

COUNCIL ACTION FORM

SUBJECT: REQUEST FOR WAIVER OF SUBDIVISION REGULATIONS,
CAMERON SCHOOL ROAD, STORY COUNTY

BACKGROUND:

At the February 1, 2013 City Council meeting, Council referred to staff a letter from Bob Gibson of Civil Design Advantage representing Bella Holdings, LLC, seeking a waiver of infrastructure requirements and subdivision regulations (see Attachment 1). Bella Holdings is proposing a 19-lot residential development at 3491 Cameron School Road (see Attachment 2). A location map is included as Attachment 3.

This property is located in the area of the Ames Urban Fringe Plan identified as Rural Transitional Residential. The Plan describes Rural Transitional Residential as follows:

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.

Policy 5, below, specifically addresses infrastructure standards. A full list of policies are included as Attachment 4.

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) [Emphasis added.]

The City's subdivision ordinance describes the minimum standards for streets and rights-of-way, public utilities (water, sanitary sewer, and storm water management), residential landscaping, street lighting, and all other public improvements necessary for an urban development.

Since the proposed subdivision lacks the public improvements described in Division IV of the Subdivision Regulations, this proposed development would be classified as a

major subdivision, which requires a preliminary plat to be submitted that identifies how the infrastructure requirements will be met.

The City Council has routinely granted waivers to Division IV of Chapter 23 for residential development in those areas of the Urban Fringe where annexation by the City is not anticipated in the foreseeable future. These waivers have been recommended on those occasions when the proposed development is consistent with the use and density standards of the Plan.

Should the City Council waive all or a portion of the infrastructure requirements, the applicant could then proceed with the preparation of a preliminary plat for consideration by the City and County. City and County staff have met with the developer and, after reviewing the proposed development, can recommend that the City Council waive some of the Division IV Design and Improvement Standards of the Subdivision Regulations.

These include the following:

- Section 23.402 Residential Subdivision Landscaping Standards.
- Section 23.403 Streets, but retain compliance with requirements for street width, street right-of-way, through streets, and cul-de-sac lengths.
- Section 23.404 Water Supply.
- Section 23.405 Sanitary Sewer, but retain a requirement that a sanitary sewer easement is identified and noted for a possible future line to connect the homes to Cameron School Road.
- Section 23.406 Electric Distribution and Street Lighting Standards, but retain a requirement that any street lights that are installed shall be an approved International Dark-Sky Association fixture or equivalent.
- Section 23.407 Storm Water Management.
- Section 23.408 Soil Erosion and Sedimentation Control.
- Section 23.409 Improvement Guarantees.

For any standard waived by the City Council, the applicant will be required to meet any corresponding Story County standard.

In accordance with the City's policy regarding action on subdivision plats in the fringe area, the owner has submitted the three standard covenants with original signatures suitable for recording in the Story County Recorder's office. These covenants bind the owners and successors to (1) agree to annexation at the time the City requests, (2) waive objections to assessments that may be imposed in the future if public improvements are brought to the site as an assessment project, and (3) pay any fees associated with the buy-out of rural water.

The applicant will need approval of the preliminary plat and final plat by both the City Council and the Story County Board of Supervisors. After obtaining resolutions from both the City and County approving the final plat, the subdivision can then be recorded.

ALTERNATIVES:

1. The City Council can grant a waiver for those portions of Division IV Design and Improvement Standards of the Ames Subdivision Regulations for the subdivision proposed by the Bella Holdings, LLC as noted here:
 - Section 23.402 Residential Subdivision Landscaping Standards.
 - Section 23.403 Streets, but retain compliance with requirements for street width, street right-of-way, through streets, and cul-de-sac lengths.
 - Section 23.404 Water Supply.
 - Section 23.405 Sanitary Sewer, but retain a requirement that a sanitary sewer easement is identified and noted for a possible future line to connect the homes to Cameron School Road.
 - Section 23.406 Electric Distribution and Street Lighting Standards, but retain a requirement that any street lights that are installed shall be an approved International Dark-Sky Association fixture or equivalent.
 - Section 23.407 Storm Water Management.
 - Section 23.408 Soil Erosion and Sedimentation Control.
 - Section 23.409 Improvement Guarantees.

This alternative will allow the owner to prepare a preliminary plat for submittal and review by the City. The Ames City Council would need to approve the preliminary plat prior to the applicant submitting a final plat. This alternative would also be accompanied by a six-month time limit, by which time the application for the preliminary plat must be submitted to the City.

2. The City Council can deny the request for a waiver of its subdivision regulations or Division IV Design and Improvement Standards for the subdivision proposed by Bella Holdings, LLC. This alternative would require the owner to submit an application for a major subdivision plat and prepare a preliminary plat indicating how the proposal would meet the infrastructure standards of the City.
3. The City Council can refer this request back to staff and/or the applicant for additional information.

MANAGER'S RECOMMENDED ACTION:

The waiver of a portion of the Design and Improvements Standards is consistent with the policies of the Urban Fringe Plan. For those specific requirements of the City that are waived, the applicable County standards will be followed, thus allowing on-site septic systems, drinking water wells, and storm water management. By retaining some of the standards and requiring other features, such as a sanitary sewer easement, the City can ensure that if this development is annexed into the City, it can be well integrated into the development patterns of a typical residential subdivision. The covenants will ensure that the property owners at the time of future annexation will pay those costs associated with annexation, such as rural water buyout and assessments for public infrastructure.

Therefore, it is the recommendation of the City Manager at this time that the City Council approve Alternative #1. This alternative will waive those portions of Division IV Design and Improvement Standards of the Ames Subdivision Regulations for the subdivision proposed by the Bella Holdings, LLC as noted above.

ATTACHMENT 1

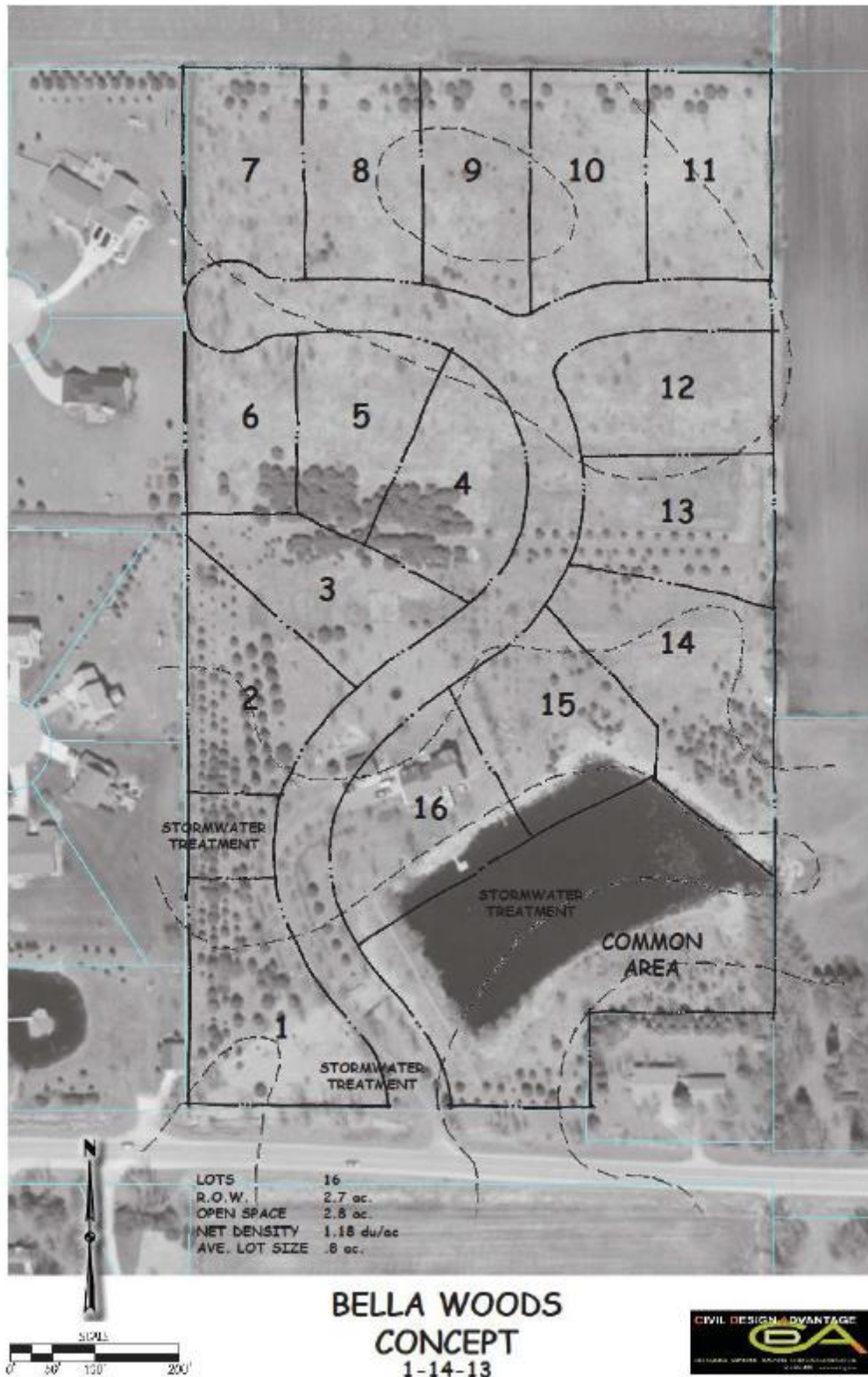
Dear Ms. Voss:

Bella Homes is planning a 16 lot single-family subdivision on 19 acres at 3491 Cameron School Road. The site is outside the Ames corporate limits and is within the Rural Transition Residential designation of the Ames Urban Fringe Plan. A very preliminary concept is attached. It is not possible to get City sewer and water to the site, so Bella Homes is requesting that the Ames City Council grant a waiver of the Design and Improvement Standards. We ask that this request be referred to staff at the January 22, 2013 Council meeting.

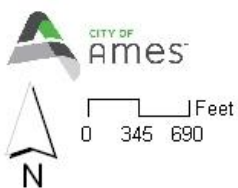
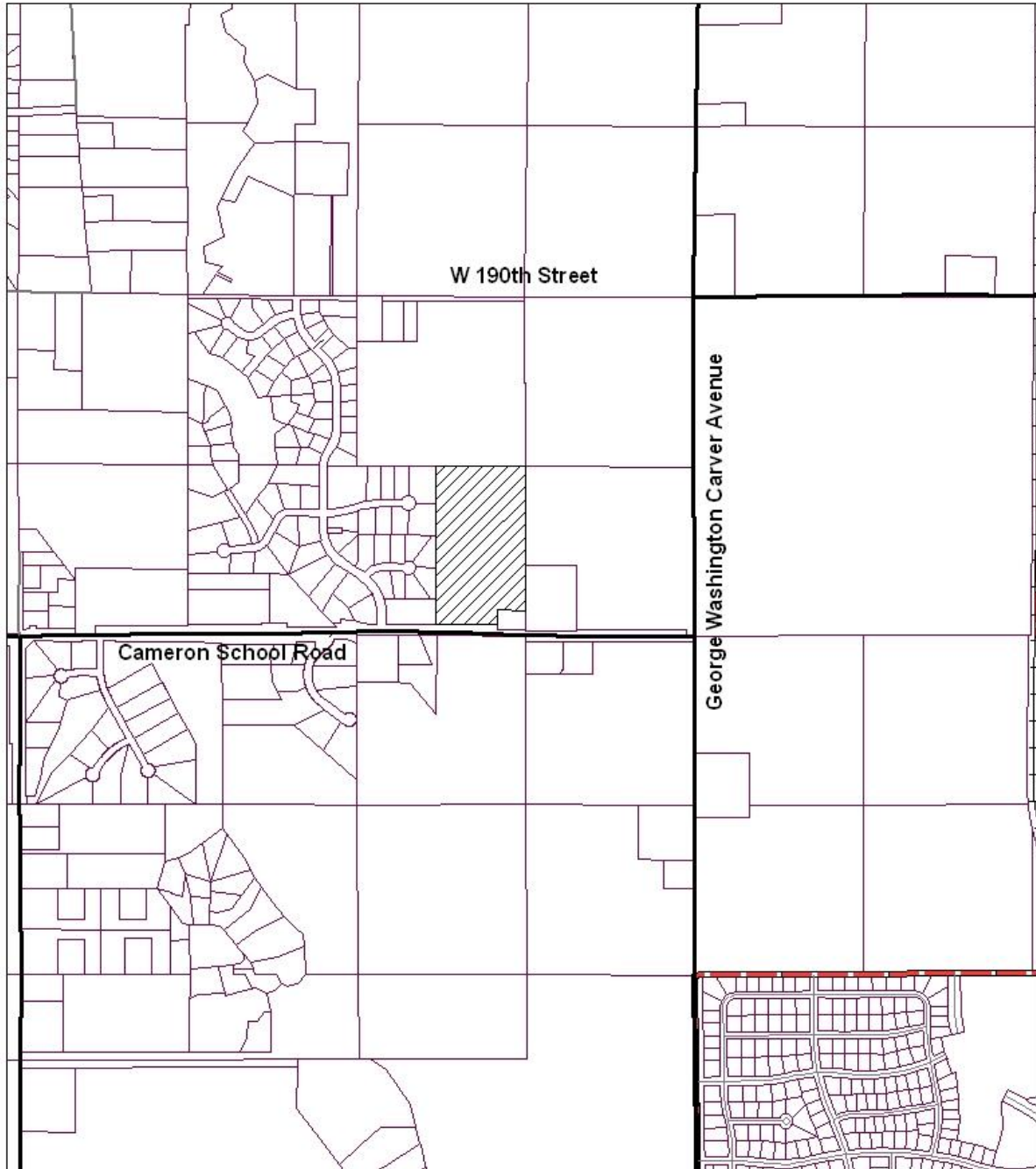
Thank you.

Bob Gibson, ASLA | *project manager*
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ATTACHMENT 2

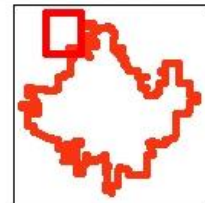


ATTACHMENT 3



Legend

-  Subject Parcel
-  Ames City Boundary



ATTACHMENT 4

Rural Transitional Residential Policies

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)