

COUNCIL ACTION FORM

SUBJECT: **REQUEST FOR WAIVER OF SUBDIVISION REGULATIONS AND APPROVAL OF A THREE LOT MINOR SUBDIVISION FINAL PLAT FOR PFEFFER RURAL SUBDIVISION ON LINCOLN WAY IN BOONE COUNTY**

BACKGROUND:

The property owners of 6008 – 6018 West Lincoln Way, John and Joan Pfeffer, are requesting that the City Council waive the public improvement requirements and standards of Article IV of the subdivision chapter of the Ames *Municipal Code* and approve a final plat for Pfeffer Subdivision in unincorporated Boone County (see Attachment A). The subject property is located west of the Boone/Story County line and contains a restaurant structure, a single family residence, and a two family residence. The subdivision proposes three lots, one for each building, to facilitate separate sale of the properties (see Final Plat Pfeffer Subdivision attached).

Since this property is located within the unincorporated area of Boone County, uses of the land are under the jurisdiction of Boone County. Under provisions of state law, division of land is subject to review and approval by the City Council of Ames, as well as the Boone County Board of Supervisors. The Ames Urban Fringe Plan contains City policies regarding this property. Although Boone County has not adopted that Plan, it still applies for the City of Ames in review of extraterritorial subdivisions.

The Ames Urban Fringe Plan identifies this site as being located within the Rural Urban Transition Area (RUTA) and specifically identified for Highway-Oriented Commercial (HOC) uses, which was consistent with Boone County zoning designations at the time the Plan was adopted. Policies for RUTA and HOC uses provide guidance for both requests: waiving the infrastructure requirements and approving the final plat. (See Attachment B for complete RUTA and HOC policies of the Ames Urban Fringe Plan.)

The Lincoln Way corridor west of the Ames city limits may not be in the urban area until after the time horizon of the Ames Urban Fringe Plan. This area is not currently served by municipal infrastructure, such as water mains, sanitary sewer and storm sewer. It has not been designated as a critical location where such full urban infrastructure should be required. The current land use policy is supportive of interim development to occur in a manner that will support long-term urbanization of the Ames Urban Fringe.

It is City Council policy that any request for a subdivision in the Ames Urban Fringe be accompanied by three covenants that will facilitate future annexation 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 buy-out 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 Ames Urban Fringe.

The current mix of commercial and residential uses of the properties is similar to the current use of the entire Lincoln Way corridor within one mile west of the county line. The LUPP supports future transition to commercial corridor uses only, because this is a high traffic corridor and provides clustering or concentration of commercial uses. The division of one lot with two existing residences into two lots does not inhibit future redevelopment of the property for commercial use, either as two lots or consolidating all of the properties. There is no minimum net density policy for the Highway-Oriented Commercial land.

Cross access easements preserve the single drive as the only entrance to all three lots from the high traffic corridor. This is critical for the City's interest in long term management of the transportation corridor.

A proposed subdivision is classified as either a major or minor subdivision within Chapter 23 of the Municipal Code. A minor subdivision is defined as a property division needing no public improvements and creating no more than three lots. Otherwise, it is a major subdivision requiring a preliminary plat. **Approval of the requested waiver of the public improvement requirements allows consideration of the proposed Final Plat of a minor subdivision.** A minor subdivision requires no preliminary plat review, needing only final plat approval by the City Council.

ALTERNATIVES:

1. The City Council can take the following actions as requested by the property owners:
 - A. Waive requirements for installation of public improvements, and accept the three covenants signed by the property owner for future annexation, water territory buy-out, and participation in assessment districts.
 - B. Approve the final plat of Pfeffer Subdivision based upon the analysis of staff as stated above.
2. The City Council can deny the final plat for Pfeffer Subdivision if it finds that the development is inconsistent with the Ames Urban Fringe Plan or Subdivision Code.
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 Minor Subdivision. City Council must approve, approve subject to conditions, or disapprove this Final Plat application no later than April 26, 2015 to meet this deadline.)

MANAGER'S RECOMMENDED ACTION:

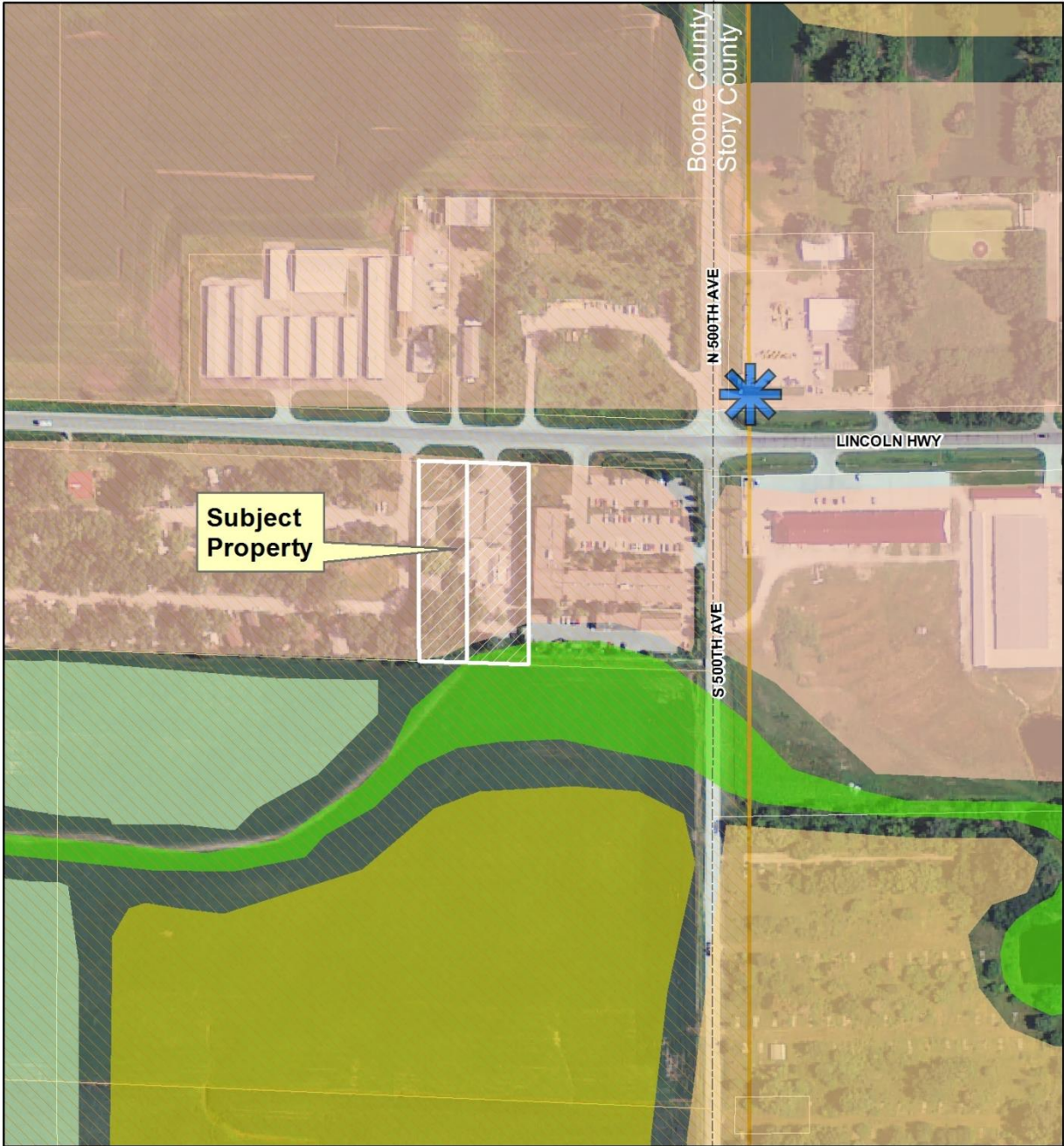
Staff has evaluated the proposed final plat for a minor subdivision and determined that, with the granting of the requested waivers of the Design and Improvement Standards, the proposal conforms to the adopted ordinances and policies of the City.

The waiver of the public improvement requirements is consistent with past practices in the Rural/Urban Transitional Area of the Ames Urban Fringe as long as 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.

The subdivision without public improvements does not inhibit future redevelopment for commercial uses. The single drive access with the current land uses does not increase vehicle conflicts on this busy street.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 as described above, waiving the requirements for installation of public improvements, accepting the three covenants for recording, and approving the minor final plat.

ATTACHMENT A: LOCATION AND URBAN FRINGE DESIGNATION

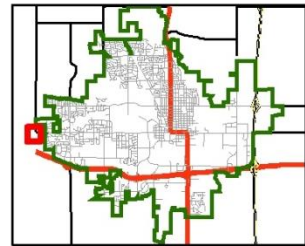


**Location and
Land Use Map
6008-6018 Lincoln
Boone County**



Fringe Land Use Designations

- Priority Transitional Residential
- Agriculture and Farm Service
- Natural Areas
- Highway-Oriented Commercial



ATTACHMENT B: AMES URBAN FRINGE PLAN POLICIES

Policies for Rural/Urban Transition Area

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

The following policies apply to the entire Rural/Urban Transition Area (RUTA)

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.

RUTA Policy 2: At the discretion of the cities, annexation agreements and other tools may be utilized to ensure that new development is prepared for potential annexation in the future.

RUTA Policy 3: Ames, Gilbert, Story County and Boone County seek to accommodate public preferences by permitting an expanded range of rural development options that allow orderly and efficient future transition between urban and rural land uses.

RUTA Policy 4: Permit interim development to occur in a manner that will support long-term urbanization of the Ames Urban Fringe.

RUTA Policy 5: Limit development in areas that would create a need for the upgrade of roads before they are scheduled in the appropriate jurisdiction's capital improvements program. Where proposed development will potentially increase the traffic volumes in excess of the current road capacity, provide for the cost of road improvements at the time of development.

Highway-Oriented Commercial (HOC)

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.

HOC Policy 1: Highway-Oriented Commercial designation includes commercial uses that are more compatible with the characteristics of rural areas than with urban commercial corridors and centers.

HOC Policy 2: Strategically locate Highway-Oriented Commercial in targeted areas along high traffic transportation corridors.

HOC Policy 3: Give preference to clustering of uses in order to limit the short-term and long-term costs associated with infrastructure improvements and the distribution of public services.

HOC Policy 4: Require urban transportation infrastructure to meet the demands of high vehicular movement.

HOC Policy 5: Require full urban infrastructure standards under certain conditions such as location with respect to existing or planned urban infrastructure, intensity or size of development improvements, timing of development, development design, and commercial use, such as a restaurants, water intensive uses, or places designed for the gathering of people. Such urban infrastructure standards may include, but not be limited to, wastewater treatment and potable water distribution of sufficient size to support emergency services. If these improvements are not installed at the time of development, require infrastructure assessment agreements.

HOC Policy 6: Where the city does not require urban standards, require temporary common wastewater collection systems that meet IDNR and city specifications, and temporary common water distribution systems, such as wells or rural water services, that meet specifications of the City of Ames or City of Gilbert. 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.

HOC Policy 7: Make provisions to protect environmental resources, environmentally sensitive areas and adjacent Natural Areas.

HOC Policy 8: Mitigate and manage stormwater run-off, soil erosion, and wastewater discharge according to IDNR, county and city standards.

HOC Policy 9: Require annexation and development agreements to guide future transition of the subdivision/development into the City of Ames or City of Gilbert.

ATTACHMENT C: REQUEST FROM OWNERS

March 18, 2015

Ms. Ann H. Campbell, Mayor
City of Ames

and

Ames City Council
c/o Ames City Clerk
315 Clark Ave., P.O. Box 811
Ames, IA 50010

RE: Pfeffer Subdivision, Boone County, Iowa


Dear Mayor Campbell and Council Members:

The undersigned, as developers of Pfeffer's Subdivision, Boone County, Iowa, hereby request that the Ames City Council waive all of the infrastructure requirements and standards of Article IV of Chapter 23 of the Ames Municipal Code.

Thank you for your consideration of this request.

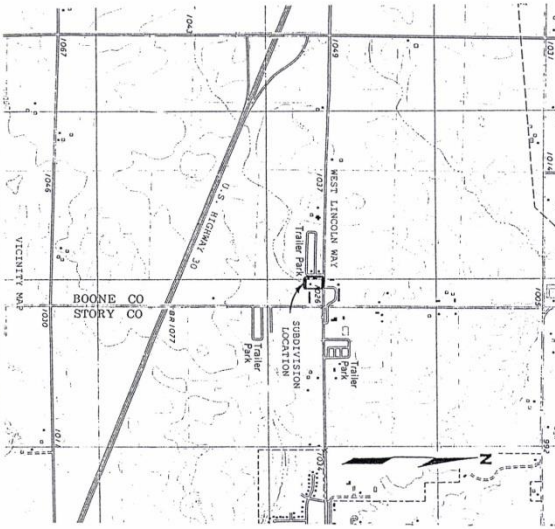
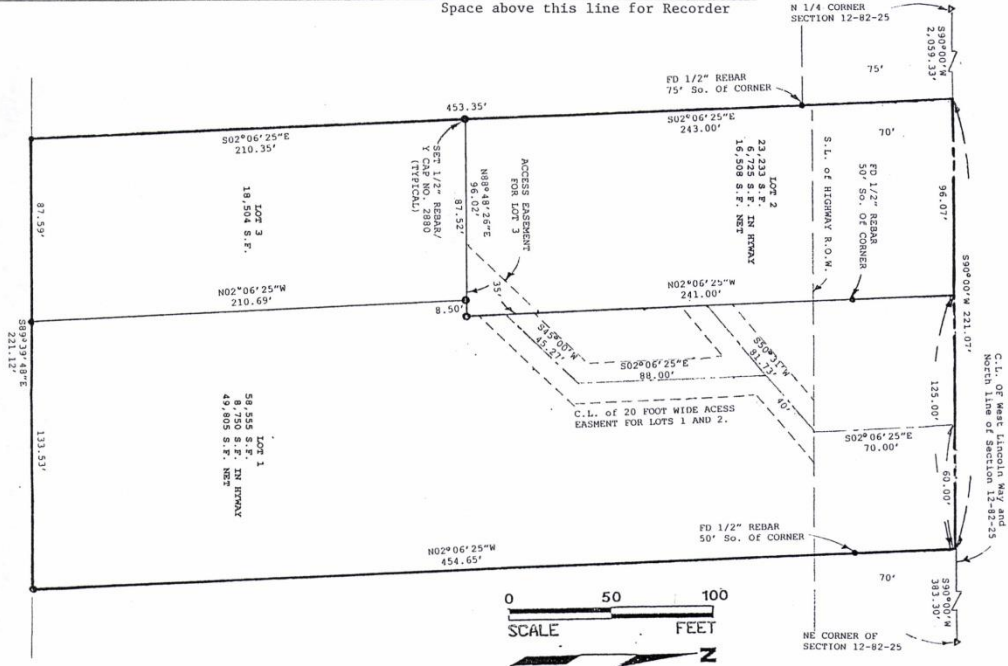
Very truly yours,


John R. Pfeffer


Joan L. Pfeffer

ATTACHMENT D: FINAL PLAT

Preparer: Dale R. Eschliman, 1132 Country Club Drive, Boone, IA - Phone: 515-432-7323



LEASING FROM
DALE R. ESCHLIMAN
 2880
 BOONE, IOWA

By license renewed date to December 31, 2015
 Project or district covered by this record: **TITLE PLAT ONLY**

LEGAL DESCRIPTION:
 Commencing at the NE corner of Section 12, Township 83 North, Range 25 West of the 5th P.M., Boone County, Iowa, running thence west along the Section line 383.30 feet to the point of beginning; thence west along the Section line 221.07 feet; thence S02°06'25"E 453.35 feet; thence S89°39'48"E 221.07 feet; thence N02°06'25"W 454.65 feet to the Point of Beginning, containing 2.302 acres (100,292 square feet), with 0.355 acres (15,475 square feet) subject to public highway.

FINAL PLAT IN PFEFFER SUBDIVISION Northeast Quarter of Section 12, Township 83 North, Range 25 West of the 5th P.M., Boone County, Iowa

OWNERS & DEVELOPERS
 John R. Pfeiffer and
 Joan L. Pfeiffer
 6018 W. Lincoln Way
 Boone, IA 50034
 Phone: 515-252-3519

ENGINEER & LAND SURVEYOR
 Eschliman Engineering, Inc.
 1132 Country Club Drive
 Boone, IA 50036
 Phone: 515-432-7323

STATE PLANE COORDINATES
 Basis of Coordinates:
 N.A.S.D. 83 (2011) - IOWA
 NORTH (U.S. SURVEY FEET)

1. 1/2" Rebar, 50' So. of
 NE corner of Lot 1.
 N. 3471363.070
 E. 4866864.941

2. 1/2" Rebar, 50' So. of
 NE corner of Lot 2.
 N. 3471363.147
 E. 4866870.207

PROJECT NO. 1446