

COUNCIL ACTION FORM

SUBJECT: REQUEST FOR WAIVER OF SUBDIVISION REGULATIONS, AMES GOLF AND COUNTRY CLUB

BACKGROUND:

The Ames Golf and Country Club at 5752 George Washington Carver is located in the area of the Ames Urban Fringe Plan (AUF) identified as Rural Transitional Residential and within the Watershed Protection Area of Ada Hayden Heritage Park. It also lies within the Allowable North Growth Area of the Land Use Policy Plan (LUPP). Bella Homes, LLC, as developer for the Ames Golf and Country Club, is proposing a residential development along the north and west perimeter of the golf course on approximately 20 acres of their 155 acre property. A location map is included as Attachment 1, and an AUF Map excerpt is Attachment 2.

At the October 29, 2013 City Council meeting, Council referred to staff a letter from Larry Curtis, representing the Ames Golf and Country Club (AGCC), seeking removal of the site from North Growth Area of the LUPP and to allow for waiver of infrastructure requirements and subdivision regulations (see Attachment 3). At the January 14, 2014 meeting, the City Council clarified the ability of this project to move forward with an application as a Rural Transitional Residential subdivision without having to amend the Land Use Policy Plan North Growth Area designation.

Rural subdivisions are subject to municipal standards and approval within 2 miles of an incorporated city. Ames has entered into a 28E agreement with Story County and Gilbert in support of the AUF and to streamline review. With the AUF, the review process has been streamlined where the City has retained its subdivision authority for specific transition and urban service areas while allowing the County to review subdivisions in agricultural areas within 2 miles of the City. **In this circumstance, the site is in a Rural Transition Residential designation and is subject to all City subdivision requirements unless waived by the City Council.**

The City considers rural subdivision developments in a multi-step process. **The action tonight is to review the pertinent AUF policies and determine if the City is willing to waive any of its subdivision requirements. If the City Council grants any waivers, the applicant will then proceed as a Major Subdivision and will prepare a preliminary plat with detailed design and lot layouts and a final plat. Both of these plats will require City Council approval.**

The AUF describes Rural Transitional Residential as follows and includes specific policies related to allowing for rural development:

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. Density is to be within 1.0 and 3.75 units per acre.

Policy 5, below, specifically addresses infrastructure standards.

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.*]

Policy 7, below, specifically addresses annexation.

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

The full list of policies is included as Attachment 4.

In furtherance of these AUF policies and in accordance with the City's policy 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.

SUBDIVISION STANDARDS

Subsequent to the January determination by Council on the appropriate process, the applicant and staff have met multiple times to discuss issues regarding infrastructure needs, Conservation Subdivision standards, and Ada Hayden Watershed protection.

Division IV of the City's subdivision ordinance (Chapter 23 of the Ames *Municipal Code*) describes the minimum standards for lots and blocks, 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.

By default, these standards must be met for all developments within the jurisdiction of the City's subdivision regulations unless specific waivers are granted by the City Council.

Since the proposed subdivision lacks the public improvements described in Division IV, this development would be classified as a major subdivision requiring a preliminary plat to be submitted that identifies how the infrastructure requirements will be met.

In this instance, City staff has reviewed the standards of Division IV and how they would be applied to this proposed development. **The recommendation of staff is to retain most of the standards and to grant waivers only for a limited portion.**

The most notable waivers or partial waivers relate to allowing for interim service by Xenia Rural Water District and interim use of advanced overland release septic systems with a permanent reduction in golf course phosphorus use to protect the watershed.

Below are staff's specific recommendations as to which sections of the City's Design and Improvements Standards to retain and which to waive:

- Section 23.401 **Site Design Standards: Retain these in whole.**
 - Lot and block standards need to be met.
- Section 23.402 **Residential Subdivision Landscaping Standards: Retain these in whole.**
 - Street trees will be required along all internal streets.
- Section 23.403 **Streets: Retain these in whole.**
 - The City will review and approve plans.
 - The developer will submit certified as-built drawings to confirm conformance with City standards.
 - All street and frontage improvements shall be installed per City specifications and policies. This will include, at a minimum, street lights, sidewalks, shared use path, streets, curb and gutter.
 - The developer will provide cash escrow for half of Stange Road as it abuts the development. This escrow will cover all required improvements for an arterial street, including pavement, curb and gutter, sidewalks, shared use path, street trees, lighting, markings, etc.
- Section 23.404 **Water Supply: Retain in part.**
 - Allow a waiver so as not to require connection to City system prior to development and annexation with the following conditions:
 - Need agreement between owner and Xenia about terms of buyout of territory and disconnection in the event of annexation. Agreement must be in place prior to approval of preliminary plat.

- Xenia can serve this development, but improvements must meet City of Ames specifications and standards for water and fire service. Developer will submit certified as-built drawings following construction.
 - Following annexation and at City's request, connection to City system (and disconnection from Xenia) required at owner's cost.
 - The developer will submit certified as-built drawings to determine conformance with City standards.
- Section 23.405 **Sanitary Sewer: Retain in part.**
 - Allow a waiver so as not to require connection to City system prior to development and annexation with the following conditions
 - Individual or group on-site systems designed for surface discharge (AdvanTex or equivalent) as approved by County sanitarian.
 - Following annexation and at City's request, connection to City system required at owner's cost.
 - Homes on 190th Street to meet same standard as other homes.
 - **Waiver contingent upon City's approval of Phosphorus reduction and management plan (see stormwater section)**
 - Preliminary plat will identify sanitary sewer layout and easements will be provided if needed. Construction will be deferred until sanitary sewer service is available.
- Section 23.406 **Electric Distribution and Street Lighting Standards: Retain in whole.**
 - Installed by developer in accordance with City standards, including lights placed at intersections and entrances along arterial streets.
- Section 23.407 **Storm Water Management: Retained in whole.**
 - Preliminary plat must be designed and managed in accordance with conservation subdivision standards (Division VI).
 - Development must comply with new Post-Construction stormwater ordinance.
 - **AGCC has stated that the golf course improvements financed through the development of this subdivision will reduce their annual phosphorus application by 60%. AGCC needs to provide a plan prior to preliminary plat approval to demonstrate the means of accomplishing the reduction and how these reductions will be monitored over the long term.**
 - Preliminary Plat will include golf course preliminary grading plans with storm water management and irrigation plans.
 - Final Phosphorus Management Plan will include provisions for monitoring application needs.
- Section 23.408 **Soil Erosion and Sedimentation Control: Retain in whole.**
 - Developer must apply for and obtain COSESCO permit and be subject to

inspections.

- Section 23.409 **Improvement Guarantees: Retain in whole.**
 - Prior to final plat approval, applicant must complete all infrastructure requirements or provide financial security for those yet to be installed.

Should the City Council act on this waiver request, the applicant could then proceed with the preparation of a preliminary plat for consideration by the City and County.

ALTERNATIVES:

1. The City Council can accept the covenants provided by the applicant and grant a waiver from those portions of Division IV Design and Improvement Standards of the Ames Subdivision Regulations for a subdivision proposed by the Ames Golf and Country Club specified above.

This alternative will allow the owner to prepare a preliminary plat for submittal and review by the City. The Ames City Council and Story County Board of Supervisors 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.

In order to assure the obligations for the developer stated above are completed, it is likely that a Developer Agreement will be required along with the Final Plat.

2. The City Council can accept the proposed covenants, but include different waivers from those described above to the Design and Improvement Standards for the subdivision. These could be either less or more stringent design specifications.
3. The City Council can reject the proposed covenants and decline the request for a waiver of the Division IV Design and Improvement Standards for the proposed subdivision proposed by Ames Golf and Country Club. This alternative would result in no rural subdivision application at this time.
4. The City Council can refer this request back to staff and/or the applicant for additional information.

MANAGER'S RECOMMENDED ACTION:

The City has had long standing policy to protect the Ada Hayden Watershed from additional pollutants entering the lake. The most significant pollutant of concern related to water quality and algae blooms is phosphorus. In the past, the City has not supported development that contributes or potentially contributes to the degradation of the lake or the park's quality. This was the case with the Rose Prairie development request that

pursued a rural subdivision without City services. The City rejected their approach to management of a sewer system with traditional septic, bulk treatment or a collective open lagoon. That denial ultimately resulted in the properties being annexed into the City.

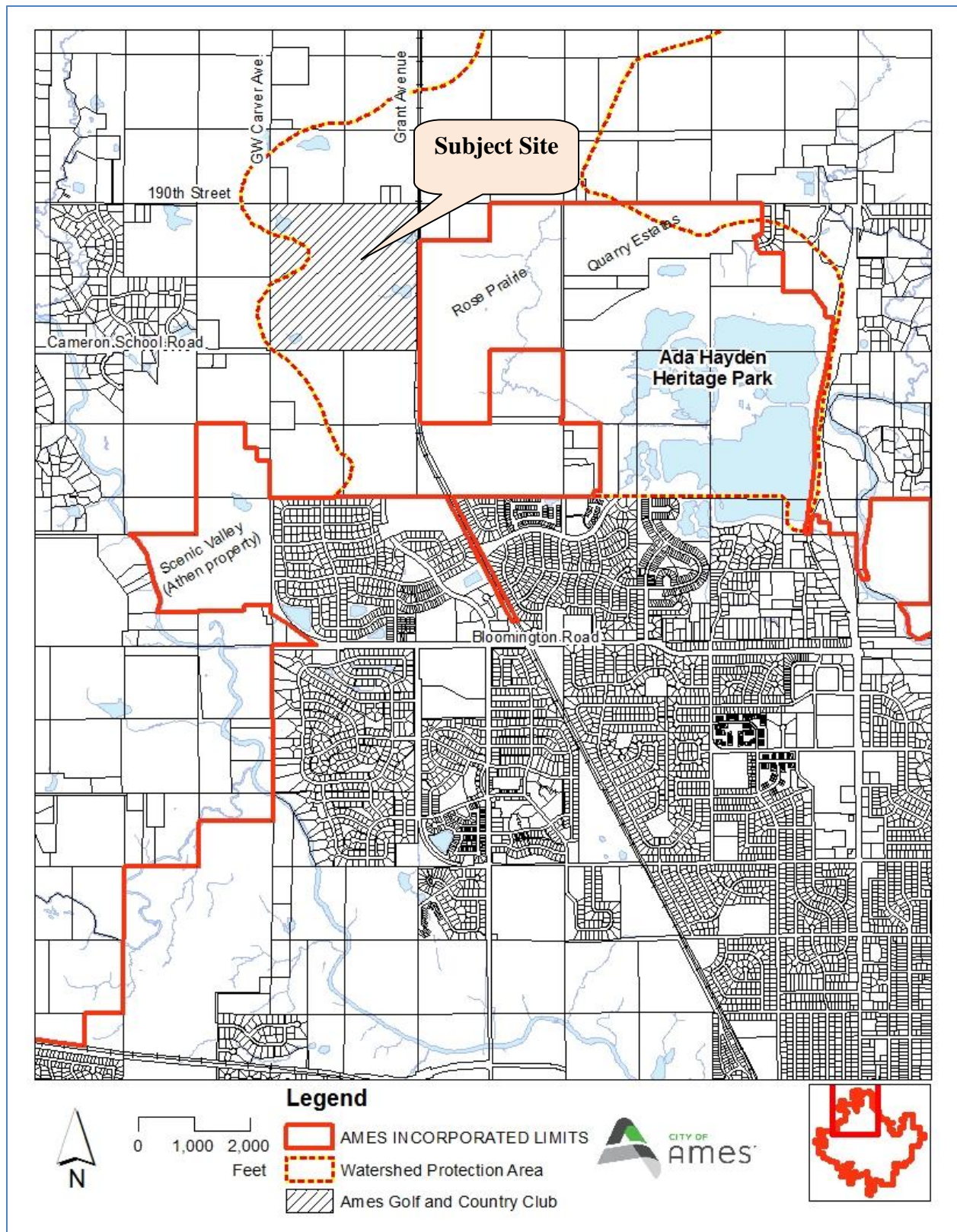
In this case, the applicant has proposed a septic system that performs better than a traditional system with the exception of the release of phosphorus. To mitigate this impact, the Golf Course proposes to reduce the application of phosphorus to its grounds so as to have a net decrease within their portion of the Ada Hayden watershed. In concept this is achievable, since many golf courses – including our own Homewood Golf Course – do not need phosphorus for healthy turf. However, ensuring that the reduction does occur will be difficult in the long run due to there being no prescribed means of monitoring phosphorus usage and application on the AGCC golf course. **At this time staff is supporting the waiver of sewer requirements contingent upon further development of a phosphorus reduction plan concurrent with a preliminary plat application.**

The proposed waiver of a portion of the Design and Improvements Standards is consistent with the policies of the Urban Fringe Plan. By retaining most of the standards and requiring a design that allows the other standards to be met later, such as for water and sanitary sewer, the City can ensure that if or when this development is annexed into the City, it can be 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 for rural water buyout and for public infrastructure.

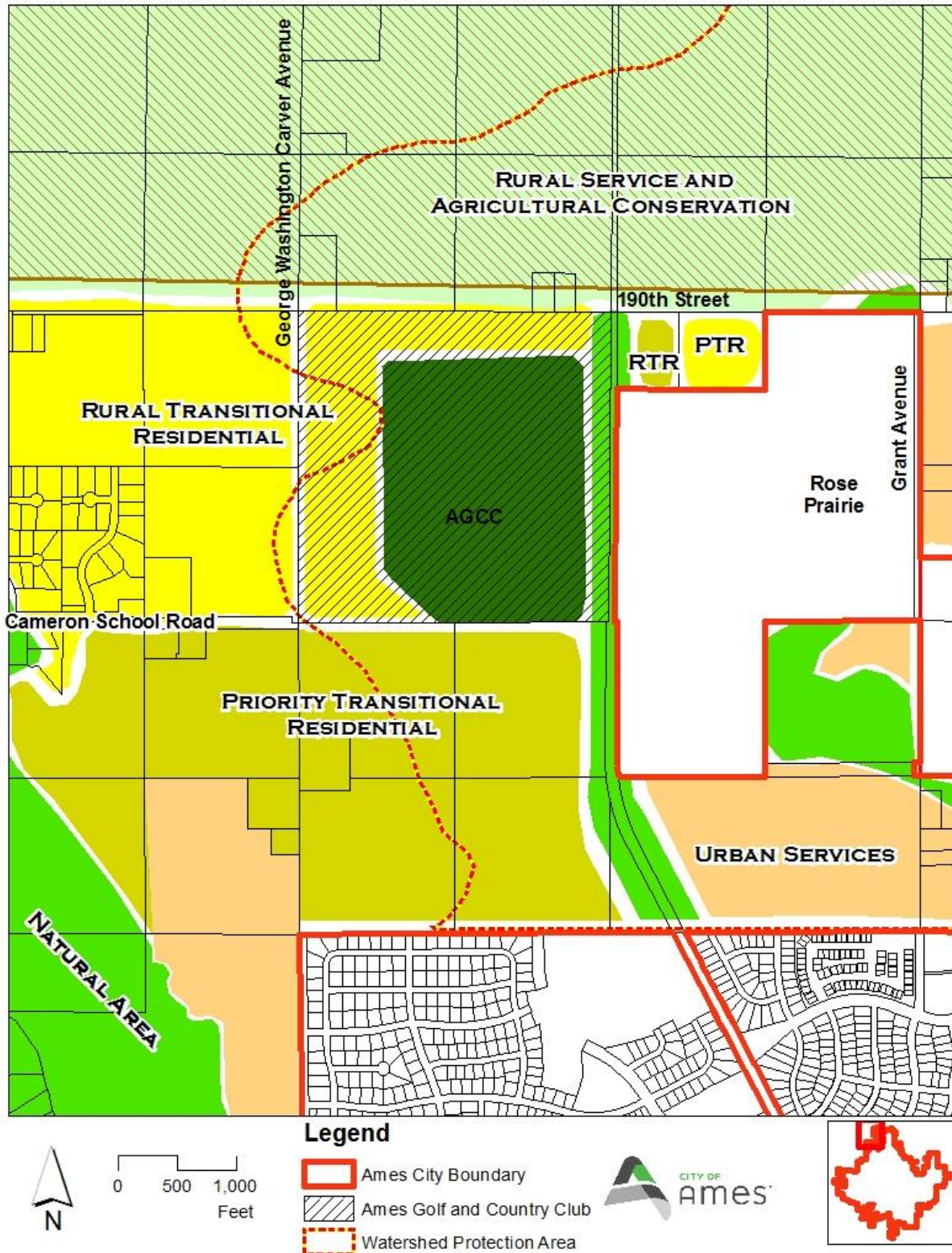
Additionally, the annexation covenant requires all of the property, including the Golf Course, to voluntarily annex at the City's request. The site is adjacent to property that is within the City and, therefore, the City can choose to use this covenant at any time it suits the City to support an expansion of its boundaries or operations. This could be a standalone annexation of the property or combined with any other properties in the area for a larger annexation. When the City does require annexation, the City will not have any obligations to extend utility services and at any time utilities are extended it will be at the sole cost of the property owners as described within the other covenants.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1. This alternative will waive some portions of Division IV Design and Improvement Standards of the Ames Subdivision Regulations for the subdivision proposed by the Ames Golf and Country Club as noted above.

ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 3

10/29/2013

Around dais

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October 29, 2013

Mayor Ann Campbell and
Ames City Council
515 Clark Avenue
Ames, IA 50010

Re: Removal from Northern Growth Area,
City of Ames, Iowa

Dear Mayor Campbell and Ames City Council

On behalf of the Ames Golf and Country Club, we request removal of the Ames Golf and Country Club property from the City of Ames' Northern Growth Area. It is the intention of the Ames Golf and Country Club to develop property as proposed under the Story County Zoning and Subdivision regulation subject to the City's requirements as have been imposed on other developments in the close proximity of the Ames Golf and Country Club, namely those of the Evangelical Free Church and Bella Woods Subdivision.

Your attention to this matter is greatly appreciated.

Yours very truly,



Larry R. Curtis
For the Ames Golf and Country Club

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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)