

COUNCIL ACTION FORM

**SUBJECT: RURAL MINOR SUBDIVISION FINAL PLAT FOR CHACAGUA BEND
SUBDIVISION ON WEST RIVERSIDE ROAD**

BACKGROUND:

The property owners of 569 W. Riverside Road, Dean Roosa and Carol Jacobs Peck, are requesting approval of a final plat for Chacagua Bend Subdivision in unincorporated Story County (see Attachment A). The subdivision lies along W. Riverside Road, south and east of the Skunk River. It proposes three lots and two outlots (see Attachment B). **The owners requested a waiver of the Design and Improvement Standards and the density requirements** on June 24, 2013 (see Attachment C). The City Council referred this letter to staff on July 9, 2013.

This land is located within the Rural Transitional Residential designation of the Ames Urban Fringe. The owner is seeking waivers of the City's Design and Improvements Standards as no public infrastructure is available. The owner is also seeking a waiver of the requirement to prepare a preliminary plat. In addition, the owner is seeking a waiver of the density requirements of between 1.0 and 3.75 dwelling units per acre.

A proposed subdivision is classified as either a major or minor subdivision, with a minor subdivision needing no public improvements and creating no more than three lots. Otherwise, it is a major subdivision requiring a preliminary plat. A minor subdivision requires no preliminary plat review, needing only final plat approval by the City Council. A preliminary plat, if required, would show the installation of the infrastructure meeting the Design and Improvements Standards (Division IV of the Ames Subdivision Regulations) and also would include topography information. Upon approval of a preliminary plat, a final plat is then prepared for Council approval. Story County will also be required to approve the final plat subsequent to action by the City of Ames. Further discussion of subdivision requirements is included in the Addendum.

The City's subdivision regulations apply to any division of land within the incorporated City limits and within the Urban Services and Rural/Urban Transition areas of the Ames Urban Fringe Plan (within 2 miles of the City). These subdivision regulations require that all City infrastructure be installed or financial security provided prior to the approval of a final subdivision plat, unless waived by City Council.

The City Council policy has a policy that any request for a subdivision in the Fringe be accompanied by three covenants that will facilitate future annexation of the development and installation of infrastructure. The covenants include agreeing to annexation at a future date at the City's request, agreeing to cover any costs associated with the buyout of rural water, and agreeing not to contest future assessments for the installation of public improvements. **The property owner has signed and agreed to**

the City's standard covenants in support of their request for waiver of subdivision infrastructure requirements in the Fringe.

Density Calculation. The gross acreage of the proposed plat is 8.42 acres. However, the land includes considerable flood plain, steep slopes, drainage easement, greenbelt and conservation easement, and forest reserve constraints on the property. By removing those areas from the density calculation, as allowed by the Subdivision Code, the net developable area of this subdivision is 3.6 acres, resulting in an overall density of 0.83 dwelling units per acre with three lots. **This is below the Rural Transitional designation density range of 1.00 to 3.75 dwelling units per acre. The property would need to be divided into four lots to meet minimum net density requirements.**

Lots 1 and 2, alone, meet the Rural Transitional density requirement by achieving 1.35 units per acre. The larger lot, however, contains numerous outbuildings and there is no lot pattern with frontage on West Riverside Drive that can meet the minimum density standard without requiring the demolition of usable accessory structures. Creating a flag lot under County zoning standards would create setback issues with the existing garage. **Because of the constraints caused by these existing structures, the owner is seeking a waiver of the density standards to allow the density of 0.83 dwelling units per acre.**

ALTERNATIVES:

1. The City Council can take the following actions as requested by the property owners:
 - A. Waive the Subdivision Code requirements for the preparation of a preliminary plat,
 - B. Waive requirements for installation of infrastructure, and accept the three covenants signed by the property owner for future annexation, water service, and participation in an assessment district,
 - C. Waive the density standards requiring between 1.0 and 3.75 dwelling units per net acre to allow a density of 0.83, and
 - D. Approve the final plat of Chacagua Bend Subdivision based upon the analysis of staff as stated above.
2. The City Council can deny the final plat for Chacagua Bend Subdivision if it finds that the development is inconsistent with the Ames Urban Fringe Plan or Subdivision Code for meeting the required minimum density of Rural Transitional.
3. The City Council can refer this request back to staff or the applicant for additional information. (The *Municipal Code* requires a final decision regarding final plat approval be rendered by the City Council within 60 days of the complete application for Final Plat approval of a Major Subdivision. City Council must approve, approve

subject to conditions, or disapprove this Final Plat application no later than February 10, 2015 to meet this deadline.)

MANAGER’S RECOMMENDED ACTION:

Staff has evaluated the proposed final subdivision plat (see Addendum) and determined that, with the granting of the requested waivers of the Design and Improvement Standards, of a preliminary plat, and of the density standard, the proposal conforms to the adopted ordinances and policies of the City of Ames.

The waiver of the Design and Improvement Standards is consistent with past practices in Rural Transitional Areas of the Ames Urban Fringe provided the covenants have been signed. These covenants will allow the City to later annex these lands with costs for water and other infrastructure borne by the annexed property owners.

A preliminary plat is required when there are more than three lots and when public infrastructure is required to be installed. This subdivision is proposing five lots, of which two are unbuildable outlots. The two outlots are a requirement of Story County standards and have no bearing on the net density or buildable area of the property. In this circumstance, with no infrastructure required, there is not a substantial benefit to requiring a preliminary plat. The City Council has, on occasion, approved a waiver of the preliminary plat requirement for rural subdivisions greater than three lots if no public improvements are required.

The layout of the subdivision takes into account the constraints of the site for access, existing site improvements, and natural constraints. The waiver request does not appear to inhibit the development of a large area of land from meeting the density interests of the Fringe Plan. There is a one lot difference under the net density calculations between the minimum density and what is proposed. While the Fringe Plan may allow for up to 14 lots on the overall site, County zoning only would permit approximately 6 lots.

In this situation, a fourth lot could not be created out of the existing home site lot without demolition of accessory buildings. Without the fourth lot, the design and layout of the subdivision is slightly below the intended density range of the Fringe Plan. The City Council can grant a waiver of these standards if it finds no reasonable alternative exists to create additional lots and that the public interest is not jeopardized. The only other identifiable alternative to demolishing a structure would be to build a short private street to create lot frontage for a minimum of three new lots and to keep one large lot for the existing home site.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 as described above, waiving Division IV of the Subdivision Regulations, waiving the requirement for a preliminary plat, waiving the density standards, accepting the three covenants for recording, and approving the minor final plat.

ADDENDUM

Applicable Laws and Policies. All subdivisions within the Ames Urban Fringe are subject to all the requirements of the Code of Iowa Chapter 354 and the Ames Subdivision Regulations (Chapter 23 of the Ames *Municipal Code*). Portions of these codes are found in Attachment D. 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 Transition Areas, as is the case for this subject property. Story County will review the final plat subsequent to the City of Ames approval.**

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, the applicant is requesting a waiver from the City Council for all portions of the Standards. If granted, the subdivision would meet Story County standards for services and infrastructure. The applicant is also requesting a waiver of the requirement for the preparation of a preliminary plat. If granted, the City Council could approve the final plat. If not, action on the final plat would have to be deferred and the owner would need to prepare a preliminary plat for review by the Planning and Zoning Commission and action by the City Council at a later date.

Streets, Sidewalks, Utilities, and Easements. With the waiver granted by the City Council regarding the installation of infrastructure, the subdivision will be required to meet Story County requirements for water and on-site septic systems. The proposed plat includes public utility easements to accommodate any future sanitary sewer or water service to all the lots. All the buildable lots front on a public right-of-way and will be able to connect in the event of the installation of that infrastructure.

No new streets are proposed for this subdivision as all lots will front on an existing paved road (W. Riverside Road). The County does not require sidewalks for platting or for building permits. No sidewalks are proposed for this subdivision.

Access to Lot 3 will remain as it currently is. Access to Lots 1 and 2 will be a shared driveway between the two lots. This satisfies the County's requirements for safety and spacing.

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 (sanitary sewer, water, sidewalks, etc.) if the area is annexed.

Preliminary Plat Requirements. A preliminary plat is required for any subdivision that needs the installation of public infrastructure (except sidewalks) and/or has more than

three lots. A preliminary plat includes information on the location of proposed sanitary sewer, storm sewer, water, and streets. It also includes topography information.

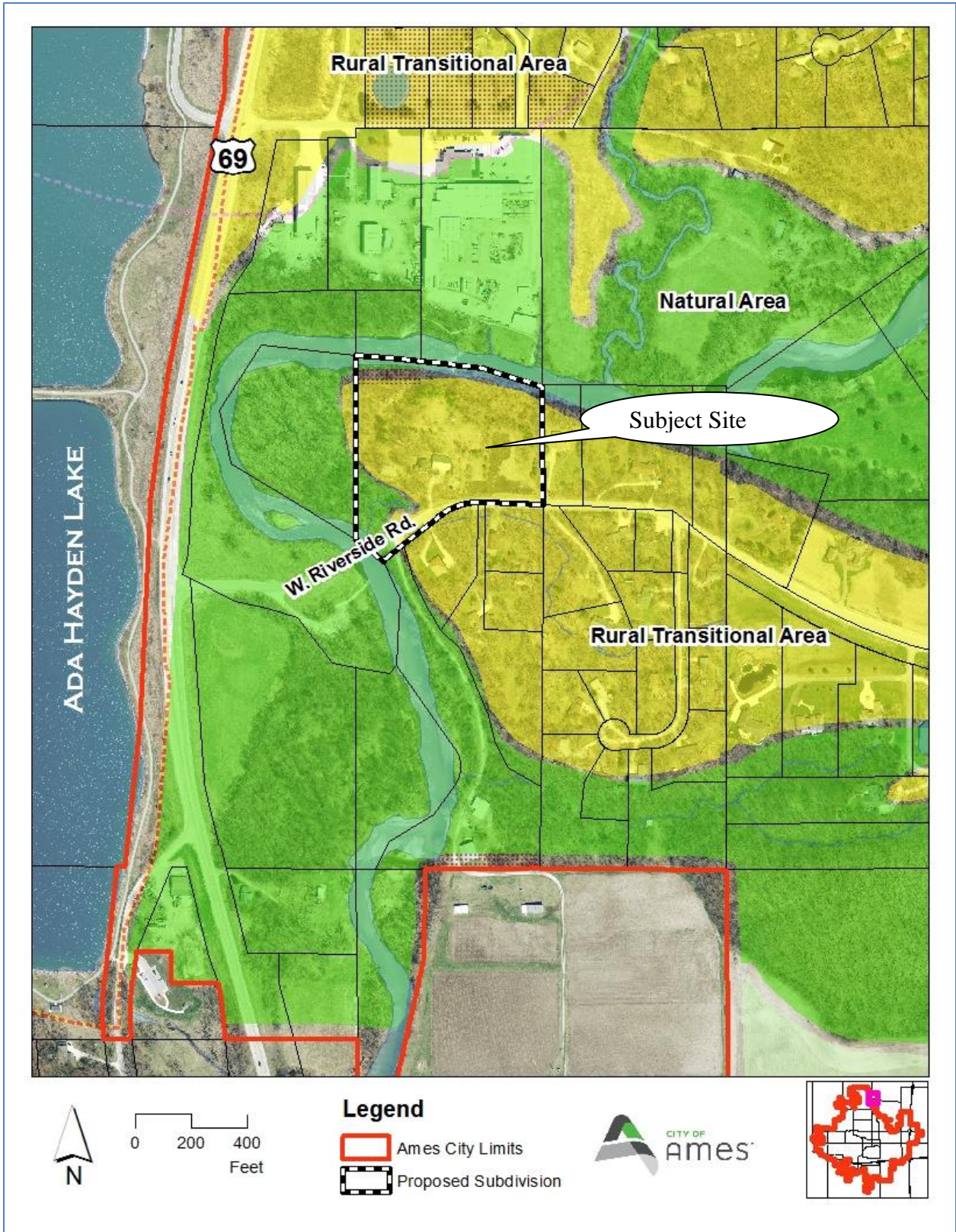
This plat was originally intended to include just three lots which, if the City Council approved the waiver of infrastructure, would not require a preliminary plat. However, the County required the creation of two outlots so that Lots 1 and 2 would meet the required width to depth ratio of the Story County subdivision standards (“the depth shall not be in excess of three times the width”). The two outlots are always to be conveyed with the adjacent platted lot through a plat restriction. The outlots lie entirely within the forest reserve boundary and have no impact on density calculations. Staff can find no benefit to requiring the creation of a preliminary plat and support the requested waiver.

Other considerations. Lots 1 and 2 are zoned by Story County as R-1. This allows single family dwellings with individual septic systems and wells on 25,000 square foot (0.57 acres) lots. Most of Lot 3 is zoned A-1, which allows single family dwellings on individual septic systems and wells on a 1.00 acre lot. This equates to a maximum development potential of approximately 6 buildable lots

The remainder of the subdivision, along the Skunk River corridor, is zoned Greenbelt-Conservation. This district allows some agricultural and forestry uses but no structures. (Story County allows lots to be split by zoning district, the land being subject to each district’s regulations. Ames allows lots to be split by zoning district but the entire lot is subject to whichever is the more restrictive zoning district.) Since this site is in the county, it is regulated by Story County zoning standards.

The adjacent Skunk River lies within the Special Flood Hazard Area (SFHA), as identified on the FEMA Flood Insurance Rate Map. This zone includes the Floodway and Floodway Fringe. However, no portion of the buildable area of each lot lies within that SFHA.

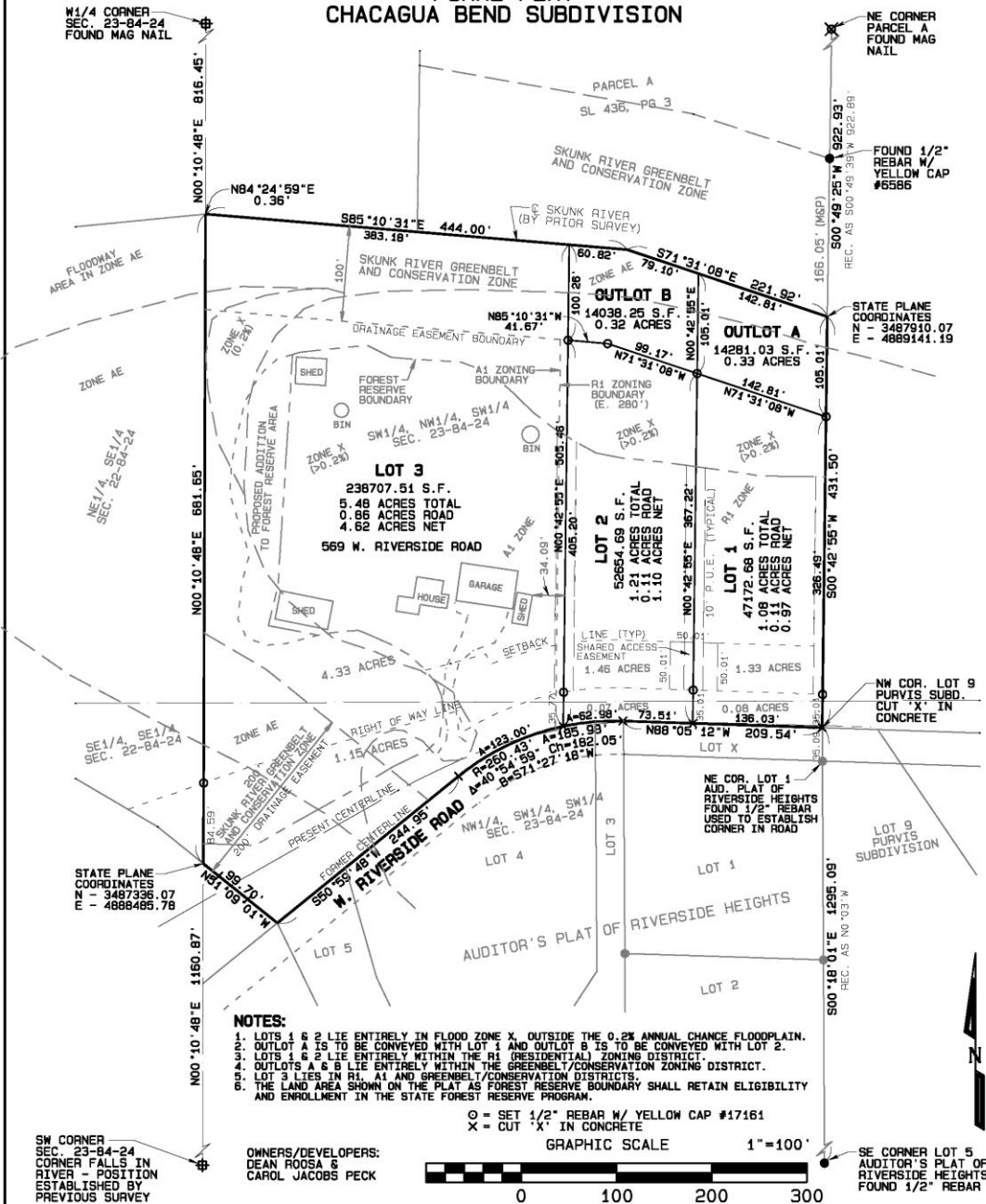
ATTACHMENT A: LOCATION AND URBAN FRINGE DESIGNATION



ATTACHMENT B: FINAL PLAT [TWO PAGES]

R. BRADLEY STUMBO P.O. BOX 1664 AMES, IOWA 50010 515-233-3689

FINAL PLAT CHACAGUA BEND SUBDIVISION



- NOTES:**
1. LOTS 1 & 2 LIE ENTIRELY IN FLOOD ZONE X, OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
 2. OUTLOT A IS TO BE CONVEYED WITH LOT 1 AND OUTLOT B IS TO BE CONVEYED WITH LOT 2.
 3. LOTS 1 & 2 LIE ENTIRELY WITHIN THE R1 (RESIDENTIAL ZONING) DISTRICT.
 4. OUTLOTS A & B LIE ENTIRELY WITHIN THE GREENBELT/CONSERVATION ZONING DISTRICT.
 5. LOT 3 LIES IN R1, A1 AND GREENBELT/CONSERVATION DISTRICTS.
 6. THE LAND AREA SHOWN ON THE PLAT AS FOREST RESERVE BOUNDARY SHALL RETAIN ELIGIBILITY AND ENROLLMENT IN THE STATE FOREST RESERVE PROGRAM.
- = SET 1/2" REBAR W/ YELLOW CAP #17161
 X = CUT 'X' IN CONCRETE

SW CORNER SEC. 23-84-24 CORNER FALLS IN RIVER - POSITION ESTABLISHED BY PREVIOUS SURVEY

OWNERS/DEVELOPERS:
 DEAN ROOSA &
 CAROL JACOBS PECK

GRAPHIC SCALE 1"=100'

0 100 200 300

SE CORNER LOT 5 AUDITOR'S PLAT OF RIVERSIDE HEIGHTS FOUND 1/2" REBAR

**STUMBO & ASSOCIATES
 LAND SURVEYING**

510 S. 17TH STREET, SUITE #102
 AMES, IOWA 50010
 PH. 515-233-3689 • FAX 515-233-4403

Certification: I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

R. Bradley Stumbo License #17161
 My license renewal date is December 31, 2015

Job #16708 Date: 01/19/15 Page 1 of 2



Survey Description-Chacagua Bend Subdivision:

All that part of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter, lying South of the Skunk River, and all that part of the Northwest Quarter of the Southwest Quarter of the Southwest Quarter, lying North of the county road, as formerly located, all in Section 23, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa, all together being more particularly described as follows: Beginning at the Northwest Corner of Lot 9 in Purvis Subdivision in the East Half of the Southwest Quarter of said Section 23, said point being in the centerline of West Riverside Road, as formerly located; thence following said former centerline N88°05'12"W, 209.54 feet to the beginning of a curve tangent to said line; thence westerly and southwesterly, 185.98 feet along the curve concave to the south, having a radius of 260.43 feet, a central angle of 40°54'59" and being subtended by a chord which bears S71°27'18"W, 182.05 feet; thence S50°59'48"W, 244.95 feet, tangent to said curve; thence departing said former centerline N51°09'01"W, 99.70 feet to the West line of said Section 23; thence N00°10'48"E, 681.65 feet along said line to the centerline of the Skunk River, as established by prior survey; thence following said line N84°24'59"E, 0.36 feet; thence S85°10'31"E, 444.00 feet; thence S71°31'08"E, 221.92 feet to the East line of said Southwest Quarter of the Northwest Quarter of the Southwest Quarter; thence S00°42'55"W, 431.50 feet along said line to the point of beginning, containing 8.42 acres, which includes 1.08 acres of existing public right of way.

ATTACHMENT C: REQUEST FROM OWNERS

Ames City Council
PO Box 811
515 Clark Avenue
Ames, IA 50010

24 June 2013

Re: Request waiver from Design and Improvement Standards of Ames Subdivision Regulations

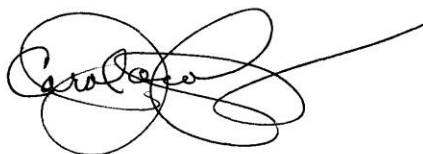
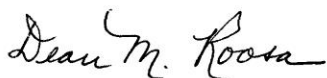
In reference to a proposed 3-lot subdivision of the following property

Property ID 05-23-310-100
Property Address 569 W RIVERSIDE RD
AMES
Sec-Twp-Rng 23-84-24
Brief Tax Description 84 SECTION:23 RANGE:24 W1/2 NW SW SOUTH OF SKUNK RIVER & NORTH OF COUNTY ROAD

Please consider our request for

1. a waiver from the Design and Improvement Standards of the Ames Subdivision Regulations. The proposed subdivision is not provided with city services of sanitary sewer and water and would thus be classified as a major subdivision requiring submittal of preliminary plat to show how necessary infrastructure would be supplied. It is, however, within the Ames Urban Fringe in an area not expected to be annexed to the city or provided with city services within the foreseeable future. We ask that the City Council grant waivers for the infrastructure in order to allow the subdivision and, thus, allow us to seek approval of a minor subdivision without the installation of the sanitary sewer and water.
2. Due to restrictions of siting, slope and having portions of the property falling in the Story County GB/C Greenbelt Conservation district we also request a waiver from the strict application of the density standards (between 1.00 and 3.75 dwelling units per acre).

We appreciate your consideration in this matter.



Dean M. Roosa
Carol Jacobs

569 W Riverside Rd
Ames, IA 50010
515-450-4929
cjassociates95@aol.com

cc: Charlie Kuester, Planner

ATTACHMENT D: APPLICABLE LAWS AND POLICIES PERTAINING TO FINAL PLAT APPROVAL

Adopted laws and policies applicable to this case file include, but are not limited to, the following:

Code of Iowa, Chapter 354.8 states in part:

A proposed subdivision plat lying within the jurisdiction of a governing body shall be submitted to that governing body for review and approval prior to recording. Governing bodies shall apply reasonable standards and conditions in accordance with applicable statutes and ordinances for the review and approval of subdivisions. The governing body, within sixty days of application for final approval of the subdivision plat, shall determine whether the subdivision conforms to its comprehensive plan and shall give consideration to the possible burden on public improvements and to a balance of interests between the proprietor, future purchasers, and the public interest in the subdivision when reviewing the proposed subdivision and when requiring the installation of public improvements in conjunction with approval of a subdivision. The governing body shall not issue final approval of a subdivision plat unless the subdivision plat conforms to sections 354.6, 354.11, and 355.8.

Code of Iowa, Chapter 354.9 states in part:

2. If a subdivision lies in a county, which has adopted ordinances regulating the division of land, and also lies within the area of review established by a city pursuant to this section then the subdivision plat or plat of survey for the division or subdivision shall be submitted to both the city and county for approval. The standards and conditions applied by a city or county for review and approval of the subdivision shall be the same standards and conditions used for review and approval of subdivisions within the city limits or shall be the standards and conditions for review and approval established by agreement of the city and county pursuant to chapter 28E. Either the city or county may, by resolution, waive its right to review the subdivision or waive the requirements of any of its standards or conditions for approval of subdivisions, and certify the resolution which shall be recorded with the plat.

Ames Urban Fringe Plan Excerpt:

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) Ames Urban Fringe Plan 30

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 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)

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)

Ames Municipal Code Section 23.302

(10) City Council Action on Final Plat for Major Subdivision:

(a) All proposed subdivision plats shall be submitted to the City Council for review and approval. Upon receipt of any Final Plat forwarded to it for review and approval, the City Council shall examine the Application Form, the Final Plat, any comments, recommendations or reports examined or made by the Department of Planning and Housing, and such other information as it deems necessary or reasonable to consider.

(b) Based upon such examination, the City Council shall ascertain whether the Final 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.

(c) The City Council may:

(i) deny any subdivision where the reasonably anticipated impact of such subdivision will create such a burden on existing public improvements or such a need for new public improvements that the area of the City affected by such impact will be unable to conform to level of service standards set forth in the Land Use Policy Plan or other capital project or growth management plan of the City until such time that the City upgrades such public improvements in accordance with schedules set forth in such plans; or,

(ii) approve any subdivision subject to the condition that the Applicant contribute to so much of such upgrade of public improvements as the need for such upgrade is directly and proportionately attributable to such impact as determined at the sole discretion of the City. The terms, conditions and amortization schedule for such contribution may be incorporated within an Improvement Agreement as set forth in Section 23.304 of the Regulations.

(d) Prior to granting approval of a major subdivision Final Plat, the City Council may permit the plat to be divided into two or more sections and may impose such conditions upon approval of each section as it deems necessary to assure orderly development of the subdivision.

(e) Following such examination, and within 60 days of the Applicant's filing of the complete Application for Final Plat Approval of a Major Subdivision with the Department of Planning and Housing, the City Council shall approve, approve subject to conditions, or disapprove the Application for Final Plat Approval of a Major Subdivision. The City Council shall set forth its reasons for disapproving any Application or for conditioning its approval of any Application in its official records and shall provide a written copy of such reasons to the developer. The City Council shall pass a resolution accepting the Final Plat for any Application that it approves.

(Ord. No. 3524, 5-25-99)