

COUNCIL ACTION FORM

**SUBJECT: REQUEST FOR WAIVER OF SUBDIVISION REGULATIONS FOR
56722 241ST STREET IN THE AMES URBAN FRINGE**

BACKGROUND:

At the April 23rd City Council meeting, Council referred to staff a letter from Mark Gannon seeking a waiver of the subdivisions standards (*Attachment No.1*). Mr. Gannon, the property owner, is proposing a subdivision of land within two miles of the corporate limits of Ames and is therefore subject to the provisions of the Ames subdivision regulations. The proposed division of land is a 2-lot split of approximately 12 acres of land in rural Story County southeast of the Interstate 35/U.S. Highway 30 interchange, abutting the east bound ramp connecting I-35 and U.S. Highway 30 (*see attached Location Map*). The two existing commercial buildings on the site will be included as part of Lot 1, a 4-acre lot. The remaining 8+ acres will comprise Lot 2 of the new subdivision (*see proposed lots on Attachment No. 2*).

Mr. Gannon requests a waiver of the design and improvement standards otherwise applicable in the Rural/Urban Transition Area. These standards define the minimum public infrastructure standards, including public water, sanitary sewer, storm water, and street improvements including street trees and sidewalks. In this instance, no public improvements are necessary since the site is served by rural water and on-site septic systems. No new public streets are proposed for the subdivision at this time.

Division IV of Chapter 23 of the Municipal Code, contains the site design standards for the creation of new subdivisions. This section 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, the subdivision regulations classify this as a major subdivision, requiring a preliminary plat to be submitted that identifies how the infrastructure requirements will be met.

However, Section 23.103(1) of the Municipal Code allows the City Council to waive or modify the requirements of the subdivision regulations where “...*strict compliance with the requirements of the regulations would result in extraordinary hardship to the Applicant or would prove inconsistent with the purpose of the Regulations because of unusual topography or other conditions...provided, however, that such modification or waiver shall not have the effect of nullifying the intent and purpose of the Regulations.... In so granting a modification or waiver, the City Council may impose such additional conditions as are necessary to secure substantially the modifications of the requirements so modified or*”

waived.” In addition, Chapter 354.9(2) of the Code of Iowa allows cities to “...waive the requirements of any of its standards or conditions....”

The City Council has routinely granted waivers to Division IV of Chapter 23 for divisions of land 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.

In the past, these waivers have been justified for a number of reasons. First, the expectation of the Plan is that the development would be allowed and that it is not anticipated to be a part of the City in the foreseeable future. Second, the extension of infrastructure to the site is extraordinarily costly given the distance from existing city boundaries. Third, features common to rural development, such as large open ditches adjacent to roads, would not readily accommodate urban sidewalks and street trees

The site is located in the “Rural/Urban Transition Area” of the adopted Ames Urban Fringe Plan. The Plan describes the “Rural/Urban Transition Area” as follows:

“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 may be utilized to ensure that the future transition into the City of Ames or City of Gilbert is a smooth one.”

Policy #1 of the “Rural/Urban Transition Area” addresses the acceptability of rural-type services and development standards as follows:

“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.”

The Plan addresses Public Facilities and Services in the “Rural/Urban Transition Area” as follows:

“Public Facilities and Services. Development within the Rural/Urban Transition Area should not expect the same level of public facilities and services as the urban growth areas of the City of Ames and the City of Gilbert. New public facilities and services are likely to be built and provided in the urban growth areas as the cities develop. Services shall be provided as the density of populations increases, making the provision for services efficient and cost-effective. In rural areas, the affected county will maintain its existing levels of law enforcement and emergency services.”

Two land use designations within the Rural/Urban Transition Area apply to the land proposed for subdivision. One designation is: “Highway-Oriented Commercial”. This designation applies to commercial land uses along arterial corridors that are primarily designed to accommodate the automobile. It is intended to provide for an orderly and efficient transition between existing or future urban areas and the rural, unincorporated areas.

The second land use designation is: “Gateway Protection (GP).” The Gateway Protection land use designation provides the opportunity to enhance the perception of significant entrances into the urban areas and to link major areas or activity centers.

The goals and policies for the GP land use designation would be followed by the City at the time of annexation and development of the land, which would then be required to comply with the City’s adopted zoning regulations.

GP Policy 12 states the following:

“Gateway protection designation applies to entrances into the City of Ames from major transportation corridors (Highway 30 and Interstate 35).”

GP Policy 3 states the following:

“Require distinctive design characteristics and other standards more specific than in other land use designations, including, but not limited to, more restrictive signage regulations, higher landscape standards, building placement standards, limited ingress and egress, limited parking in front of uses, and compatibility standards that promote the continuation and preservation of distinctive design elements associated with the entrance area.” This policy relates to Goal 3.2 for the Rural/Urban Transition Area (RUTA), which reads as follows:

RUTA Goal 3.2. To prepare non-agricultural development for efficient rural-to-urban transition.

In accordance with the City’s policy regarding action on subdivision plats in the urban fringe area, the property 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. These agreements will be filed with the Story County Recorder’s Office, if the waiver of subdivision standards is approved by the City Council. The property owner is responsible for the costs of recording the documents.

If the City Council were to waive the infrastructure requirements for this current request, the property owner could then proceed with the preparation of a Minor Final Plat for

consideration by the Council. Approval of the Final Plat by first the City Council, and then by the Story County Board of Supervisors, is required to divide the land into two lots as proposed. After obtaining resolutions from both the City and Story County approving the Final Plat, the property owner would then file the Final Plat with the Story County Recorder's Office.

ALTERNATIVES:

1. The City Council can approve the request to waive the City's design and infrastructure standards for subdivisions for the proposed two-lot subdivision at 56722 241st Street. The waiver would be effective if, within six months following the date of the resolution, an application for the final plat is submitted to the City. The waiver would be valid only for this division. Any subsequent division of land would need to request a new waiver.

2. The City Council can deny the request to waive the City's design and infrastructure standards for the proposed two-lot subdivision at 56722 241st Street.

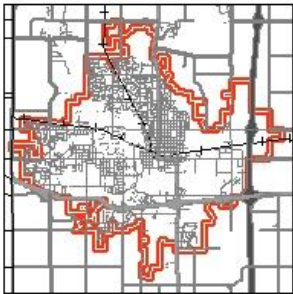
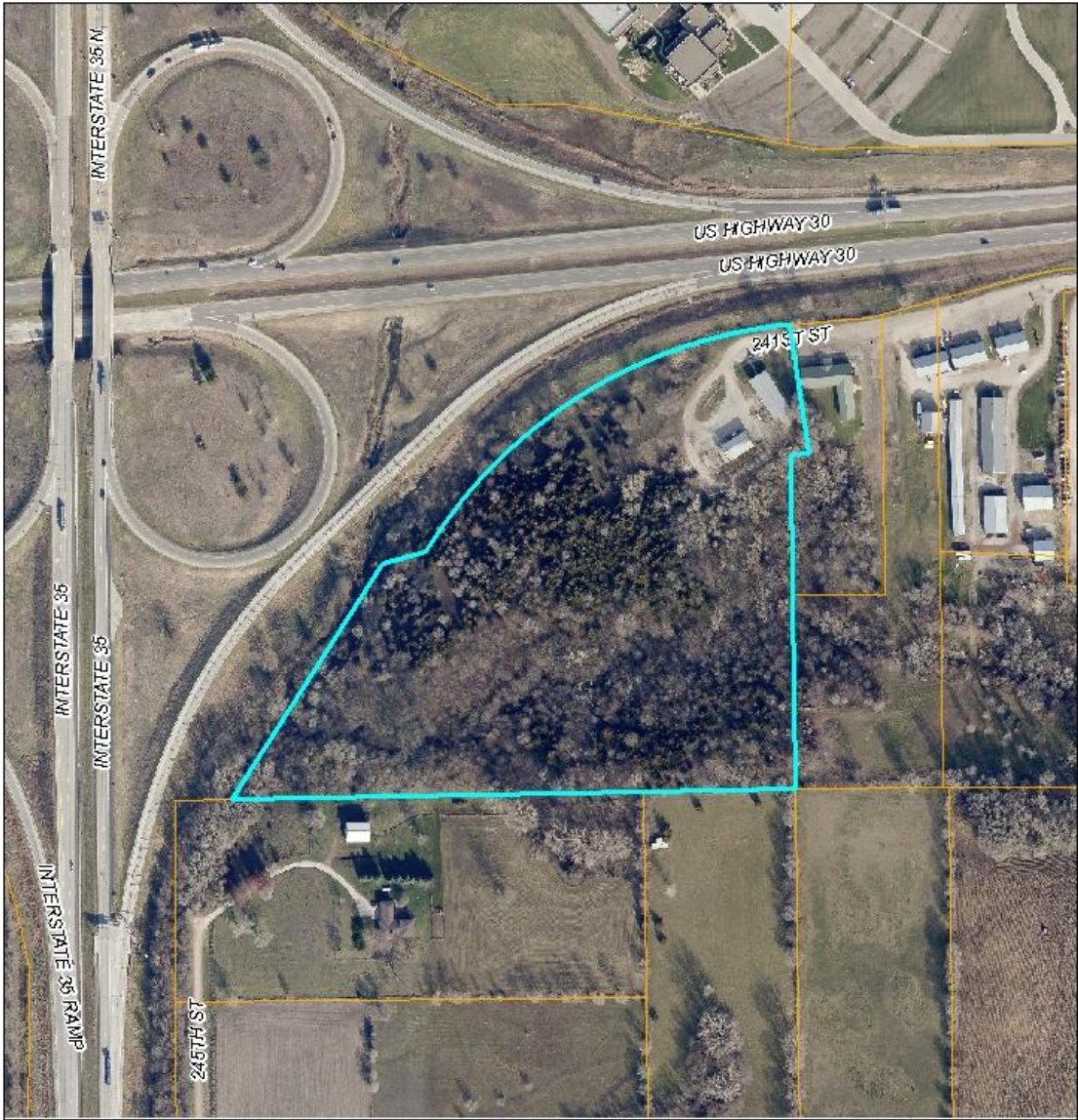
This alternative would require the developer to prepare and submit a preliminary plat indicating how the standards will be met.

3. The City Council can refer this request back to staff and/or the applicant for additional information.

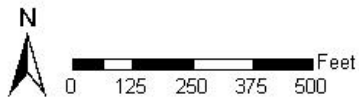
MANAGER'S RECOMMENDED ACTION:

Approval of this waiver of the City's design and infrastructure standards is consistent with past practices of the City Council and with the policies and intent of the Ames Urban Fringe Plan. The six-month time limit ensures that approved waivers will not be outstanding indefinitely.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1 as shown above.



Location Map



Attachment No. 1

April 19, 2013

City of Ames
City Council
515 Clark Avenue
Ames, Iowa 50010

Re: 56722 – 241st Street Minor Subdivision

Dear Council,

I currently own a 12.67 acre tax parcel at 56722-241st Street which I would like to divide into 2 parcels due to the potential sale of the two buildings and 4 acres plus the potential building of my farm real estate office on the remaining parcel. The land is not in the City of Ames but in Story County but within the 2 mile radius of the City of Ames.

I had a Pre-Application Conference with the City of Ames, Story County and the DOT last week and the recommendation from that meeting was to request a waiver from the City of Ames for infrastructure since Ames sewer, water, gas and electric are currently not available in the area.

I am willing to sign covenants that myself or my successors and/or assigns agree to hook up to these utilities plus agree to voluntary annexation should the City request such in the future.

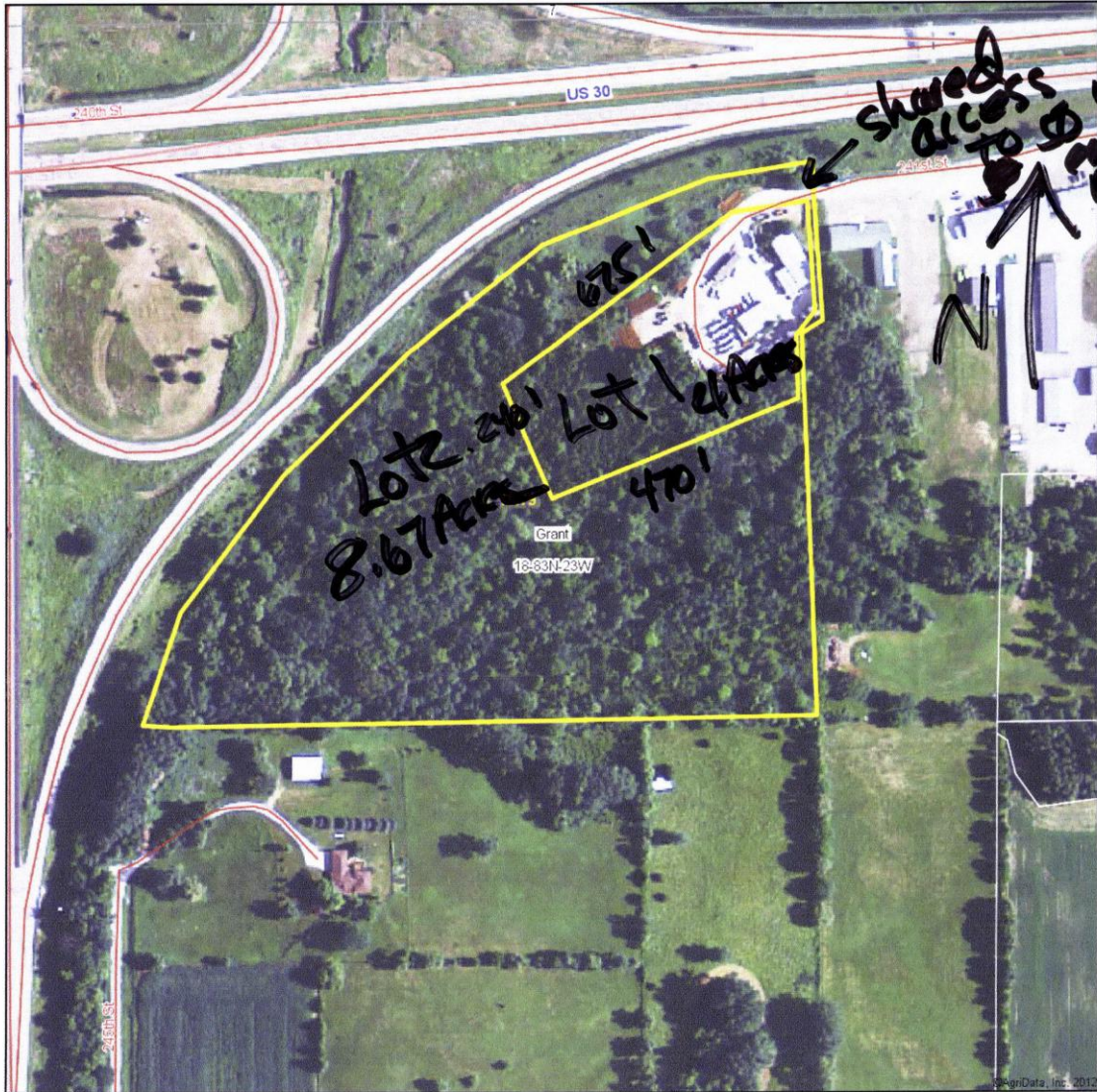
Enclosed is a copy of the Sketch Plan Pre-Application Conference form, aerial photos of the proposed new lots plus the current tax parcel information.

Sincerely,



Attachment No. 2

Aerial Map



map center: 42° 0' 20.6, 93° 34' 2.31
scale: 3017

18-83N-23W
Story County
Iowa



4/2/2013

Maps provided by:
 **surety**
CUSTOMIZED ONLINE MAPPING

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Field borders provided by Farm Service Agency as of 5/21/2008. Aerial photography provided by Aerial Photography Field Office.