



To: Mayor and City Council

From: Kelly Diekmann, Planning & Housing Director

Date: July 11, 2023

Subject: Request for a waiver to subdivide land in Story County within the Ames Urban Fringe

Background:

Lynn and Robert Comito, owners of 5556 Arrasmith Trail in Story County, recently contacted Mayor Haila and the Council members regarding a rural subdivision of their property into two smaller parcels (Attachment A). Any division of land within 2 miles of Ames is subject to City review for conformance to the City's Subdivision Code or for consideration of waivers of city standards.

The Comitos live at 5517 Arrasmith Trail, directly across the road from the subject property. Each property contains one single-family home. The subject property at 5556 is rented to the Comitos daughter and her family.

The subject property is approximately 3.1 acres. The Comitos would like to split the property in two, creating a 1-acre parcel containing the house with the remainder to remain undeveloped. The owners intend to sell the lot with the house to their daughter and her family and to retain the undeveloped lot as private open space. They are amenable to limiting future development on the proposed undeveloped lot.

The subject property is northeast of the City, east of Ada Hayden Park (Attachment B). The land falls within the two-mile Ames Urban Fringe. **The subject property lies within both the Rural Character Area (where the house is) and the Natural Area (which is the portion the applicant wishes to separate) (Attachment C).**

Ames Plan 2040, the City's comprehensive plan, states that:

Only limited development of existing lots or minor subdivisions of existing lots with existing zoning are anticipated during the life of this Plan. Minimum lots

sizes should reflect the rural character of the area and limited infrastructure capacity to support development intensification.

The plan goes on to say that “[c]reation of new parcels within these areas for new development is prohibited” and that “[c]reation of private open space may not be appropriate under this designation.”

Guiding Principles for the Urban Fringe

RURAL CHARACTER AREAS

UF2-1: Existing Development.

An Existing Development designation applies to previously developed areas of varying density below three dwelling units per acre. These areas were primarily developed through rural subdivisions and lack urban infrastructure. They are subject to county zoning for limited levels of residential development. Only limited development of existing lots or minor subdivisions of existing lots with existing zoning are anticipated during the life of this Plan. Minimum lots sizes should reflect the rural character of the area and limited infrastructure capacity to support development intensification. Annexation of these areas is undesirable due to the low-density of development and minimal infrastructure improvements. These developments fall under the Rural Character category of the land use plan.

AGRICULTURE AND NATURAL AREAS

UF3-2: Natural Area Conservation.

Natural areas include sensitive areas of natural habitat, steep slopes, and waterways. Natural area designations are informational based upon the Environment Chapter and the 2006 AUFPP. *Creation of new parcels within these areas for new development is prohibited.* (Emphasis added.) Property divisions for land conservation purposes is permissible with City approval.

Land conservation is typically for larger areas to be preserved within outlots under common or private ownership or to transfer ownership to a governmental or non-governmental organization for its management. *Creation of private open space may not be appropriate under this designation.* Natural areas adjacent to the City may still require annexation to further City goals for orderly development patterns and resource conservation.

Options:

Mr. and Mrs. Comito are requesting to have the City grant a waiver to the creating a new private open space lot in the Urban Fringe. They intend to sell the existing house on the property to family and retain the open space lot. The Comitos live directly across the road from the subject property.

Note that both Story County and the City of Ames would have to approve any proposed division of land.

Option 1: Place on an Agenda to Approve Waiver Request to City Subdivision Standards

With a waiver of subdivision standards, the applicant may proceed with submitting either a Plat of Survey for City approval or a Final Plat. The new vacant parcel would have a use restriction as open space.

Before submitting a Plat to the City for Final approval, the owner would need to obtain Story County approval of a Final Plat or Plat of Survey.

Option 2: Place on an Agenda to Waive the City's Review Authority

With this option Council would forgo its review authority and allow for the division to be reviewed and approved solely by the County.

Option 3: Decline the Request

The City Council can decline the request to waive standards. The owner would then need to proceed with a division that meets street and utility improvement requirements to proceed with a subdivision of the current parcel.

Staff Comments:

The recently updated Fringe Area policies of Ames Plan 2040 describe an intent that Natural Areas are not developed. Additionally, the City created a policy of not encouraging division of existing lots for the purposes of making smaller lots and creating private open space. In this case the proposed lot split creates a smaller home lot and a separate lot for open space, but it would be retained privately as open space for the same use of the owner as they current enjoy. Natural Area open space of land conservation is intended for outlots under common or private ownership or to transfer

ownership to government or non-governmental organization. **Staff believes Option 3 is the preferred option based upon the policy to not encourage divisions in natural areas and creating smaller lots.**

If City Council believes the proposed private, open space lot is consistent with the intent of the City for management of the Urban Fringe area, Option 1 would allow for the property owner to proceed with preparing a plat of survey or final plat as appropriate and include a restriction upon its use.

Attachment A

Letter to Council

Robert and Lynn Comito
5517 Arrasmith Trl
Ames, Iowa 50010

June 5, 2023

Ames City Council
515 Clark Ave
Ames, IA 50010

RE: Request for Waiver of City of Ames Subdivision Process for minor split of 5556 Arrasmith Trl, Ames, Iowa 50010 (located within the "Urban Fringe")

Dear Council:

We respectfully request that the Ames City Council grant a Waiver of the City's subdivision requirements for a desired minor split of 5556 Arrasmith Trl, a 3.1 acre parcel located outside of the City of Ames boundaries and within the "Urban Fringe."

The reasons for the requested Waiver of City of Ames subdivision requirements are summarized below:

- We desire to split the 3.1 acre subject property into two parcels:
 - a one-acre parcel containing the existing home, located within the "Rural Character" of the Fringe Land Use Designation; and
 - a 2.1 acre parcel located within the "Natural Area" of the Fringe Land Use Designation.
- No physical changes, improvements, or development will result from the desired minor split of the subject property. No change to the Fringe Land Use Designations will occur.
- We agree to maintain the 2.1 acre of "Natural Area" in its natural state.
- Iowa Code 354.2 defines a subdivision as "a tract of land divided into three or more lots." The desired minor split will result in two parcels.
- The subject property is not located in an area identified for future growth/development/annexation by the City of Ames.
- We purchased the subject property to (1) sell the existing home and 1 acre to family and (2) retain, protect, and enjoy the 2.1 acres of "Natural Area" against future development because we live directly across the street from the "Natural Area".
- We submitted a request for Conceptual Review to Story County Planning & Development and met with Marcus Amman on April 6, 2023.
- In the Story County Conceptual Review process, the Story County Auditor noted "*From the Story County Auditor's perspective the proposed split can be accomplished through a plat of survey.*"
- In the meeting with Story County Planning & Development, Mr. Amman indicated the proposed split could be accomplished through either a plat of survey (administrative approval handled by Story County) or through the City of Ames subdivision process.

- We wish to accomplish the desired minor split through the Story County Plat of Survey process because it is less burdensome and because the desired minor split of property will result in no development, improvement, or physical changes to the subject property.
- We therefore believe Story County is the appropriate government body to manage the administrative approval process through a Plat of Survey.
- We submitted a Sketch Plan Pre-Application Packet to the City of Ames Planning Department on April 19, 2023.
- On May 22, 2023, the City of Ames Planning Department issued a letter with instructions for us to submit a letter to the Ames City Council requesting a Waiver of the subdivision requirements as the next step in this process.

Thank you for considering our request for a Waiver of the City of Ames subdivision process for our desired minor split of the subject property (5556 Arrasmith Trl).

Respectfully,

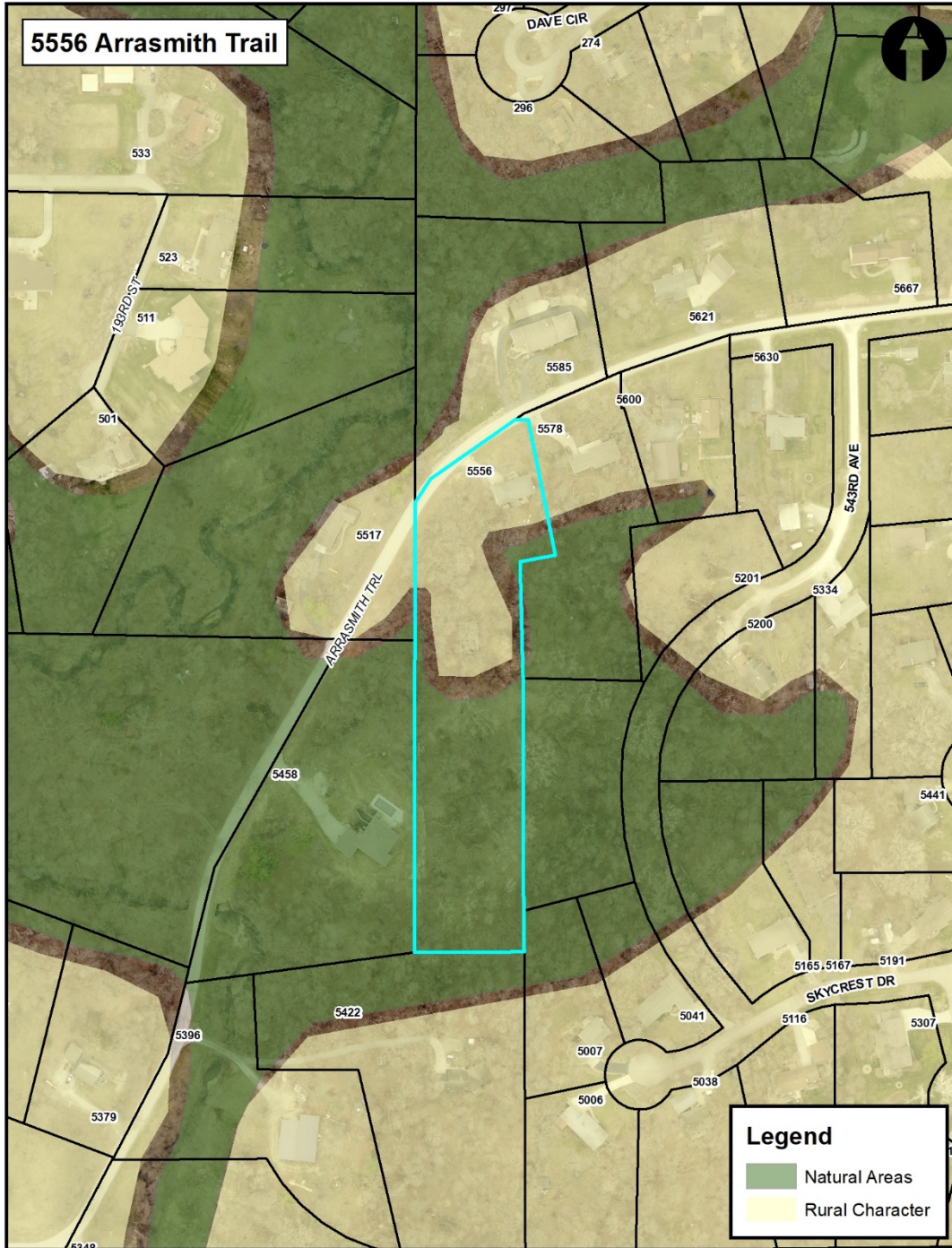
/s/ Lynn Comito
/s/ Robert Comito

Attachment B Property Location





Attachment C
Property with Fringe Land Use Designation



**Attachment D
Proposed Subdivision**

Drawing of Proposed Minor Split

**5556 Arrasmith Trl
(orange dotted line)**



Above "drawing" prepared by Lynn Comito