

COUNCIL ACTION FORM

BACKGROUND:

Project Description. Bella Homes is proposing a residential subdivision in the unincorporated area of Story County. The site is within the Rural Transitional Residential Area (a subcategory of the Rural/Urban Transitional Area) of the Ames Urban Fringe Plan. Both the Ames City Council and the Story County Supervisors retain jurisdictional approval, according to the 28E Implementation Agreement. 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.

The site was originally platted as Lot 17, Third Addition, Squaw Valley South Subdivision in 1990. One home was constructed on the site, along with a detached garage. Bella Homes is proposing a replatting to create 15 residential lots. An additional outlot will contain much of the existing pond at the south end of the lot.

A new street will extend from Cameron School Road to the north property line. Approximately 280 feet south of the property's north boundary, an additional street will extend to the west. Later in this report will be a discussion about whether that street should end in a cul-de-sac, end in a cul-de-sac with the possibility of a future extension, or extend now to the west property line to accommodate a possible future connection with Mathews Drive to the west.

Applicable Law. Laws pertinent to the City Council are Sections 23.302 as described in Attachment B.

All subdivisions within the Ames Urban Fringe are subject to all the requirements of the Ames Subdivision Regulations (Chapter 23 of the Ames *Municipal Code*). The Ames Urban Fringe Plan and accompanying 28E Implementation Agreement state that the City will waive its authority in Rural Service and Agriculture Conservation Areas of the Plan and the County will waive its authority in areas in Urban Reserve Areas. However, both jurisdictions retain authority in the Rural/Urban Transitional Areas.

This subdivision is required to meet the Design and Improvement Standards (Division IV) of the City's Subdivision Regulations unless specific waivers are granted by the City Council. In this case, on February 12th the applicant received a waiver from the City Council

for the following specific portions of Division IV.

- 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 be 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.

City staff has reviewed this proposed preliminary plat to determine compliance with the use and density standards of the Ames Urban Fringe Plan. City staff also reviewed the plat to determine compliance with those portions of Division IV which the City Council did not waive.

Density Information. The net developable area of this preliminary plat is 14.2 acres, resulting in a density of 1.07 dwelling units per acre. The Rural Transitional Residential Area density standards require between 1.00 and 3.75 dwelling units per acre.

Utilities and Easements. With the waiver granted by the City Council regarding the installation of sanitary sewer service and public water, the subdivision will be required to meet Story County requirements for water and on-site septic systems. The proposed plat shows easements that will accommodate a future sanitary sewer line to all the lots. This is intended to accommodate a City sanitary sewer line if the site is ever annexation.

The City has obtained the three covenants required for development in the Ames Urban Fringe. These covenants require the property owners (both current and subsequent) to seek annexation at the City's request, to agree to pay any special assessments associated with providing City infrastructure following annexation, and to pay any costs associated with the buyout of rural water service. With these covenants and easements, City staff sees no obstacle to the provision of services following annexation.

Streets and Culs-de-sac. The City retained those portions of Division IV pertaining to street right-of-way widths, paving widths, street lengths, and culs-de-sac. Regarding the street right-of-way widths, paving widths, and street lengths, the proposed preliminary plat meets City standards.

However, the Design and Improvements Standards notes the following consideration:

(d) minimizing overall lengths of public ways and infrastructure facilities while limiting the use of dead-end streets and cul-de-sacs [sic].

The proposed subdivision includes a dead-end street at the north end. This was placed there for the possible future extension into the property to the north. The area to the north is also within the Rural Transitional Residential Area and, if it develops, should have interconnectivity to this development.

The developer proposes a cul-de-sac to the west of the main north-south street (see Attachment C). Around this, he proposes six residential lots. However, Mathews Road lies directly to the west of this development, platted during the approval of Third Addition, Squaw Valley South Subdivision in 1990. This cul-de-sac has a 60-foot "Street Reservation Easement" extending from the east end of the cul-de-sac to the east property line (adjacent to this proposed Bella Woods subdivision). The restrictive covenants for the Squaw Valley South Subdivision state that the owners of Lots 4 and 5 (upon which this easement is located) shall convey or dedicate those portions of the lots in the event that Mathews Road is extended to the east. The covenants further state that these owners are not responsible for the costs of that extension. What is not clear, however, is what trigger mechanism will require Mathews Road to be extended and who will pay for it.

Since the intent of the Squaw Valley South Subdivision was to allow for the interconnected development of this proposed development with Mathews Road, staff required the applicant to prepare a plat showing how this proposed plat to will connect with the older development to the west (see Attachment D). The connection to the west property line of Bella Woods is possible while retaining the same number of lots and still allowing the future connection to Squaw Valley South Subdivision.

The applicant, however, would prefer not to make this connection. The applicant has provided reasons against the connection (below) from the anticipated perspective of the existing home-owners on Mathews Road and from the perspective of the developer.

From the Squaw Valley South side:

- The owners will likely fight it even now, and will certainly fight the building of the street section if annexation is negotiated. Requiring the HOA to build that street section, in addition to the costs of upgrading the entire street network, will be a huge issue and obstacle to overcome. Allowing the Bella Circle cul-de-sac will eliminate that issue.
- The existing 'street preservation easement' does not specify to whom the easement rights are granted. Transfer of ownership would have to be worked out during annexation.
- The Henderson's house is situated at an angle as on a typical cul-de-sac lot. In addition, their driveway is constructed in the easement, and at least a portion of it will have to be torn up and replaced.

From the Bella Woods side:

- Cul-de-sacs, while not encouraged in the City, are not prohibited. Homeowners generally like them, very often prefer them, and thus there is a premium in lifestyle to the buyer, and in value and marketability to the developer.

- Both Bella Woods and Squaw Valley South are large lot, semi-rural communities – by definition not pedestrian oriented, and connectivity is not a lifestyle concern. In addition, future connectivity in Bella Woods is clearly provided to the north.
- Extending the street as requested would require, first of all, the removal of more trees. This would significantly diminish the 2 lots affected. Secondly, it would have to be sloped to the west, which means that the storm water would have to be captured in an additional detention are, which would require the removal of even more trees, further diminishing the lot on which it occurs. (Our proposed plan works with the topography and captures all storm water in the detention pond at the south). In addition, the detention pond, while releasing water at historic rates, would be releasing it in a more concentrated area, which the neighbors likely will not appreciate. An alternative to that would be to convey the water to the south detention pond by means of a swale along the west boundary. But this would require the removal of a lot of trees which are a buffer between lots, and a major attraction of this piece of property.
- The extension of the street to the west boundary would have the following impacts to the future homeowners as well as the developer:
 - The diminishment of the quality and value of lots 5 and 6, due to them becoming non- cul-de-sac lots and the necessary removal of trees.
 - The potential diminishment of lots 1 and 2 as well, depending on storm water solutions.
 - The extra expense of 180 lineal feet of additional street.
- What is the real benefit of extending the street? Squaw Valley South has existed happily with Mathews Road as a cul-de-sac for over 20 years. Will connecting that community with Bella Woods truly benefit either in any significant way? And annexation of Squaw Valley South may never happen. Is it fair to place the burden of the extended street and lot impacts on the Bella Woods developer and homeowners for something that is of questionable benefit and may never even occur? And as stated earlier, if annexation does occur, not having that connection will be less problematic for all parties.

The City's position is that the preference is to develop subdivisions without unnecessary culs-de-sac. Further, the development of the subdivision in 1990 indicates that the intent was for the connection ultimately to be made to the east. While the City is not requiring that connection to be made now, the City needs to avoid creating a design that would preclude that connection from ever happening. If this subdivision includes a street connection to the west, the City would, when needed and after an annexation request is made, determine how the western street extension is paid for and seek to ensure that better conformance with the City's design standards will be met.

Since the Planning and Zoning Commission meeting, staff has worked with the applicant to develop a third alternative (Attachment E). This alternative allows the cul-de-sac to be built but also creates an outlot that will be reserved for the future extension of the road to the west. At that time, Mathews Road can also be extended to the east. This alternative is similar to that done in 1990 when Squaw Valley South Subdivision, Third Addition was platted. However, this approach creates a platted outlot reserved for the future street

extension rather than an easement that would need to be transferred later, as is the case with Squaw Valley South Subdivision. In addition, the covenants that were signed by the Bella Woods owner when the waiver of the subdivision standards was requested include a provision that the subsequent owners will pay for any special assessments that are needed for public improvements. The language of the covenant includes the following:

In anticipation of the possibility that the City may at some time deem it to be in the public interest to cause construction of street paving, curbs and guttering, storm sewers, water mains, sanitary sewer mains, bicycle paths, and sidewalks by means of city awarded contracts to be paid by special assessments to be levied against the Real Estate, the Owner does hereby covenant and agree that by execution of this instrument Owner, its heirs, successors and assigns, including purchasers of the Real Estate, and each of them, shall pay and are bound to pay to the City, the costs of the aforesaid improvements assessed to the Real Estate, by action of the governing body for the City, after notice of hearing as provided by Section 384.50 Code of Iowa, the provisions of Section 384.38 Code of Iowa notwithstanding.

This approach allows for the initial construction of a cul-de-sac, which satisfies the developer who would prefer that there not be a connection to the west. It also allows for the eventual connection if, after annexation, the City Council thought that the standards for interconnectivity of neighborhoods should be met, although it doesn't mandate that the connection be made at any particular time. The reserved outlot means that the land is available for dedication as right-of-way in the future should the road be extended. The thirty-foot setbacks lines from the outlot shown on the final plat would mimic the setback requirements as if it were a public right-of-way. The covenants are the mechanism by which the costs of the road extension would be borne by the various owners of the subdivision.

FINDINGS OF FACT & CONCLUSIONS:

Staff has made the following findings of facts and conclusions.

FINDING 1. The entirety of the Bella Woods development is designated as Rural Transitional residential on the Ames Urban Fringe Plan Map and shows a net development density of 1.07 dwelling units per acre.

CONCLUSION: Staff concludes that the proposed preliminary plat is consistent with the uses and density of the Ames Urban Fringe Plan.

FINDING 2. The City Council waived a number of design and improvement standards of the Subdivision Regulations. Regarding those standards that remain, except as noted in Finding 3, these have been satisfied by the proposed preliminary plat.

CONCLUSION: Staff concludes that Section 23.107 of the *Ames Subdivision Regulations* have been met.

FINDING 3. The City proposes that the preliminary plat include a street connection to the west, allowing for the future connection to Mathews Road. Staff believes this is consistent

with the intent of the Ames Subdivision Regulations and with the Third Addition of South Squaw Valley Subdivision. The applicant believes the connection is unneeded and, in fact, creates additional problems, such as storm water control and the unnecessary removal of trees. A third would option allow for the initial construction of the cul-de-sac while preserving the option for the eventual extension of the street into Mathews Road, if this were ever annexed and the City Council at that time were to seek the connection.

CONCLUSION: Staff concludes that the connection of the proposed road to the west property line is important for the future interconnection of neighborhoods, for redundant emergency access, to promote strong neighborhoods by allowing the free passage from one to the other, and to meet the intent of the 1990 plat. This would only be achieved if Bella Circle were to be extended to the west and Mathews Drive were to be extended to the east.

RECOMMENDATION OF THE COMMISSION:

At its meeting of March 6, 2013, with a vote of 5-1, the Planning and Zoning Commission recommended approval of the Preliminary Plat for Bella Woods with the street extended to the west line of the proposed development, based upon the findings of facts and conclusions in this report, conditioned on:

- a) The applicant completing a number of updates to this proposed plat prior to presentation to the City Council for approval. These updates include a complete grading plan, tabular data, etc. (The applicant had limited time to draw this plat based on the direction of staff to extend the road to the west); and
- b) That the consideration of groundwater issues and surface water runoff be considered by the City Council.

The owners of 5206 Valley Road, west of the proposed subdivision, addressed the City Council regarding the drainage from the existing ponds and the presence of water in the ditches much of the year. These concerns were forwarded to County staff, which has jurisdiction on drainage. The Commission, though, wanted the City Council to consider these when they acted upon the request for approval of the preliminary plat.

ALTERNATIVES:

1. The City Council can approve the preliminary plat for Bella Woods with the street extended to the west line of the proposed development as shown on **Attachment D**, conditioned on:
 - a. The applicant completing a number of updates to this proposed plat prior to presentation to the Story County Supervisors for approval. These updates include a complete grading plan, tabular data, etc. (The applicant had limited time to draw this plat based on the direction of staff to provide an option extend the road to the west.)
2. The City Council can approve the preliminary plat for Bella Woods with the street not

extended to the west line of the proposed development as shown on **Attachment C**. This is the option that the applicant seeks and for which they will request approval.

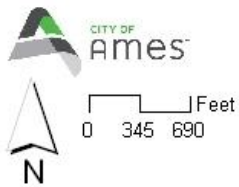
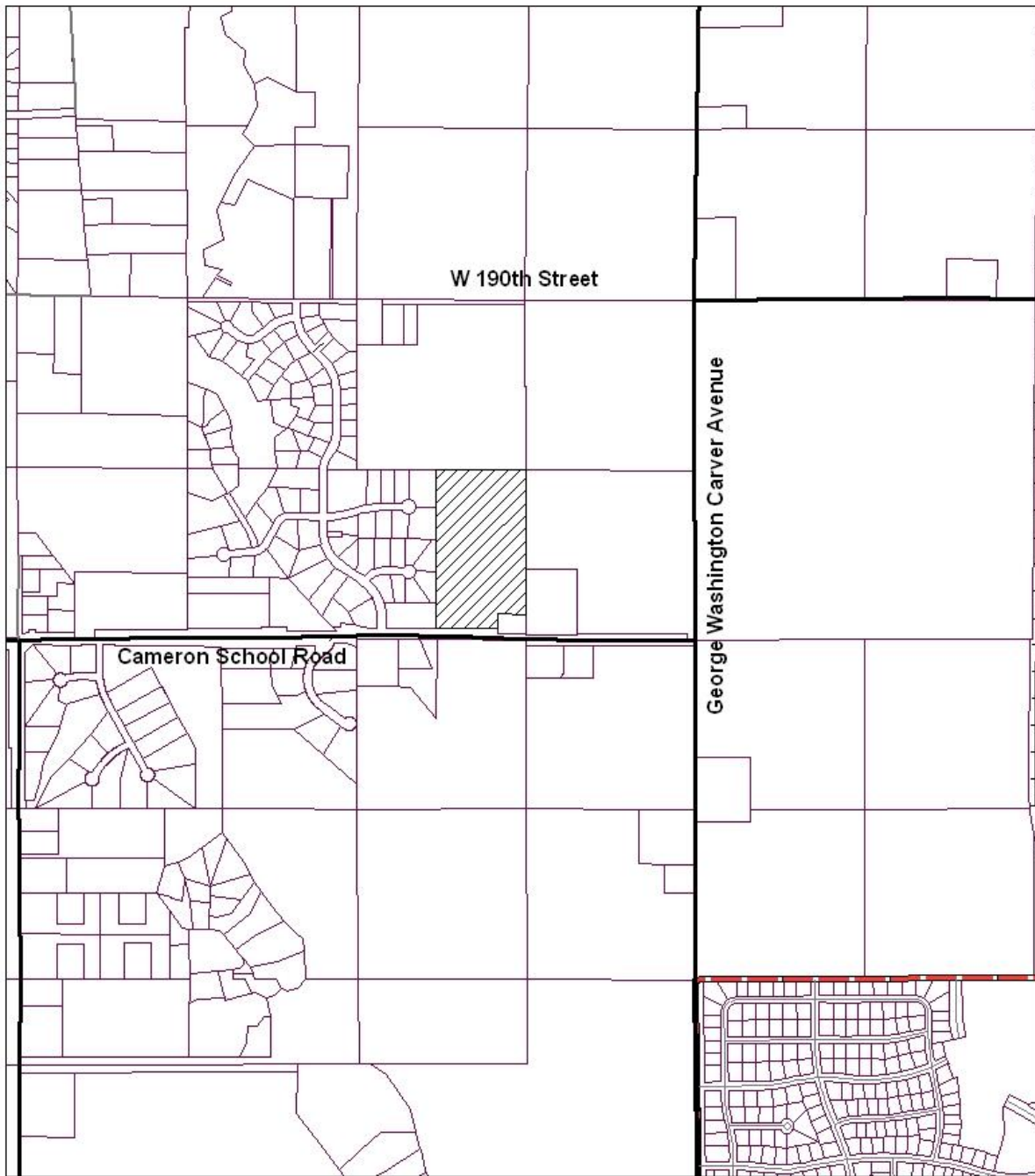
3. The City Council can approve the preliminary plat for Bella Woods with the street not extended to the west line of the proposed development but with an outlot shown that would be reserved for right-of-way in the event the street would be extended following annexation as shown in Attachment E, conditioned on:
 - a. The applicant completing a number of updates to this proposed plat prior to presentation to the Story County Supervisors for approval. These updates include a complete grading plan, tabular data, etc. (The applicant had limited time to draw this plat based on the direction of staff to provide an option extend the road to the west.)
4. The City Council can deny the preliminary plat for Bella Woods by setting forth its reasons for denial.
5. Action on this request can be postponed and referred back to City staff and/or the applicant for additional information.


MANAGER’S RECOMMENDED ACTION:

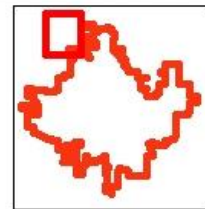
Based upon the Findings of Fact and Conclusions above, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the preliminary plat for Bella Woods with the street extended to the west line of the proposed development as shown on **Attachment D**, conditioned on:

- a. The applicant completing a number of updates to this proposed plat prior to presentation to the Story County Supervisors for approval. These updates include a complete grading plan, tabular data, etc. (The applicant had limited time to draw this plat based on the direction of staff to provide an option extend the road to the west.)

ATTACHMENT A



- Legend**
-  Subject Parcel
 -  Ames City Boundary



ATTACHMENT B

Applicable Subdivision Law

The laws applicable to this preliminary plat for Bella Woods include, but are not limited to, the following: (verbatim language is shown in *italics*, other references are paraphrased):

Code of Iowa Chapter 354, Section 8 requires that the governing body shall determine whether the subdivision conforms to its Land Use Policy Plan.

Ames Municipal Code Chapter 23, Subdivisions, Division I, outlines the general provisions for subdivisions within the City limits and within two miles of the City limits of Ames.

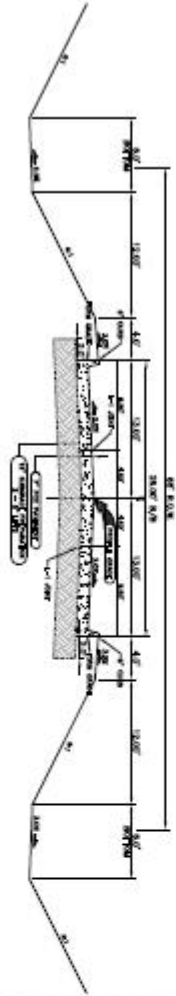
Ames Municipal Code Section 23.302(5):

- (3) *City Council Review of Preliminary Plat: All proposed subdivision plats shall be submitted to the City Council for review and approval in accordance with these Regulations. The City Council shall examine the Preliminary Plat, any comments, recommendations or reports examined or made by the Planning and Zoning Commission, and such other information as it deems necessary and reasonable to consider.*

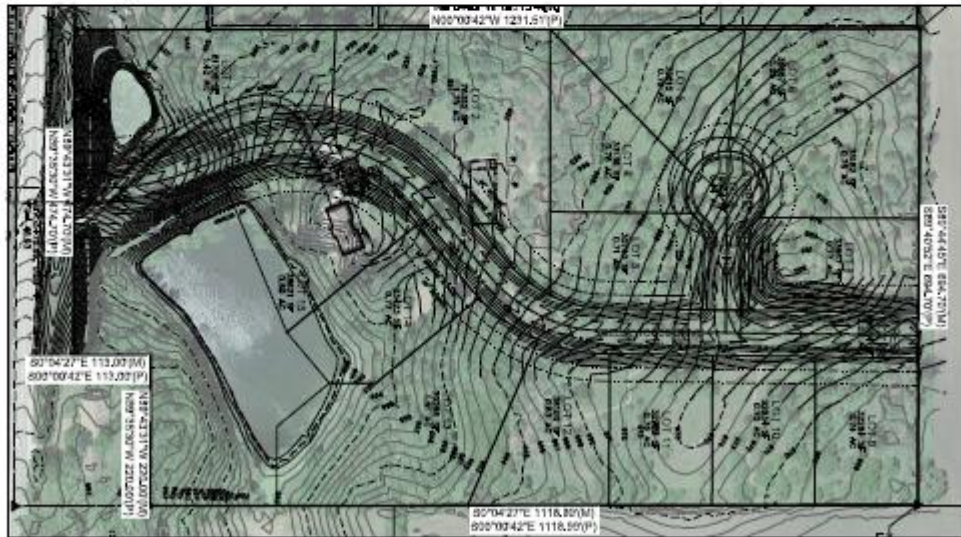
Ames Municipal Code Section 23.302(6):

- (6) *City Council Action on Preliminary Plat:*
 - (a) *Based upon such examination, the City Council shall determine whether the Preliminary Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan and to the City's other duly adopted plans. In particular, the City Council shall determine whether the subdivision conforms to minimum levels of service standards set forth in the Land Use Policy Plan 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.*
 - (b) *Following such examination and within 30 days of the referral of the Preliminary Plat and report of recommendations to the City Council by the Planning and Zoning Commission, the City Council shall approve, approve subject to conditions, or disapprove the Preliminary Plat. The City Council shall set forth its reasons for disapproving any Preliminary Plat or for conditioning its approval of any Preliminary Plat in its official records and shall provide a written copy of such reasons to the developer.*

TYPICAL SECTION - 26' P.C.C. / 56' R.O.W. ROADWAY
 REF TO SHEET



AERIAL VIEW WITH TREES



2
2

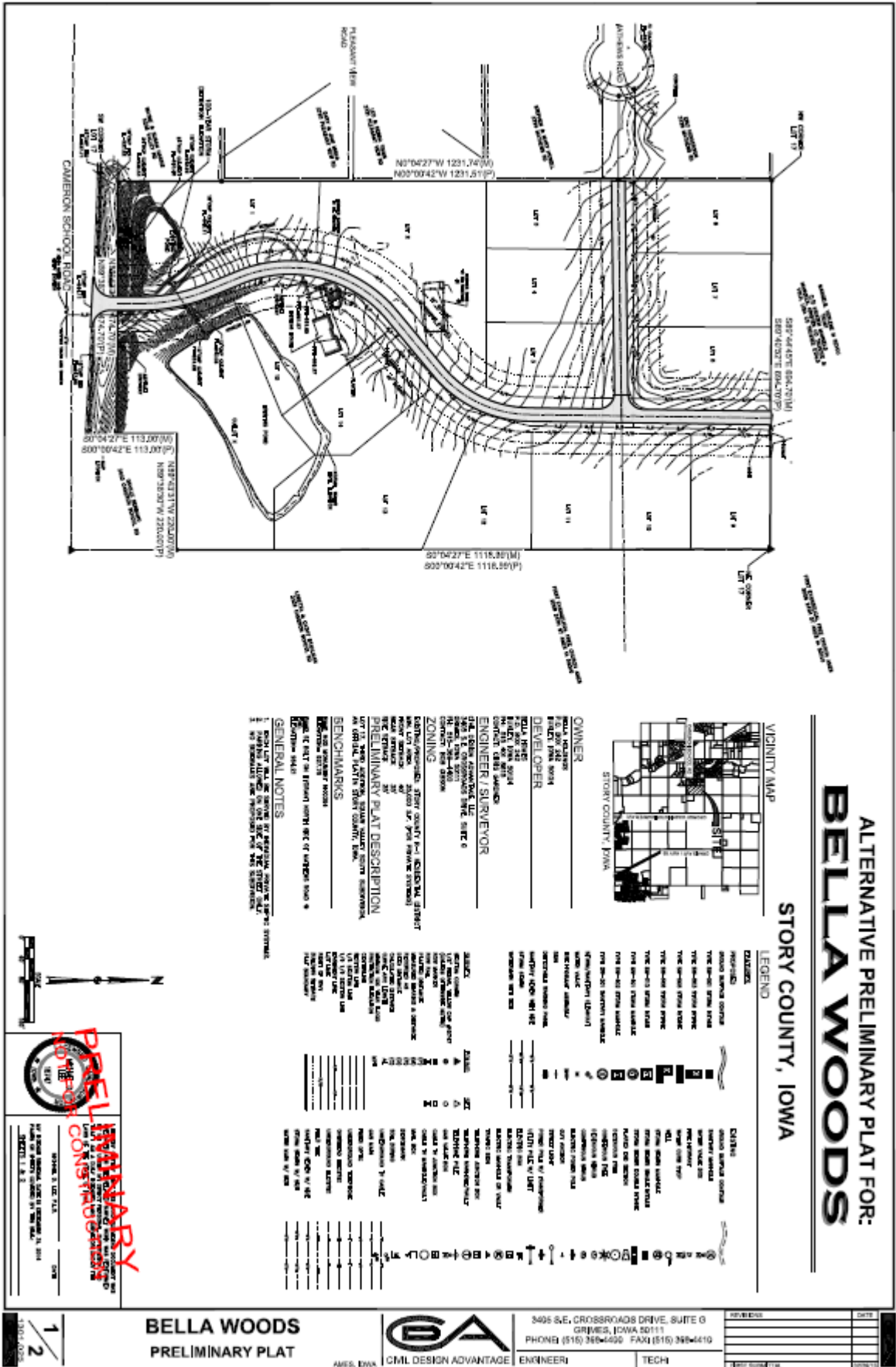
BELLA WOODS
 PRELIMINARY PLAT



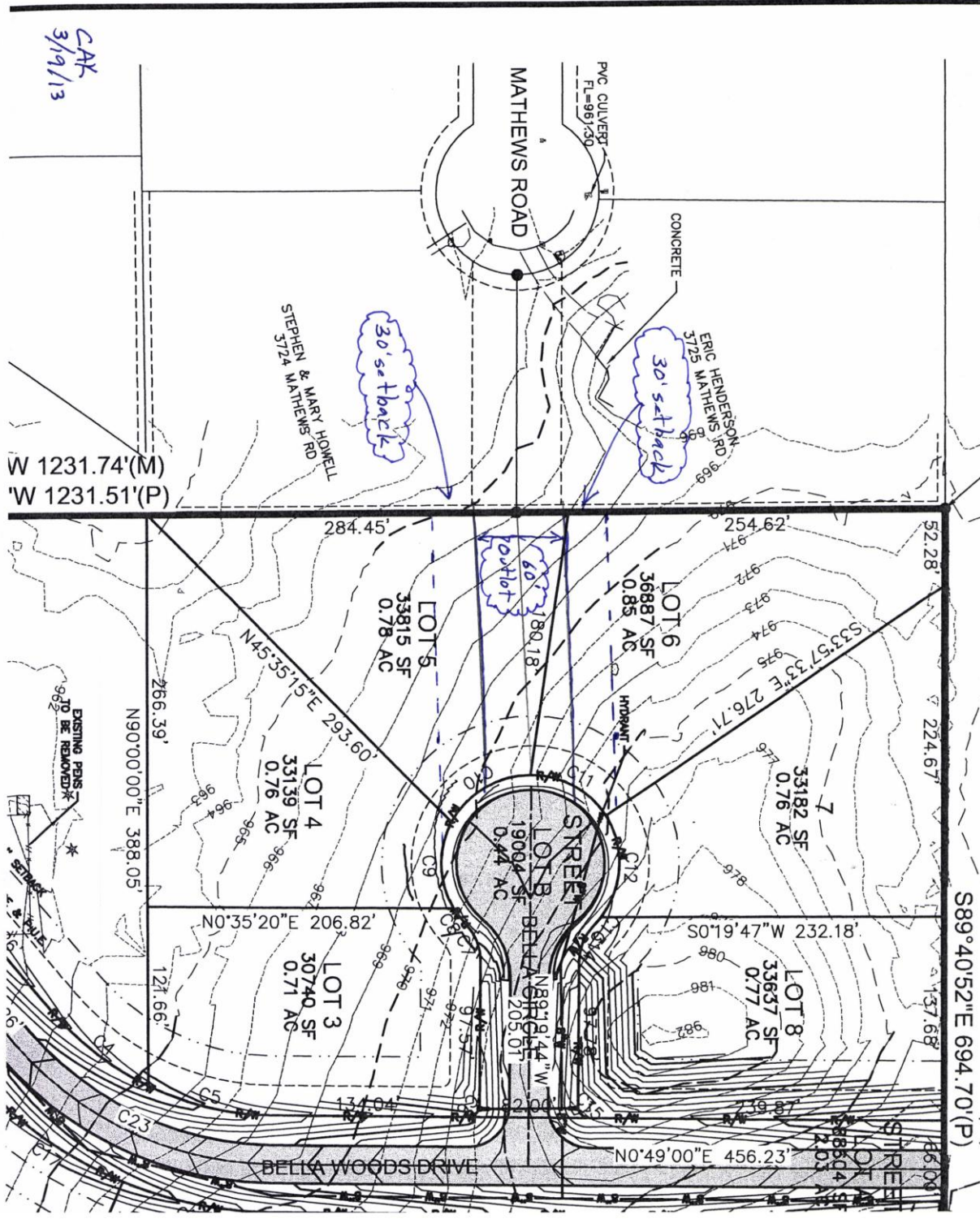
3405 S.E. CROSSROADS DRIVE, SUITE 0
 GRIMES, IOWA 50111
 PHONE (515) 365-4400 FAX (515) 365-4410
 ENGINEER TECH

REVISION	DATE

ATTACHMENT D: PRELIMINARY PLAT W/ THROUGH STREET



ATTACHMENT E: PRELIMINARY PLAT W/ CUL-DE-SAC AND OUTLOT



CAK
3/19/13