	100.00	W & W Development Co.	
11	1.00	100.00	22.00	100.00	W & W Development Co.	

WHKS & Co.
 141 State Street
 Ames, IA 50010
 Phone: 515-663-9997

PREPARED BY: Nicholas R. Korndy, WHKS & Co., 1421 S. Bell, Suite 103, Ames IA 50010 Phone 515-663-9997

11. Owners of Lots 1 and 2 are prohibited from any future subdivisions of the lots.

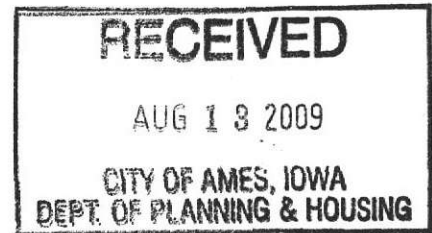
Instrument: 2006-0002125
 Dated: Feb 21, 2006 03:14:16P
 Rec Fee: \$5.00 E-Case Fee: \$1.00
 Adm Fee: \$3.00 Trans Fee: \$1.00
 Non-Standard Page Fee: \$1.00
 Filed for record in Story County Recorder
 Susan L. Yande Kamm, County Recorder

Filed By / Return To
 AFS of Story County
 313 6th St., Ames, IA 50010

C. Stassis
Professor of Physics and Senior Physicist, Ames Laboratory (retired)
3970 North Dakota Avenue
Ames, Iowa 50014

12 August 2009

Jeffrey D. Benson, Planner
City of Ames
Department of Planning and Housing
515 Clark Avenue
Ames, Iowa 50010



Dear Mr. Benson,

I would like to bring to your attention some additional information concerning the proposed Northwood Heights Subdivision, 4th Addition (hereafter referred to as 4th Addition).

(1) On July 9, 2009, Mr. Janssen conducted a new survey of the road and the boundary separating my property from the proposed 4th Addition and the Northwood Heights 2nd Subdivision (hereafter referred to as the Association). The results were in agreement with those obtained by Mr. Janssen in 2005 and those of other surveyors in 1994 and 1968. I list below some of the results, which further illustrate the well-documented fact that this road is a serious safety hazard to the residents and the public.

The road is only 16 feet wide (paved with 3 ½-inch thick asphalt), although the minimum City of Ames and Story County requirements are 26 feet wide (6-inch thick asphalt) and 22 feet wide (6-inch thick asphalt), respectively. Even in its straight stretches this road is very dangerous for two-way traffic, especially at night, since there are no lights to illuminate it. Furthermore, the road is traced so improperly that it is not totally contained within the right-of-way and in some places it encroaches onto the lots (Attachments 1, 2, 3, 4). In particular, 200th Street shifts considerably to the south and towards Mr. Henson's (lot 17) and my (lot 18) properties. Specifically, at the west end of lot 18 the northern edge of 200th Street is 56 inches from the center line of the right-of-way and at the east end of lot 18 (a distance of 236 feet from the west end) the northern edge of 200th Street is 18 inches from the center line of the right-of-way! As a result of the road's misalignments, the horseshoe bend in the east is an especially hazardous stretch of road at any time and even more so under icy conditions. The fact that this road is totally inadequate for emergency vehicles, such as ambulances and fire trucks, is especially worrisome to some residents and neighbors. In 2005, a fire set by a neighbor (burning garbage under windy conditions) propagated through my property and was stopped at my lawn, thanks to the effort of three fire departments (Gilbert, Story City, and Kelley), otherwise it would have destroyed my home and most probably at least those of Mr. Thielen and Mr. Schwager.

Those in charge of the Association were aware of the above mentioned serious safety concerns before the road was paved and at least as early as 1988 (the year I purchased my property, including lot 18, which automatically made me a member of the Association), since many residents, including myself, brought them to their attention. The above mentioned problems were brought to the attention of those in charge of the Association and the owner of lot 19 (Mr. and Mrs. Gelina) again in 1996 (Attachment 1) and in 1998 (Attachment 2) before this road was paved. In 1999, the Association decided to pave the road with the assurance of Mr. Gelina (owner of lot 19) that if and when he decided to develop this lot the road would be improved to meet the City of Ames and County requirements (Attachment 5) fully cognizant that they were violating the City and County Ordinances, indifferent to the safety of the residents and public, and disregarding the objections of many residents, including myself. After this decision, I decided to withdraw from this Association at any cost and did so the same year (1999 Amendment to the Association's Restrictive Covenants). The same concerns were raised in 2005 by both the County and City of Ames (Attachments 3,4). With all respect, Mr. Benson, I am astonished this Association and the developer have the audacity to request a waiver of the City's infrastructure requirements regarding this road. They again show total disregard for the safety of the residents, neighbors, and the general public.

It is also extremely important to note that the north ditch of 200th Street and the entire outlot A, the main drainage area of lot 19, are shifted considerably to the south and towards Mr. Henson's (lot 17) and my properties. It is, therefore, not surprising that during flooding conditions, typically occurring in the spring, a considerable amount of contaminated groundwater is discharged into our properties and eventually into the pond on my property. This is a serious health hazard, since some of us do work on our properties and use wells for drinking water; it is especially hazardous for children who venture into this pond chasing frogs, fishing, swimming, and even skating in the winter. I do not wish to emphasize the fact that this pond is frequented by deer, ducks, geese, and even great blue herons, since those in charge of this Association and the developer have never been bothered by environmental concerns.

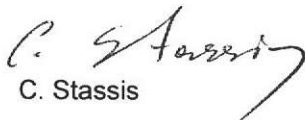
(2) If my information is correct, the Association has amended (or is in the process of doing so) its Restrictive Covenants (in force until 2013) to allow lots of less than two acres in lot 19, which was explicitly prohibited by the Covenants. This raises additional and serious legal issues involving not only the neighbors but also members of this Association, which I am neither qualified nor willing to discuss at this point. It is important, however, to note that from all the members of this Association only one (Mr. Henson, owner of lot 17) is directly affected by the proposed 4th Addition.

(3) I understand from the minutes that none of the neighbors or members of the Association were present at the May 6, 2009 meeting of the Planning and Zoning Commission of the City of Ames. Personally, I did not receive notice of this meeting either from the developer, the Association, or the Planning and Zoning Commission. Although we were given only six working days notice, the June 1, 2009 meeting of the County Planning and Zoning Commission was much better attended. Since the minutes of this meeting are not yet available, I enclose for your information, an official recording of the meeting.

The serious public safety and health concerns raised under (1) were not presented to the Commission in the May 6, 2009 meeting, mainly because of the incomplete and sometimes misleading information provided to the Staff by the applicant. Neither were these issues raised by the Staff in the June 1, 2009 meeting of the County Planning and Zoning Commission. I hope that you will see to it that these matters are discussed by the Council of the City of Ames. In my opinion, even if the developer decides to follow the recorded official plat of the 3rd Addition, the City of Ames should not waive its infrastructure requirements for this road. After all, "the provisions of the City Regulations are the minimum requirements for the promotion of the public safety, health, and general welfare."

I take this opportunity to sincerely thank you and the Mayor of the City of Ames for listening to our concerns regarding this development.

Respectfully yours,


C. Stassis

Cc: Ann Campbell, Mayor, City of Ames

Attachments:

1. January 22, 1996 letter of Mr. Wooldridge, county planner, to Mr. Gelina.
2. December 1998 letter of Mr. Byg, municipal engineer, to Mr. Heddens, secretary of the Association.
3. 2005 Story County Staff Report.
4. August 8, 2005 Proceedings of the Story County Board of Supervisors.
5. Minutes of the April 6, 1999 meeting of the Association.

Mon 28th 9:00
Public Works - City Hall

Attachment 1

February 22, 1996

Bob Gelina
2935 Ridgetop Rd
Ames, IA 50014

Dear Mr. Gelina:

This is in response to your recent inquiry to this Office concerning Northwood Heights 2nd Subdivision. You asked about paving the road and if the County would pay for all or part. The road in the subdivision is a private road owned by the homeowners and it has not been policy for the County to maintain and/or improve private roads.

It is my understanding that the road is 16' in width. I assume that this was the original width when it was first developed in 1968. This predates the County's Subdivision Regulations which has the present standard for a new subdivision road to be 22' of hard surface paving. The road width would be "grandfathered" in and accepted as it exists. I do have concerns about the placement of the road in respect to adjacent properties. An aerial of the subdivision shows that the road is not totally contained within the right-of-way and in some places it encroaches onto the lots. This could cause problems if Lot 19 was split into two pieces. A Plat of Survey would have to be created and the misalignment of the road could cause concern for a potential purchaser. Also, if the road was hard-surfaced at its present location the misalignment would basically be permanent.

If the homeowners want to pave the road, I suggest that the misaligned portions of the road be brought into the road right-of-way. This should be done in accordance with a survey done by a Registered Land Surveyor. I would also suggest that for an alternative surfacing, you may want to consider sealcoating. This would be less expensive than asphalt or concrete.

If you have further questions, please contact me.

Respectfully,

Ronald R. Wooldridge
Planner

cc: County Engineer
Assistant County Attorney



Attachment 2

Public Works Department

515 Clark Avenue, Ames, Iowa 50010
Phone 515-239-5160 ▲ Fax 515-239-5261

December 28, 1998

Jeff Heddens, Secretary
Northwood Heights 2nd Subdivision Homeowner's Association
4541 513th Avenue
Ames, Iowa 50014

Dear Mr. Heddens:

Re: Paving of 513th Avenue for Northwood Heights 2nd Subdivision

As we understand it, you are proposing to seal coat the existing 16' wide gravel lane (~~199th Avenue~~) that was constructed when Northwood Heights 2nd Subdivision was platted in 1968. This does not meet City of Ames standards for paving in new subdivisions. However, the City of Ames has no means to force you to comply with the standards for paving in new subdivisions.

If Lot 19 of Northwood Heights 2nd Subdivision is developed as another subdivision, the City of Ames and Story County subdivision ordinances will require that ~~199th Avenue~~ be paved with asphalt or concrete a minimum of 6" thick and 22' wide within the boundary of that new subdivision only. The City may require additional pavement thickness and/or width if traffic volumes generated by the development exceed 750 ADT.

Please be aware that these requirements may be added to or changed in the future by Story County or the City of Ames.

If you have any questions about this letter please call. My phone number is 239-5163.

Sincerely,

Jerald N. Byg, P.E.
Municipal Engineer

JNB/dwj



STORY COUNTY PLANNING AND ZONING COMMISSION

STAFF REPORT

DATE OF MEETING: July 25, 2005
AGENDA ITEM: VI.1
SUBJECT: SUB01-04, Northwood Heights 3rd Subdivision – Preliminary Plat

APPLICANT: Robert and Bonita Gelina
2935 Ridgetop Road
Ames, IA 50014

LOCATION AND SIZE: The subject property contains 21.77 gross acres and is generally located at the SE corner of the intersection of 199th St. and North Dakota Avenue, in the Northwest fringe of the City of Ames, further described as follows:

Lot Nineteen (19) and Sublot One (1) of Lot Nineteen (19), Northwood Heights Second Subdivision in the Southwest Quarter (SW1/4) of Section Twenty (20), and the Northwest Quarter (NW1/4) of Section Twenty-nine (29), in Township Eighty-four (84) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa, EXCEPT Parcel "A" of Sublot 1 of Lot 19, Northwood Heights Second Subdivision, Story County, Iowa, as shown on the "Plat of Survey" filed in the office of the Recorder of Story County, Iowa, on the 9th day of July, 1997, and recorded in Book 14 at Page 244.

NUMBER OF PROPOSED LOTS: Two development lots, and one lot for drainage / open space.

ZONING: R-1 Residential

BACKGROUND/ANALYSIS

At the March 22, 2004, meeting of the Story County Planning and Zoning Commission, the preliminary plat was remanded back to the applicant and staff for further review to address concerns noted by staff and to address road issues. The following were concerns summarized in a letter to the applicant (dated March 25, 2004) from the County Staff at the time of the initial application:

1. While many subsurface features have been indicated on the plat, no electric transmission line(s) is shown. These lines, if they exist in the vicinity of the proposed subdivision, need to be shown on the preliminary plat. It was also mentioned at the Commission meeting that an agricultural tile cross lot 19; if location of this is known, please show on the face of the plat as well.
2. While a vicinity sketch is shown on the plat, the scale of the sketch is not indicated. The subdivision regulations require that the scale of the sketch be not more than five hundred feet to the inch. Please include a scale with the vicinity sketch.
3. While the use of the existing road (199th Street and 200th Street) within an easement created for Northwood Heights Second Subdivision is already dedicated to the public, some additional land is proposed to be dedicated to public use to accommodate errors in the actual placement of the road. These instances occur near the curves of the road at the east side of the proposed subdivision. Given the past confusion on the location of the easement versus the location of the constructed road, please provide legal descriptions for the additional easement segments on the preliminary plat.
4. Only correspondence from Midland Power Cooperative was submitted, and it does not clearly indicate the company's ability and willingness to serve the proposed subdivision. Please re-submit written commitment by Midland to provide service to the proposed development, as well as written commitment by other utility providers, as applicable.
5. Presumably, the subdivision will be obliged to conform to the restrictive covenants of Northwood Heights Second Subdivision. Please provide applicable covenants (draft) for the proposed subdivision, indicating any new restrictions as shown on the face of the plat, such as parking limitations, which would indicate a need for additional or amended restrictive covenants.
6. Please provide written confirmation from Xenia Rural Water indicating that it will serve the subdivision.
7. Please address concerns noted by Don Nolting in his memo to Aaron Steele dated March 22, 2004, (enclosed for reference).
8. Please include a statement on the face of the final plat prohibiting the further division of the lots for the creation of additional development lots.
9. Proposed Lots 7 through 12 all face on a block that is longer than 1,320 feet. This problem may be resolved either by reducing the width of the residential block by one lot to meet the requirement, or by successfully petitioning the Board of Supervisors for a waiver to this particular standard. A waiver request would also require a recommendation by the Planning and Zoning Commission. Please submit a written waiver request (please see the enclosed application form) with revised plans.
10. Lots 11 and 12 are constrained by wet soils and may require additional expense to prepare and manage for residential construction. The table submitted by the applicant summarizing soil conditions and limitations should be adequate to bring this to the attention of potential lot buyers if included on the face of the final plat. However, there are discrepancies between the information in the table and the results of the staff's review of the USDA Soil Survey, particularly for Lot 12. Please coordinate this review work with County Sanitarian, Don Nolting, to provide the most accurate information possible. This information should also be added to the face of the plat.
11. The preliminary plat does not contain building lines for each lot as required. The required setbacks, however, are stated on the face of the plat. Building lines need to be added to the face of the preliminary plat.
12. Please submit information regarding the existing rates and volumes of runoff, expected

The Board of Supervisors met on 08/09/05 at 9:30 a.m. in the Story County Administration Building. Wayne Clinton, and Don Toms present, with Chairperson Halliburton presiding. Toms moved, Clinton seconded to approve the consent agenda to add to item #1 "Consider approval of Minutes of the meetings on 7/26/05 and 8/02/05" as follows:

1. Minutes of the meetings on 7/26/05 and 8/02/05
2. Personnel actions; 1) new hire in a) Facilities Management effective 8/22/05 for Ron Tjelmeland @ \$1,072.43/bw; b) Treasurer effective 8/8/05 for Marsha Underberg @ \$1,049.60/bw; 2) Re-evaluation of Position in CLP effective 8/21/05 for Maria O. Grieser @ \$10.28/hr
3. Claims of \$393,251.39 (run date 08/09/05, 27 pages, on file in the Auditor's Office) and authorize the Auditor to issue warrants in payment of these claims and payment requests from Emergency Management Agency (\$6,729.70), County Assessor (\$1,412.22), City Assessor (\$8,074.41), E911 Surcharge (\$2,298.15), School Ready (\$9,522.58), TANF (\$6,952.75), Drug Task Force (\$0)
4. Grant from the Governor's Traffic Safety Bureau/State of Iowa for the equipment, training, education materials and overtime for Story County beginning 10/01/05 - 09/30/06
5. Professional Consultant Service Agreement with Donna Scherr effective 7/1/5-6/30/6
6. Agreement with Associated Computer Systems LTD for ISeries Hardware Maintenance 7/1/5-7/1/06 for \$789.51
7. Agreement with CSI, Inc. for annual printer maintenance 7/1/05-6/30/06 for \$1,225.00
8. Software sub-license agreement with Noridian EDI Support Services effective 6/1/05
9. FY'06 Provider and Program Participant Agreement with the following Mental Health Providers: Abbe Center for Community Mental Health - Evaluation - Psychiatrist @ \$244.00/hr; Medication Management @ \$61.00/15 min.; Evaluation - Therapist @ \$130.00/hr; Individual Therapy @ \$110.00/hr; Group Therapy @ \$ 50.00/hr; Day Treatment Services @ \$30.00/hr; Community Support Programs @ \$55.00/hr
10. Secondary Roads utility permit #06-14, Iowa Telecommunications request permission to occupy certain portions of public right-of-way to establish the location of lines of communications on E41, from North and South, a distance of 100 ft.
11. Secondary Roads road closure #06-06, to approve the road closure for the purpose of culvert replacement on 270th Ave. between county road S14 and 19th St., Nevada. Road will be closed until Aug. 3, 2005. Nevada, Township, Section 29. Road closure #06-07, to approve the road closure for the purpose of culvert replacement on 340th Ave. between 690th Ave. and Highway 65. Collins Township, Section 32. Road closure #06-08, to approve the road closure for the purpose of extension of time from 8/3/05-8/12/05 for culvert replacement on 340th Ave. between 690th Ave. and Highway 65. Collins Township, Section 32.

Motion carried unanimously (MCU) on a roll call vote.

THIRD AND FINAL CONSIDERATION OF ORDINANCE #146, rezoning certain lands under the ownership of the Burnis Crawford Estate (commonly referred to as the Crawford/Brown Rezoning) located in Section 7, Township 84 North, Range 24 West (Franklin Township) from A-1, Agricultural to A-R, Agricultural Residential. Leanne Harter, Director of Planning & Zoning, reviewed the information from the Board meeting of 8/02/05 regarding differences between the Planning & Zoning Commission recommendation and Staff's recommendation. The revised recommendation; remove the limitation of 5 developmental lots, and additional future lots with alternatives as recommended by the Planning & Zoning Commission; and approve the petition to amend the zoning districts to A-1, Agricultural to A-R, Agricultural Residential. Staff recommended approval of Ordinance #146 on 3rd and final consideration. Halliburton opened the public hearing @ 9:32 a.m., hearing no further comments closed the public hearing @ 9:33 a.m. Clinton moved, Toms seconded approval with additional conditions on 3rd and final consideration. Roll call vote. (MCU).

FIRST CONSIDERATION OF ORDINANCE #147, rezoning certain lands under the ownership of Lincolnway Energy LLC, located in Section 3, Township 83 North, Range 23 West (Grant Township) from A-1 Agricultural to A-2 Agricultural. Leanne Harter, Director of Planning & Zoning, reported that this is to construct railroad siding along the northerly portion of the property, to serve the ethanol plant, currently under construction. A strip of land runs parallel with the railroad. The property is located within the two mile boundaries of the City of Nevada and the City of Ames. Application materials were submitted to the two jurisdictions. On Monday, July 25, 2005 the Story County Planning and Zoning Commission recommended approval of the proposed rezoning as amended. Staff recommends Alternative 1, to amend zoning district boundaries from A-1, Agricultural to A-2, Agricultural, and the Board of Supervisors to approve Ordinance #147 on 1st consideration, and set 2nd consideration for Tuesday, August 16, 2005. Halliburton stated that Soil Conservation sent a letter of support for the rezoning. Halliburton opened the public hearing @ 9:40 a.m., hearing no comments closed the public hearing @ 9:41 a.m. Toms moved, Clinton seconded approval with alternative 1 and set 2nd consideration for August 16, 2005. Roll call vote. (MCU).

RESOLUTION #06-06, APPROVING THE NORTHWOOD HEIGHTS 3RD SUB-DIVISION, under the ownership of Robert and Bonita Gelina, located in Section 20, Franklin Township. Leanne Harter, Director of Planning & Zoning, reported to the Board the subject property which contains 21.77 gross acres. The number of proposed lots are two development lots, one lot for drainage, and open space. On the March 22, 2004 meeting of the Story County Planning and Zoning Commission, the preliminary plat was remanded back to the applicant and staff for further review to address concerns noted by staff, and to address road issues. The following changes have been made by the applicant to address concerns: 1) Only two developments lots are proposed, along with one out-lot for drainage and open space; change from originally proposed 12 development lots; 2) Right-of-way is proposed to be increased to accommodate the misaligned existing streets; 3) Vehicle parking would be prohibited on both sides of 199th and 200th streets; 4) A plat note was added to prohibit future subdivisions. The proposed site is within two miles of the City of Ames, and application materials have been forwarded, but has not been issued. On Monday, July 25, 2005, the Planning and Zoning Commission recommended approval of the proposed subdivision with the following conditions of approval; 1) the purposed of E911 addressing, access for driveways shall be restricted to 199th St. A plat note shall reflect this condition on the Final Plat. E911 addresses shall be shown on the final plat. 2) No driveway access will be allowed onto North Dakota Ave. 3) Out-lot A shall have designated ownership and maintenance by a Homeowner's Association. 4) The Board of Supervisors shall not take action on final plat request for the proposed subdivision request until the Ames City Council has acted upon applicable waiver requests and a preliminary plat. Staff recommends approval of Resolution #06-06, with the Alternative 2, that the preliminary plat be approved with those conditions as noted by staff. Halliburton asked about concerns heard from area residents in the Northwood Heights subdivision, the lack of clarity, and questions regarding notification. Harter answered that initial notices were sent out indicating more lots. P&Z sent out revised notices, but not all residents received them. Halliburton stated that the Board had received notification from the Northwood Heights Lot Owner Association Executive Committee. The changes are supported by Northwood Heights. Toms asked if Association will take on ownership of lot A. Harter stated yes. Chuck Winkleblack, 105 S 16th St., Ames, IA., stated that the homeowners' association requested an out-lot that could be deeded to them so they would have title instead of an easement. Winkleblack stated that the City of Ames wanted the County to act on this prior to easements being granted. Steve Howell, representative for a landowner residing south of the proposed site, stated that the owner opposes these lots. The owner felt he did not receive notice in a timely way. Howell stated one concern is the water run-off. No measures have been taken for the water run-off to the south effected by multiple lots. Howell stated that notices weren't received prior to any meeting. Howell has sent a letter to the Board of Supervisors stating all the concerns. Tom Thielen, 3974 North Dakota Ave., Ames, IA., stated that he received only one notice; no revised notice. Thielen concerns are North Dakota Ave and the increased traffic. The road has no shoulders, but has hikers, bikers, and machinery. Thielen also has concerns regarding

water run-off. Mr. Stassis, 3970 North Dakota Ave., Ames, IA. stated that notices were received late, so residents could not participate. Stassis requested that the Board reject and/or send the proposal back, and wait for the City of Ames comments. The plat map of the area was discussed. Halliburton stated this is a preliminary step in the process, and all concerns will be met when the Commission and Planning & Zoning meet during the final plat. Winkleblack stated that the land drains north and east, and that these issues have been discussed and the residents have had the chance to talk. He requested the Board to proceed.

Halliburton recessed the meeting @ 10:35 a.m., reconvened @ 10:45 a.m.

The legal council for the County recommended the Board move on the revisions of the Resolution. Toms questioned the notifications. Harter stated that there were large green signs on the site and notification of ¼ mile were sent, but some must have been lost in the mail. Halliburton stated notification was also in all three county papers. Clinton moved, Toms seconded approval of Staff recommendation of Resolution #06-06, with alternative 2. Roll call vote. (MCU).

ANNOUNCEMENTS FROM THE SUPERVISORS – Clinton commented on the meeting at ISAC concerning a survey of the County Supervisors' satisfaction on the current status of county government, its efficiencies, and courthouse security. He will update the Board at a future meeting.

Toms moved to adjourn, Clinton seconded at 10:55 a.m. MCU.

Jane E. Halliburton
Chair, Board of Supervisors

Mary Mosiman
County Auditor

Attachment 5

NORTHWOOD HEIGHTS II LOT OWNERS ASSOCIATION

MINUTES OF THE SPECIAL MEETING

April 6, 1999

held at 7:00 p.m. at Larock & Maves home

Lot owners present: J. & E. Mathews, Lot 1; J. Rogers, Lots 2&3; A. Denner, Lot 4; B. & L. Borst, Lot 5; T. Lankford, Lot 7; S. Chumbley, Lot 8; J. Heddens, Lot 9; T. & J. Strahn, Lot 10; K. & M. Myers, Lot 11; C. & S. Carlson, Lot 12; C. Chapelle, Lots 13&14; R. Larock & J. Maves, Lots 15&16; L. Elbert, Lot 17; C. Stassis, Lot 18. Two guests: Marcy Rice & Rebecca Shivers.

Lot owners absent: Greenbowe, Lot 6, voting proxy given to Borst; Gelina, Lots 19& 19A, voting proxy given to Strahn; Sisson, Lot 19A subplot 1, voting proxy given to Myers.

The meeting was called to order by John Maves, President.

REPORT BY HEDDENS AND LANKFORD

John asked Jeff Heddens and Terry Lankford to give a report on their answers to the questions raised at the previous meeting on March 9, 1999. Jeff reported that we could not reduce the cost by buying recycled materials because Manatt's supply had been sold. Terry described the revised estimate from Manatt's (see attached sheets). The following changes and clarifications are:

50 ft. section of 199th from North Dakota east will be an extra 3 1/2 inches deep; there will another 20 ft. section of 199th made an additional 3 1/2 inches deep for a farm equipment crossing.

Radius calculations where 199th and 200th streets meet North Dakota are included.

Culverts that are in will be sufficient for specified road widths.

The total cost will be \$67,595. The cost per lot will be \$3089.05, based on 22 lots.

DISCUSSION

A. PAVING PROJECT

C. Stassis presented written objections to the project. They are:

1. A decision by a simple majority vote regarding the paving of the road is taken as violating the covenants of the Association and sets a dangerous precedent. Paragraph 9C of the Restrictive Covenants provides that until the streets within the subdivision are accepted by a governmental unit, the streets shall be repaired and maintained, including snow removal, by the owners of the lots and repair and maintenance decisions shall be made by a majority of all lot owners. The Restrictive Covenants do not authorize the Lot Owners Association to pave

the present gravel roads, only repair and maintain them. Any such project must be a unanimous decision because it is not addressed in the covenants.

2. The owners of Lots 19 & 19A should be charged for more parts because they are the only party who will benefit from the paving.

3. 200th street should not be paved because no other owner except the owners of Lot 19 will benefit.

4. We should wait for the owners of Lots 19 & 19A to develop their plans before paving any portion of the road.

Discussion of the paving project is summarized as follows:

* Paving the subdivisions's roads has been discussed over the years at the Lot Owner's annual meetings.

* The Gelina's, owners of Lots 19&19A, have taken part in those discussions. They have stated that they know they will have to improve the road, at their expense, when and if they further subdivide their land because of county and city zoning requirements.

* According to county regulations, the Gelina's can subdivide Lot 19 into two pieces without filing development plans. Lot 19A has already been divided in this manner.

* The Gelina's are not the only ones who will benefit by having the road paved. All the lot owners who live in the subdivision are looking forward to paved roads because it will cut down on the dust and the wear and tear on their vehicles.

* Several lot owners expressed an interest in paving the whole road system at the same time, instead of waiting until next year to pave 200th street.

* In 1990 and 1984 major road construction and rebuilding projects were undertaken by the Association based on majority votes.

B. LOT OWNER PAYMENTS

Three of the lot owners who own two lots each raised the issue of having their lots combined and therefore paying their share for one lot, not two. They have been told by either the county assessor's office or the county planning & zoning office that their two lots are being considered as one lot for record-keeping purposes. Others observed that their understanding when they bought their lots was that they would pay their proportionate share of the Association's costs, that is, their share of Association costs would be proportional to the number of lots they own, based on the original plat.

C. EROSION PROBLEMS

Erosion problems in several of the gullies have been developing over a number of years. They seem to have accelerated when a tile was broken and not fixed properly during the installation of the Xenia rural water pipes. The gully between the Mathews' and Rogers' property (lots 1&2) now appears to be carrying approximately one-third of the water from the field. The gully between the Myers' and Carlsons' property (lots 11&12) has seriously eroded where it enters the creek. These are problems that need to be addressed before they get out of control.

MOTION AND VOTE

The following motion was made by T. Lankford and seconded by A. Denner:

Pave the entire road as set out in Manatt's proposal (attached) with the construction to occur within the 1999 summer construction season, but not before July 1, 1999. The vote shall be taken by written ballot.

It was amended by R. Larock and B. Borst:

The cost shall be divided 22 ways with 3 parts paid by the owners of Lots 19 & 19A. All other lot owners shall pay their proportional share.

T. Strahn seconded the amended motion. The vote was by written ballot with each lot owner signing their name and lot number. There were 17 votes in favor and 5 against. The motion carried.

PROCEDURES FOR PAYMENT

It was decided that the payment for the paving project will be due once Manatt's has set the date for beginning the construction. The Association's treasurer, Lisa Heddens, will send statements to each lot owner on or before the construction begins.

OTHER OBSERVATIONS

The paving will probably last 10 to 15 years before major repairs are needed. The annual dues will probably need to stay at about the same level for routine road maintenance and dealing with the erosion problems.

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,



Eleanor Mathews, Acting Secretary

C. Stassis
3970 North Dakota Avenue
Ames, Iowa 50014

26 May 2009

Ms. Leanne Harter
Director
Story County Planning and Zoning
900 6th Street
Nevada, Iowa 50201

Dear Ms. Harter,

I respectfully request that your Commission scrutinize the Northwood Heights Fourth Addition Major Subdivision Application by Hunziker Land Development Company, LLC, giving careful consideration to the following issues.

A. Legality of this project

In my opinion, what they propose to do is illegal for the following reasons:

1. There is a restriction on the final plat for Northwood Heights Third Addition, which does not allow further division of the two existing lots. The Iowa Court of Appeals ruled that plat restrictions are similar to those in a covenant. (See also minutes of the May 6, 2009 meeting of the City of Ames Planning and Zoning Commission, item 1.)
2. The four proposed building lots are 1.16 to 1.32 acres in size. This is considerably less than the 2 acres required by the Northwood Heights Second Subdivision restrictive covenants.

B. Infrastructure and environmental issues

Hunziker has requested that the City Council of the City of Ames waive all of the standards of Chapter 23 Division IV of the Ames Municipal Code for this development, which is located only three-quarters of a mile from the Ames city limits! These regulations have been established to protect the safety and health of the present and future residents of the surrounding area.

If I understand properly, this implies that the developer will not be required to provide the necessary infrastructure for the proposed Northwood Heights Fourth Addition. In particular, he will be able to keep the present 199th and 200th streets servicing the Fourth Addition. There are serious ~~concerns in the placement of these roads and one of them (200th) crosses my property;~~ in addition, these roads are unsafe for public use (See, for

instance, the Story County Board of Supervisors Staff Report distributed at the August 2, 2005 meeting.) This issue was raised as far back as 1999, but it was not addressed by the Association, since the owners of the land at the time (Mr. and Mrs. Gelina) stated "that they know they will have to improve the road, at their expense, when and if they further subdivide their land because of county and city zoning requirements" (see page 2 of the April 6, 1999 minutes of the Northwood Heights Association Meeting).

Also, if I understand properly, the developer will not have to provide an environmental impact statement. The increased water flow likely with this development will have to be discharged in a ravine leading to Squaw Creek and another ravine, which leads to a small lake located on my property. This will result in increased erosion of the ravines and increase contamination of the water of both the Squaw Creek and my small lake. To the best of my knowledge, no such detailed study has been performed.

C. Public policy issues

The proposed development is against clearly stated State and Federal Public Policy. The developer does not wish to provide the necessary infrastructure for this project when the Federal Government gives incentives to cities and counties across the Nation to extend and improve the infrastructure. The developer does not wish to be burdened with environmental concerns when the Federal Government adopts unprecedented measures to improve the environment and offers incentives for the creation of "green jobs." Throughout the Nation, there are foreclosures and as the unemployment rises, more people fear loss of their homes, but this and other developers wish to build new houses. Frankly, Ms. Harter, this does not make any sense to me.

D. No waiver should be granted

A waiver is an extraordinary measure granted only in exceptional cases and only if several conditions are fulfilled. This project does not fulfill any of these conditions.

- The waiver in this case is contrary to the purpose of the Regulations. The Regulations were adopted to protect the safety and health of the residents as well as the quality of the environment in which they live. As we demonstrated under B, this is not the case. In particular, the developer wishes to keep the present roads, which are a hazard to the public.
- No extraordinary hardship will be imposed on the applicant. The applicant is a major developer, whose main business is investing and developing land. At the time that the previous owners (Mr. and Mrs. Gelina) bought this land, Mrs. Bernice Hanna, the original owner of the land, asked me to buy it for \$40,000. By refusing to

provide some infrastructure, like roads, the developer simply aims to maximize his profit.

Finally, I would like to note that the public interest cannot be secured by imposing conditions on the waiver. The implementation of such agreements usually requires expensive legal battles with an uncertain outcome.

E. Concluding remarks

In summary, I respectfully urge you that your Commission flatly deny the applicant's request. If the developer wishes to develop the land, he must follow the final plat for Northwood Heights Third Addition.

This was a reconciling compromise adopted by the Board of Supervisors on 2 August 2005 between the wishes of the owners of this land to develop it and the desires of the majority of the members of the Association and the surrounding community, who wished the area to be designated as a conservation area. The latter alternative would have served best not only the interests of the residents, but also those of the City of Ames and Story County.

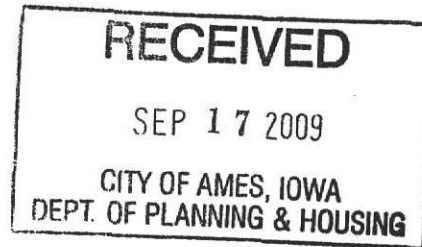
Respectfully submitted,

Constantine Stassis
Retired Professor of Physics
Iowa State University and Ames Laboratory

Rebecca A. Shivers
2380 220th Street
Ames, Iowa 50014

16 September 2009

Jeffrey D. Benson, Planner
City of Ames
Department of Planning and Housing
515 Clark Avenue
Ames, Iowa 50010



Dear Mr. Benson,

I have worked on properties in the Northwood Heights Subdivision area since late 1989, and know several families living along and around North Dakota Avenue. I have driven on North Dakota in all seasons and during various day and night times. During my visits in this area over the past twenty years, I have noticed an increase in foot, bicycle, and vehicular traffic, and an occasional horse. When I pass bicycles and pedestrians, I need to cross over into the oncoming traffic lane to ensure I won't hit the person, in case the person trips and falls, or the bicyclist, who may hit a hole or rock, and falls. Oftentimes, because of the oncoming traffic, I must drive as slow as possible until I can pull over into the oncoming lane. Many times, this irritates the drivers behind me. In all cases, the people must ride or jog on the roadway because of the lack of a road shoulder. In the wintertime, it is particularly treacherous, when there is so much snow piled up and no ditch to bail out into, if a car comes sliding my way. I have seen many vehicle tracks leading into the ditch and hope I don't join them.

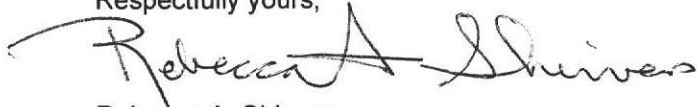
I was pleased to see the traffic speed reduced to help prevent such accidents, but do believe it should be extended the length of North Dakota Avenue. The new additions and residential homes that have popped up over the years have certainly increased traffic and I believe it is only a matter of time before we see another serious accident.

Regarding the proposed 4th Addition to Northwood Heights, I believe the existing road and more homes with an average of three vehicles per house will increase the dangers for this road, as well as the properties along 199th and 200th Streets. I have had the necessity to drive on 200th Street and park off the roadway. This is almost impossible, since there are no roadway shoulders. In many places, it is an abrupt ditch, and wintertime snows create an illusion of a roadway larger than it really is. I worry about people hitting my car as they pass on this narrow street, and usually pull over on the grass when someone else approaches. As you can see from the attached photo of an incident I happened upon today, there is not much space between the two vehicles. Indeed, the minivan had to pull towards the ditch and the other car pulled off the road on the other side to pass each other. Imagine the difficulty for emergency vehicles coming from both directions to pass, or the daily school bus that picks up children from this subdivision. The road snakes along the area between the southeast, east, and northeast, and is very narrow.

I was present at the meeting when the Story County Board of Supervisors wisely decided that dividing the land in half with the restriction of no further subdivision included on the recorded replat (recorded on February 21, 2006) was the best practice in light of the safety issues. It is my opinion from what I have observed over the years on 199th and 200th Streets, that these roads are just waiting for a serious accident or fire that could result in a massive lawsuit to all landowners who live along these two streets. I believe every attempt should be made to correct the situation before any further development occurs in this area. I was caretaker of the property that had a massive fire a few years ago that was very difficult for the fire fighters to contain. (See pictures attached.) Thanks to the courageous volunteer fire fighters, they prevented a near catastrophe that could have been on the scale seen recently in California. The next fire in this area could cause catastrophic damage.

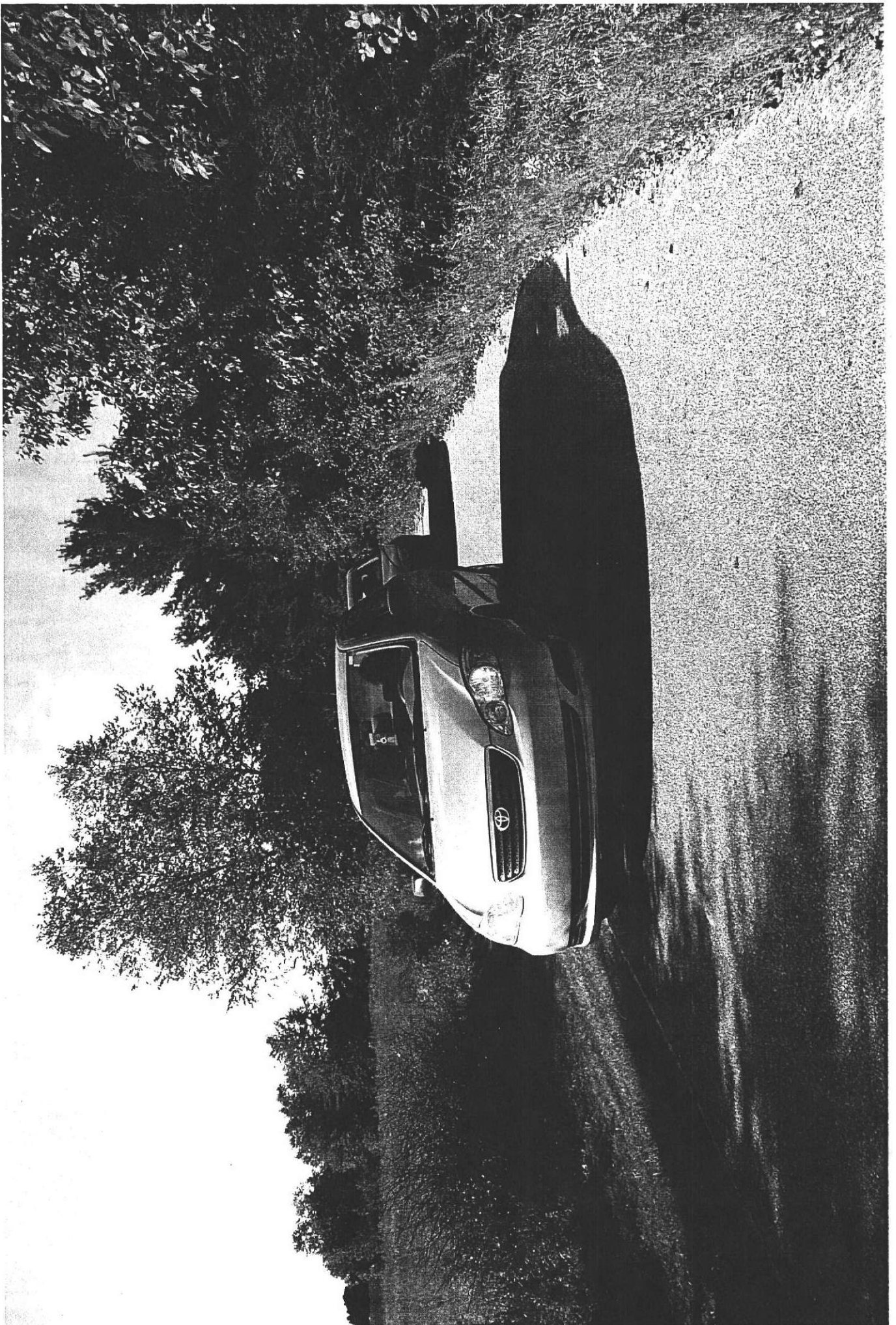
In summary, I believe before any more construction is allowed in this entire area along either side of North Dakota Avenue, and 199th and 200th Streets, the roadways should be constructed to prevent accidents and allow for the increased traffic, not only from the subdivisions popping up in the area, but also the increased traffic further north of North Dakota on the lateral streets that lead to the new church and Fareway. Also, people prefer to take this road as a shortcut to gain easy access to Highway 30, off South Dakota Avenue. Thank you for your time and consideration.

Respectfully yours,

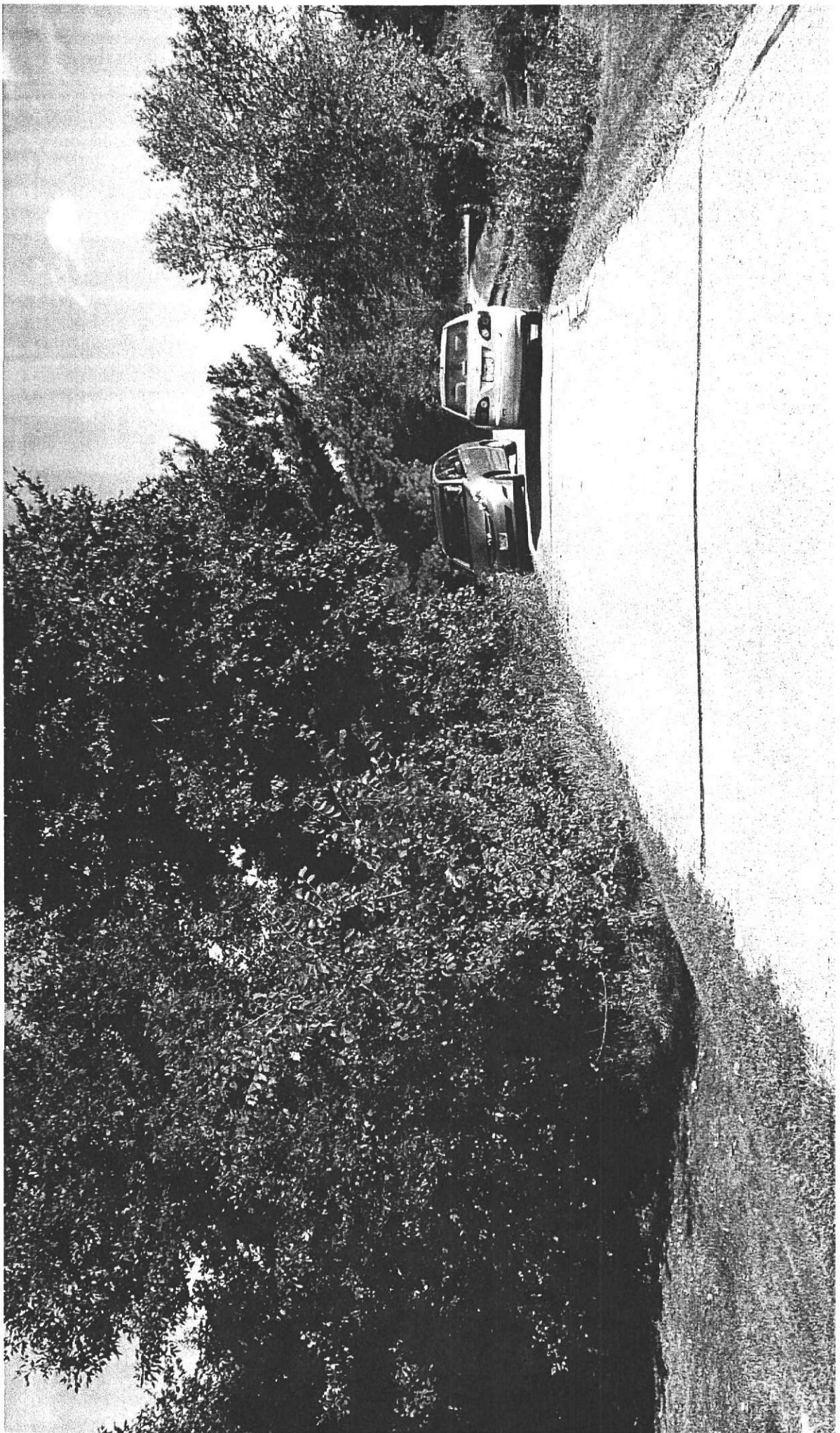
A handwritten signature in cursive script that reads "Rebecca A. Shivers". The signature is written in dark ink and is positioned to the right of the typed name.

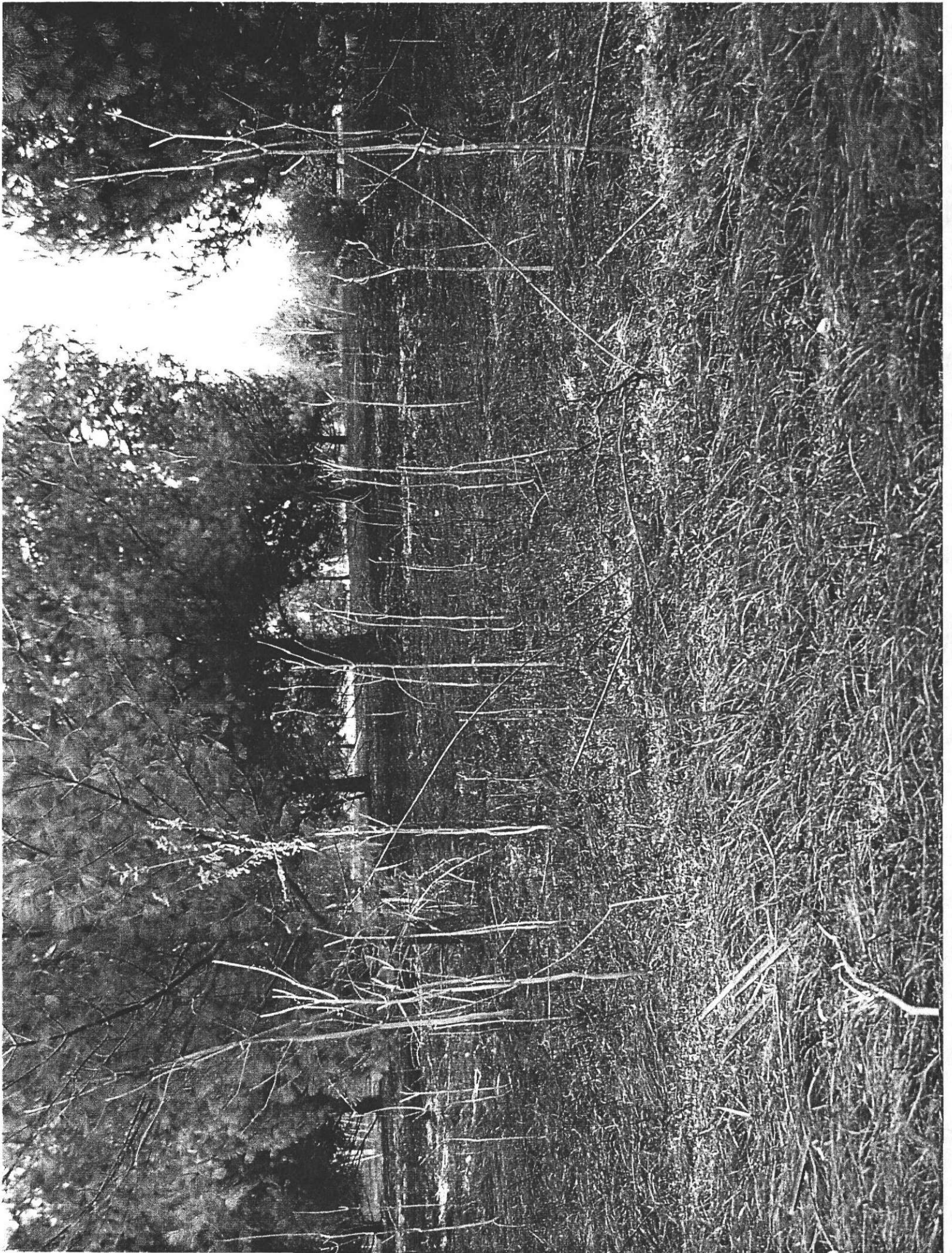
Rebecca A. Shivers

Cc: Ann Campbell, Mayor, City of Ames













Kenneth L. Larson
Professor of Agronomy Emeritus
3957 Deer Run Lane
Ames, Iowa 50014-9046

September 2, 2009

Jeffrey D. Benson, Planner
City of Ames
Department of Planning and Housing
515 Clark Avenue
Ames, Iowa 50010

Dear Mr. Benson:

I wish to express opposition to the proposed Northwood Heights Subdivision, 4th Addition.

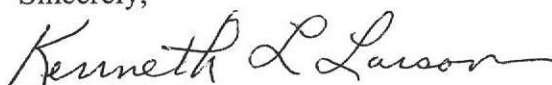
My wife and I concur with the interest and view expressed by Dr. Thomas B. Thielen in his letter of 31 August 2009 to you relating to his expression of opposition to the proposed division.

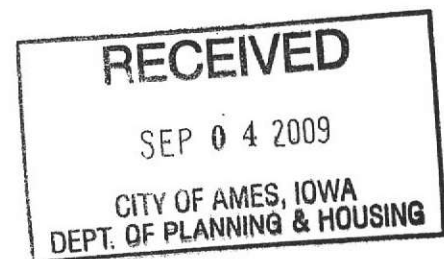
Our property of 14.7 acres lies south of the property of Dr. Thielen which we purchased in 1984. During the 1980s we had several individuals who were seeking property on which to build a residence. We were not interested in subdividing the property because we purchased to have a rural environment and to have land upon which we could have horses. We currently have a building in which we can have horses as we did with 3 from 1984 to their deaths during the late 1990s and early 2000.

I hope the above and contents in Dr. Thielen's letter of 31 August 2009 will be taken into consideration as this issue is presented to the City Council.

Thank you.

Sincerely,


Kenneth L. Larson



Dr. Thomas B. Thielen
Vice President ISU (Retired)
3974 North Dakota Avenue
Ames, Iowa 50014

31 August 2009

Jeffrey D. Benson, Planner
City of Ames
Department of Planning and Housing
515 Clark Avenue
Ames, Iowa 50010

Dear Mr. Benson,

The following is my expression of opposition to the proposed Northwood Heights subdivision, 4th addition.

Since the minutes of the June meeting of the Story County Planning and Zoning Commission will not be available before October, I have summarized my objections below.

My interest in this project is high because my wife and I own 15 acres of land, which connects to the south boundary of Northwood Heights.

1. It is my understanding that 199th and 200th streets do not meet the city of Ames specifications regarding width, as well as other specifications for ambulances and fire trucks. A fire that began in the woods east of the proposed development could easily propagate and destroy many homes.
2. The proposed development will further increase the discharge of contaminated ground water during very heavy rains and flooding conditions on the wildlife refuge that Dr. Stassis has created over the last 20 years, especially into the pond located on his property. This could be a serious health hazard for children of the neighborhood, who, under supervision, use the pond for recreation, especially in the summer.
3. In addition, the proposed development will further increase vehicular traffic on North Dakota Avenue—a road already hazardous for heavy traffic. A majority of the road does not have shoulders on either side—it is very dangerous in the winter season. The avenue is also popular for joggers, bicyclists, and pedestrians. This was my major complaint to the County Commissioners at the 2005 hearing. I believe it helped in their decision to make two 7.5-acre lots instead of 10 lots. The traffic condition has worsened in 2009.

In conclusion, I urge you not to recommend to the City Council to waive the infrastructure requirements for streets 199 and 200. In addition, I would ask that you recommend to the council to not allow any development of this parcel of land until the developer addresses the safety and health concerns raised above. Thank you for listening.

Sincerely,


Dr. Thomas Thielen



Alan K. Henson
3966 200th Street
Ames, IA 50014
(Lot 17, Northwood Heights II)

Jeff Benson, Planner
City of Ames
Department of Planning and Housing
515 Clark Avenue
Ames, IA 50010

21 August, 2009

RE: Preliminary Plat for proposed Northwood Heights 4th Addition

Mr. Benson,

It has been brought to my attention that the minutes of the June 1, 2009 Story County Planning and Zoning Commission meeting will not be approved until their next scheduled meeting in October. Since I submitted written comments for the June 1 meeting and to save your office the trouble of transcribing my comments from the audio recording of that meeting, I am providing a copy of those comments, which reflected my concerns at that time.

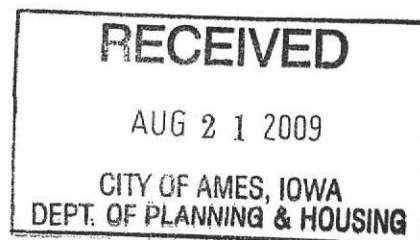
I would, however, like to rescind paragraph 2 of those comments. I was in error in my assertion that Mr. Winkleblack had presented a proposal to the Northwood Heights II Homeowners Association that differed markedly from the proposal that was presented to the Planning and Zoning Commission, specifically in regard to the proposed ownership of the outlots that would be created. I was not aware at the time I drafted my comments that there had been a meeting between Mr. Winkleblack and members of the Association (in February while I was out of state) regarding that issue. I am therefore also omitting the attachments referred to in paragraph 2 of my comments of June 1.

I am still very much opposed to any replatting of the lots in question that would allow alteration of the rural character of the existing neighborhood.

Best regards,



Alan Henson



Alan K. Henson
3966 200th Street
Ames, IA 50014

To: Story County Planning and Zoning Commission

01 June, 2009

RE: Preliminary Plat for Northwood Heights 4th Addition

Members of the Planning and Zoning Commission,

Some of my neighbors and I have been discussing the proposal submitted by Hunziker Land Development Co for creation of a new Northwood Heights 4th Addition. I would like to make known that there is not general agreement or unanimous support among the residents of NORTHWOOD HEIGHTS II HOMEOWNERS ASSOCIATION, INC. Further, no vote to amend the Restrictive Covenants of same said Association has been taken that would allow the subdivision as proposed by Hunziker Land Development Co. There appears to be a sufficient number of residents concerned enough about this proposal that there will be a request for a special meeting of the Association regarding this issue.

I would like to point out that there are discrepancies between what was originally presented to the NORTHWOOD HEIGHTS II HOMEOWNERS ASSOCIATION. See attachment A for a general description of that plan. There was a meeting between Chuck Winkleblack, a Hunziker broker, and some of the residents of the NORTHWOOD HEIGHTS II HOMEOWNERS ASSOCIATION on February 22, which I was unable to attend but have been told that there were differing opinions about the plan. I have been assured by one of the residents in attendance that no binding vote was taken, nor was there much further discussion upon the departure of Mr. Winkleblack. As this was, in Mr. Winkleblack's words, "not an official request to subdivide the property, it is simply an application to get the county and city of Ames input on what we are contemplating", there hasn't been as much diligence in following the process as it has perhaps warranted. However, it has since been learned that the plan for ownership of the outlots resulting from the creation of the new subdivision has changed, such that the outlots would be owned by an entirely new Fourth Addition Homeowners Association. See attachment B. It has been the understanding of many of the current residents that the outlots were to be deeded to the existing homeowners association. There are other concerns that some of the residents of NORTHWOOD HEIGHTS II HOMEOWNERS ASSOCIATION have with the proposal, but perhaps the biggest concern is that there has been some use of bait-and-switch tactics, and some of us feel that it is necessary to revisit the proposal with Hunziker Land Development Co.

Speaking for myself, it is my opinion that the developer has more changes in mind than the NORTHWOOD HEIGHTS II HOMEOWNERS ASSOCIATION is aware of. The land in question is designated as Rural Transitional, but is very nearly adjacent to land designated as Urban Residential. I have concerns that if a new subdivision is created, there will soon follow a request to have the subdivision reclassified as Urban Residential, which would then require a much higher housing density, something on the order of 30 homes, not 4. The next step would be a push for annexation at an accelerated rate from what is now the city of Ames plan. The character of the neighborhood would be irrevocably changed. The residents of Northwood Heights II live in that neighborhood because of the rural and quiet nature of the neighborhood. I am sure that we are all aware that at some point, the neighborhood will be annexed. However, many of us are not in a hurry for that eventuality, and it is our opinion that the creation of this subdivision as proposed is not in the best interests of the neighborhood at this time.

C. Stassis
Professor of Physics and Senior Physicist, Ames Laboratory (retired)
3970 North Dakota Avenue
Ames, Iowa 50014

7 October 2009

Ann Campbell, Mayor
Ames City Council
515 Clark Avenue
Ames, Iowa 50010

Dear Honorable Campbell,

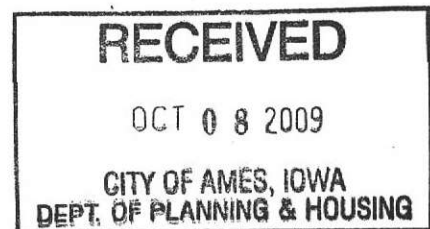
As I did in my attached letter to the Story County Board of Supervisors, I respectfully urge you to not allow any development of this parcel of land (Northwood Heights Subdivision, 4th Addition) until the developer improves the roads to meet at least the County minimum requirements and seriously addresses the discharge of large quantities of contaminated groundwater onto the adjacent properties, into my pond, and through a ravine into the Squaw Creek. The safety, health, and even lives of present and future residents in this neighborhood are at stake. It is for you to decide whether this development is consistent with your vision of responsible planning in the 21st century.

Respectfully submitted,

C. Stassis

Cc: Mr. Jeff Benson, City of Ames Planning Department

Attachment: Letter to Story County Board of Supervisors, October 7, 2009



C. Stassis
Professor of Physics and Senior Physicist, Ames Laboratory (retired)
3970 North Dakota Avenue
Ames, Iowa 50014

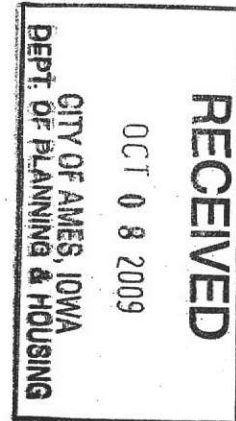
7 October 2009

Wayne Clinton, Chairman
Story County Board of Supervisors
900 6th Street
Nevada, IA 50201

Dear Chairman Clinton,

I respectfully request that you take some of your valuable time to scrutinize the case No. SUB02-09 application. This is exactly the kind of irresponsible "development" that precipitated the worst worldwide recession since the 1930s and affected the lives of millions of Americans. In spite of this, the Planning and Zoning Commissions of both the City of Ames and Story County unanimously approved this application "subject to certain conditions" on May 6, 2009 and June 1, 2009, respectively, exactly as they did back in 2005. Both the County and the City are unwilling to address decisively the perennial problem of the hazardous substandard roads and the discharge of large quantities of contaminated ground water onto the properties to the south and southeast of this proposed development into my pond and through a ravine into the Squaw Creek. Building houses on this highly unsuitable parcel of land will considerably aggravate these problems. These problems were not discussed in the May 6, 2009 meeting of the City of Ames Planning and Zoning Commission. Subsequent to this meeting, several of us wrote the attached letters, (Attachment 1) to Mr. Jeff Benson, Ames City Planner. Please, notice that the 2nd Addition Association and the developer were aware of the road problem before these roads were paved and at least as far back as 1996 (see documents attached to my letter to Mr. Benson), but have chosen to ignore it.

In vain, the same concerns were raised again in 2005 by the City and County staffs of the respective Commissions. See in particular items 3-17 of the quite thorough July 25, 2005 County Staff Report (Attachment 2). Presently, both problems are much worse because of the increased traffic and construction of homes in the 2nd Addition, especially on Lot B. The County Planning and Zoning Commission, headed by Mr. Gast, did not discuss in any detail the problem of the roads, since Mr. Gast could not recall details from the 2005 Staff Report and did not have the documents attached to my letter to Mr. Benson. I hope the Board of Supervisors will address this long-standing problem. In my opinion a 14-16-foot wide road with a horseshoe bend in a subdivision of approximately 20 home poses a serious safety hazard, which should not be ignored. The Commission did address the problem of the discharge of contaminated



groundwater, which was brought up by Mr. Vegge and discussed quite thoroughly how to avoid the building of homes on outlots A-F. Unfortunately, Mr. Vegge's quite specific motion was translated in the minutes as "the developer meet all the requirements of the ordinance as laid out in staff notes" (condition 2 on page 24 of the minutes) and is not listed on the preliminary plat. Also, the quite specific condition 1 (page 24 of the minutes) was listed as "no further lot divisions shall occur" on the preliminary plat (condition No. 10) and it is not listed on the preliminary plat that we received on October 1st from the City. I hope that you will see to it that the conditions imposed by the Commission are precisely stated and listed on the preliminary plat.

In conclusion, I cannot overemphasize the fact that the serious safety and environmental problems mentioned above, threaten the safety, health, and even lives of those living in this neighborhood, have persisted far too long and need finally to be dealt with in a responsible manner by Story County and the City of Ames. Therefore, I respectfully urge you to decisively reject this application and not allow any development on this parcel until the developer improves the roads to meet at least the County minimum requirements and seriously addresses the discharge of contaminated groundwater onto adjacent properties, especially into my pond. This would require a relatively small investment, if the developer takes advantage of State and Federal subsidies granted for both infrastructure and environmental projects.

Respectfully submitted,

C. Stassis

Attachments:

1. Letters to Mr. Benson by Rebecca Shivers, Thomas Thielen, Ken Larson, and Costas Stassis.
2. Copy of July 25, 2005 Story County Staff Report.

Subject: Register editorial
From: "Fandel, Linda" <lfandel@desmoine.gannett.com>
Date: Mon, 5 Oct 2009 14:18:00 -0700
To: "shivvers@ameslab.gov" <shivvers@ameslab.gov>

Thursday, August 20, 2009

City:
State:
Section: OPINION
Page: 12
From: Print/Online editions
Source: STAFF
Edition:
Publication: The Des Moines Register
State showcases how buildings can be green

The Register's Editorial

State officials will break ground for a new state office building today that will house agencies that regulate public utilities in Iowa. So it is fitting that the new building is designed to be a showcase for conserving energy.

The new home of the Iowa Utilities Board and Office of Consumer Advocate in many respects will be an ordinary, two-level office building. But by taking advantage of natural light, subterranean energy and landscaping that absorbs stormwater runoff on site, among other features, the building will be eligible for the highest rating by the U.S. Green Buildings Council. That makes it unique among state-government buildings.

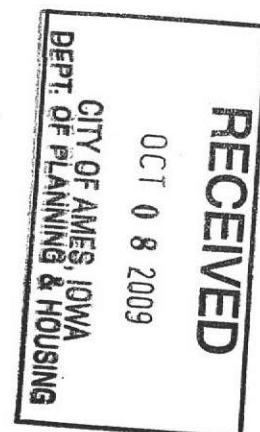
While trucks and cars are blamed for spewing greenhouse gases, buildings are also a major source during construction and a lifetime of burning fossil fuels for heating, cooling, lighting and machines. As a prominent public building on the state Capitol complex, this building could serve as a model for future buildings by both government and private builders. The message is that a "green" building does not have to be necessarily more expensive, or involve elaborate technology or time-consuming planning and construction.

Two key elements: Positioning the building on an east-west axis to "harvest" north and south daylight while avoiding harsh western exposure, and an insulated precast concrete and glass "envelope." Heating and cooling costs will be reduced by pumps that circulate water through constant-temperature geothermal wells. Daylight will be bounced by sun screens into open offices with low dividers to reduce demand for artificial lighting. Sensors will dim or shut off lights when natural light is sufficient, and power will go into "sleep mode" when offices are unoccupied.

Stormwater runoff from the roof and parking lots on the six-acre site will be routed to a prairie-grass field with holding basins and rain gardens, which will absorb 100 percent of runoff on the site. And the building will be equipped for installation of solar collectors and a windmill.

These features combined are expected to cut the building's energy consumption by 60 percent of an equivalent office building. According to Rod Kruse, an architect in the Des Moines office of BNIM Architects, the building's designer, its energy appetite will be affected mostly by the number of people in the building and what they plug into the outlets.

Planners say it is hard to calculate exactly how much all these



energy-saving features added to the \$9.8 million building budget, but they should easily pay for themselves over time. The geothermal wells, for example, added approximately \$300,000, which along with heat-recovery technology accounts for roughly half the projected \$36,000 annual energy savings. The state plans to continuously monitor the building's energy performance to see if it lives up to its expectation.

The state of Iowa has made significant improvements in the Capitol complex in recent years with the construction of the handsome Judicial Branch Building and the West Capitol Terrace. A new master plan now in development should lead to a more thoughtful approach to future development - including environmental sustainability. This new office building is a major contribution to that goal.

Building stats

BUILDING AREA: 44,460 square feet

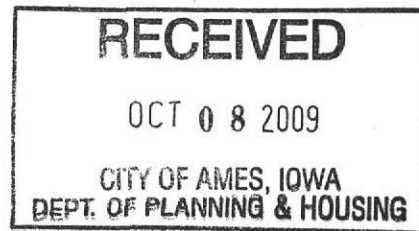
CONSTRUCTION BUDGET: \$9.8 million

ENERGY USE: About one-third that of a comparable building

ENERGY STAR RATING: 95 out of 100

CONSTRUCTION: Complete fall 2010

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RADIOIOWA

Groundbreaking for new "green" state office building

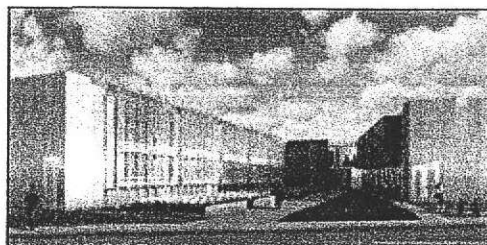
by [admin](#) on [August 20, 2009](#)

in [Business & Economy](#), [Economy](#), [Environment & Conservation](#), [Politics & Government](#), [Top Story](#)

Shiny new shovels were used to break ground today for a new state building that will serve as offices for the Iowa Utilities Board and the Consumer Advocate. Officials expect the \$9.8 million building to be finished in the fall of 2010.

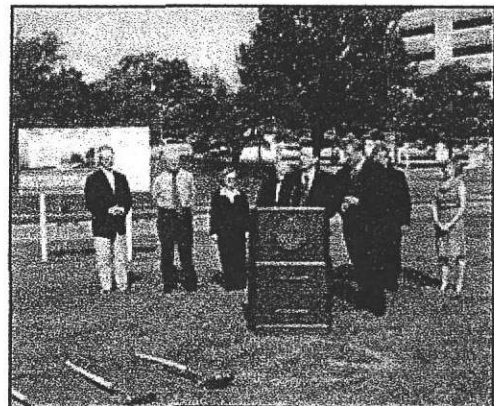
Project architect Carey Nagle says the structure will use 63 percent less energy than a typical office building of the same size. "The whole premise of the project was founded on energy efficiency," Nagle says.

Project manager Tom Hilton says they've "oriented" the building to maximize sunlight. "



We have a pretty elaborate sunscreen

or sunshading system set up on the building which allows us to actually harvest the daylight during certain times of the year and block the daylight during other times of the year," he says. "And it's just really a simple move which makes a huge amount of difference in terms



of the energy consumption."

The sunscreens will be one of the largest architectural features of the building. "That sunscreen is designed to bounce that sunlight into the space but at the same blocking down the glare that can be detrimental and it lets you take on some of that passive heat gain of the winter but also block out the direct heat gain from the summer," Nagle says. "You know, it's a pretty simple strategy, but it's very effective."

In addition, all the rain that falls on and around the building will be collected and reused to flush toilets and Nagle says that will dramatically reduce the water bill. "We have savings in that department in the order of 46 percent below a typical building," Nagle says.

Governor Chet Culver spoke briefly before the ceremonial ground breaking at the construction site which is southeast of the statehouse.



"What a fitting location here on a very busy intersection, a lot of traffic, a lot of people going out to the State Fair every year that will see this beautiful, new, state-of-the-art building," Culver said.

State officials sold bonds to raise the money for the building's construction and those bonds are financed, ultimately, by Iowa utility customers. That's because agencies like the Iowa Utilities Board are financed by fees charged to the utility companies it regulates. Chuck Seel, a spokesman for the Iowa Utilities Board, says the new building soon will be more cost-effective than renting office space.

"We've been in our current building since 1998 and we've paid over \$7 million in rent, so over the long pull, this is a much better deal for everybody," Seel says.

Utility customers have footed the bill for that rent, too.

[AUDIO: Groundbreaking... 12 min MP3](#)

Tagged as: [Chet Culver](#), [Democratic Party](#), [Republican Party](#), [Utilities](#)

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