

ITEM # 18
DATE 10/28/08

COUNCIL ACTION FORM

SUBJECT: WAIVER OF CITY SUBDIVISION STANDARDS FOR RURAL PROPERTY IN STORY COUNTY AT 3184 STAGECOACH ROAD

BACKGROUND:

Two Ames families intend to subdivide property at 3184 Stagecoach Road, located in the unincorporated area east of Ames on the east side of the Skunk River valley. The property is within two miles of the Ames city limits (see Location Map attached).

The purpose is to sell one lot with an existing residence and to build two more residences on the other lots. All of the lots will be over one acre in size. The County zoning for the property is R-1, for single-family residential use, with a narrow strip on the eastern edge zoned A-1 for agricultural use.

On October 3, 2008, the applicants requested that the City Council waive the City's subdivision public improvement requirements as described in Article IV of Chapter 23 of the Ames Municipal Code (see letter and sketch plan attached). On October 14, 2008, the City Council referred this request to staff.

Since that time, the applicant and City staff have learned that Story County may require creation of two additional parcels and their dedication to Story County. These parcels contain existing Stagecoach Road and existing Old Bloomington Road adjacent to the subject property. This would result in a subdivision creating five parcels, in which case Ames Municipal Code Section 23.301(5)(d) requires a Major Subdivision. The applicant has verbally requested that the City Council waive this requirement.

Ames Municipal Code Section 23.103 provides for the City Council waiving subdivision requirements when those requirements would result in an extraordinary hardship to the applicant or due to conditions that would be inconsistent with the purpose of the subdivision regulations. However, the waiver of the requirements may not nullify the intent and purpose of the regulations and the scope of the waiver may not be more than is needed eliminate the hardship or is needed to meet the purpose of the regulations. Also, Section 23.103 allows the City Council to impose conditions on any waiver in order to make sure that the objectives of the regulations are being carried out.

Section 23.102(1) describes the purposes of the City's subdivision regulations in summary as follows:

- To provide accurate, clear and concise legal descriptions of real estate.
- To provide balance between the rights of the landowner and the economic, social and environmental concerns of the public.

- To encourage orderly development of the city, extension of public improvements, services, utilities, land improvement, and subdivision design consistent with the City's land use plans and other plans.

The City's land use policy for the subject area is stated in the Ames Urban Fringe Plan, which designates the use for the subject property as Rural Residential. This designation is part of the Rural Service and Agricultural Conservation Area class of land uses, which is expected to remain rural in character. Generally, this Rural Residential land use designation provides for single-family residences at one unit per acre or lower density, with rural services and decentralized systems. The Plan states that urban infrastructure may not be in place for a time period beyond the Ames Urban Fringe Plan time horizon; therefore, the infrastructure policy for this designation is that full urban infrastructure standards are not required (RR Policy 2).

Current subdivision regulations require subdivisions to be served by sanitary sewer and water systems according to City plans and specifications. When no City sewer collection system and water system are available at a development site, the developer must extend these (Ames Municipal Code Section 23.404 and 23.405). Current City policy and practice is to not extend connections between the City's utilities and land outside the city.

The nearest existing city sanitary sewer collection system and water system are about a mile to the west across the Skunk River valley. It can be concluded that these conditions present an extraordinary hardship to the applicants for subdividing the subject property. To meet City subdivision standards for public improvements in creating three lots, the applicants would need to extend city sanitary sewer and water mains at least a mile, would need to provide streets, storm sewers, sidewalks and other public improvements to City standards and would need to annex the property into the City. The City land use plan does not support annexation and does not foresee future annexation, but it does support rural residential development without City services or improvements to City standards at this location. This impossible situation for the applicant does not provide for a balance between property owner rights and the public interest, is inconsistent with the City's land use policy, and thus is in conflict with the purpose of the subdivision regulations.

Furthermore, City subdivision standards for a Major Subdivision require a topographic survey of the entire property and preparation and public hearings by the City Planning and Zoning Commission and City Council of a Preliminary Plat, as well as City Council review of a Final Plat. However, if the requirement for public improvements is waived, requiring this City Major Subdivision review process serves no purpose that cannot be served by a Plat of Survey. Ames Municipal Code Section 23.103(2) provides for a Plat of Survey if it will result in an accurate, clear, and concise legal description of the proposed properties and if all other applicable requirements of the subdivision regulations will be met.

Although it is not a policy stated in the Ames Urban Fringe Plan for Rural Residential land uses, in several similar cases the City Council has asked for covenants binding property owners and future property owners to waive rights to protest future assessments for public improvements, and binding property owners and future property owners to pay the full cost of abandoning rural water systems in the future. The property owner signed covenants following the form provided by the City of Ames.

ALTERNATIVES:

1. The City Council may approve the waiver of public improvement requirements as described in Article IV of Chapter 23 of the Ames Municipal Code and the Major Subdivision requirement of Ames Municipal Code Section 23.301(5)(d) for the proposed subdivision of the property at 3184 Stagecoach Road, subject to the signed covenants submitted by the applicant that are binding on future property owners, including:
 - a. an agreement waiving their rights to object to future assessments for public improvements,
 - b. an agreement that they are responsible for the costs associated with buying out the rural water and sewer systems at the time of any future annexation, and
 - c. an agreement to annex the property to the City of Ames in the future under certain circumstances.

2. The City Council may approve the waiver of public improvement requirements as described in Article IV of Chapter 23 of the Ames Municipal Code and the Major Subdivision requirement of Ames Municipal Code Section 23.301(5)(d) for the proposed subdivision of the property at 3184 Stagecoach Road, without conditions.

3. The City Council may deny the waiver of public improvement requirements and the Major Subdivision requirement for the proposed subdivision of the property at 3184 Stagecoach Road.

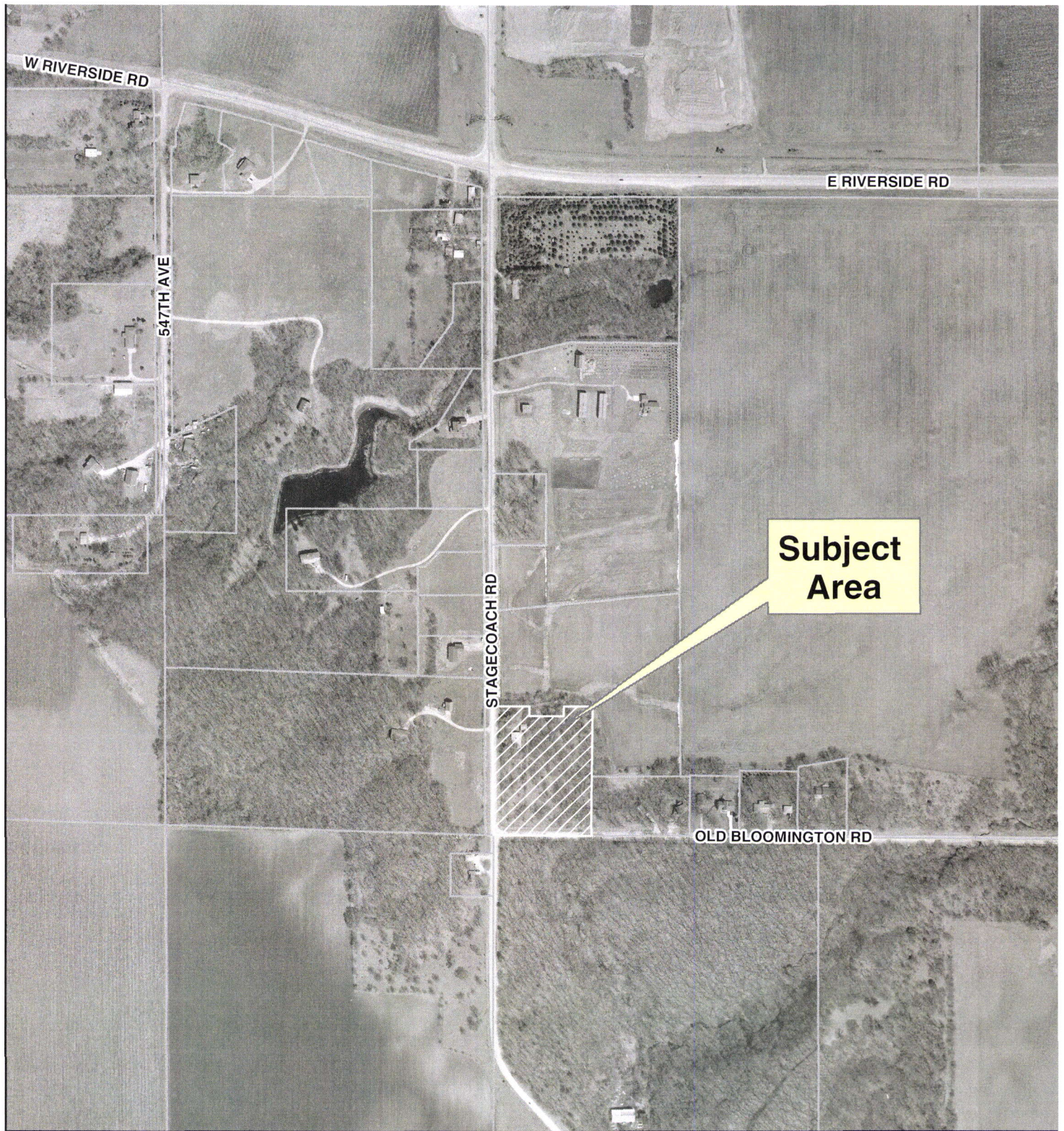
4. The City Council may refer the waiver request of City staff for further information.

MANAGER’S RECOMMENDED ACTION:

Requiring public improvements to meet City standards for subdividing the subject property into lots larger than one acre for construction of detached single-family residences is not consistent with the City’s land use policy for this area along Stagecoach Road. In fact, development of the property for residential lots larger than one acre is more consistent with the City’s land use policy than the current county zoning, which allows smaller lots. Requiring public improvements and a Major Subdivision meeting City standards would be an extraordinary hardship to the applicant, and would be inconsistent with the purpose to subdivision regulations. It would accomplish no purpose that cannot be accomplished without these requirements. The conditions for approval that the City Council has required in the past would promote orderly development of the city and future extension of public improvements, services, and utilities, if current policies and plans change and the need arise.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the waiver of public improvement requirements as described in Article IV of Chapter 23 of the Ames Municipal Code and the Major Subdivision requirement of Ames Municipal Code Section 23.301(5)(d) for the proposed subdivision of the property at 3184 Stagecoach Road, with the condition that the property owner sign agreements that are binding on future property owners, as follows:

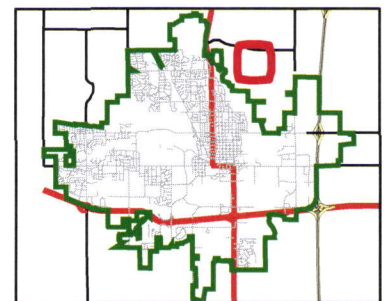
- a. an agreement waiving their rights to object to future assessments for public improvements,
- b. an agreement that they are responsible for the costs associated with buying out the rural water and sewer systems at the time of any future annexation, and
- c. an agreement to annex the property to the City of Ames in the future under certain circumstances.



Location Map
3184 Stagecoach Road



0 335 670 1,340
Feet



611 Chelsea Court
Ames, IA 50014

4923 Hemingway Drive
Ames, IA 50014

October 3, 2008

Mayor Campbell and Ames City Council Members
515 Clark Avenue
Ames, Iowa 50010

Dear Mayor and City Council Members:

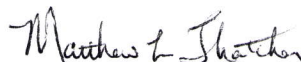
We are purchasing an acreage to the north and east of Ames from Violet M. Baker for the ultimate purpose of building homes for our respective families. On behalf of Violet M. Baker we are requesting that the City of Ames grant a waiver of the Major Subdivision Requirements as provided for in Ames Municipal Code Section 23.103 for the division of the property at 3184 Stagecoach Rd into no more than 3 lots of at least 1.00 acre each (see Sketch Plan accompanying this letter). The property is currently Lot 6 of the Northwest Quarter of Section 25 of Franklin Township in Story County and is within the two-mile jurisdictional limit of the City of Ames.

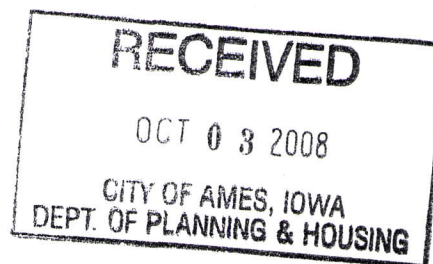
We are specifically requesting waiver of all of the public improvements and their design standards in Article IV of Chapter 20 of the Ames Municipal Code. Because there are no other public improvements meeting these standards and because these improvements will not be extended beyond the city limits, this requirement is a hardship.

Thank you for your attention to this matter.

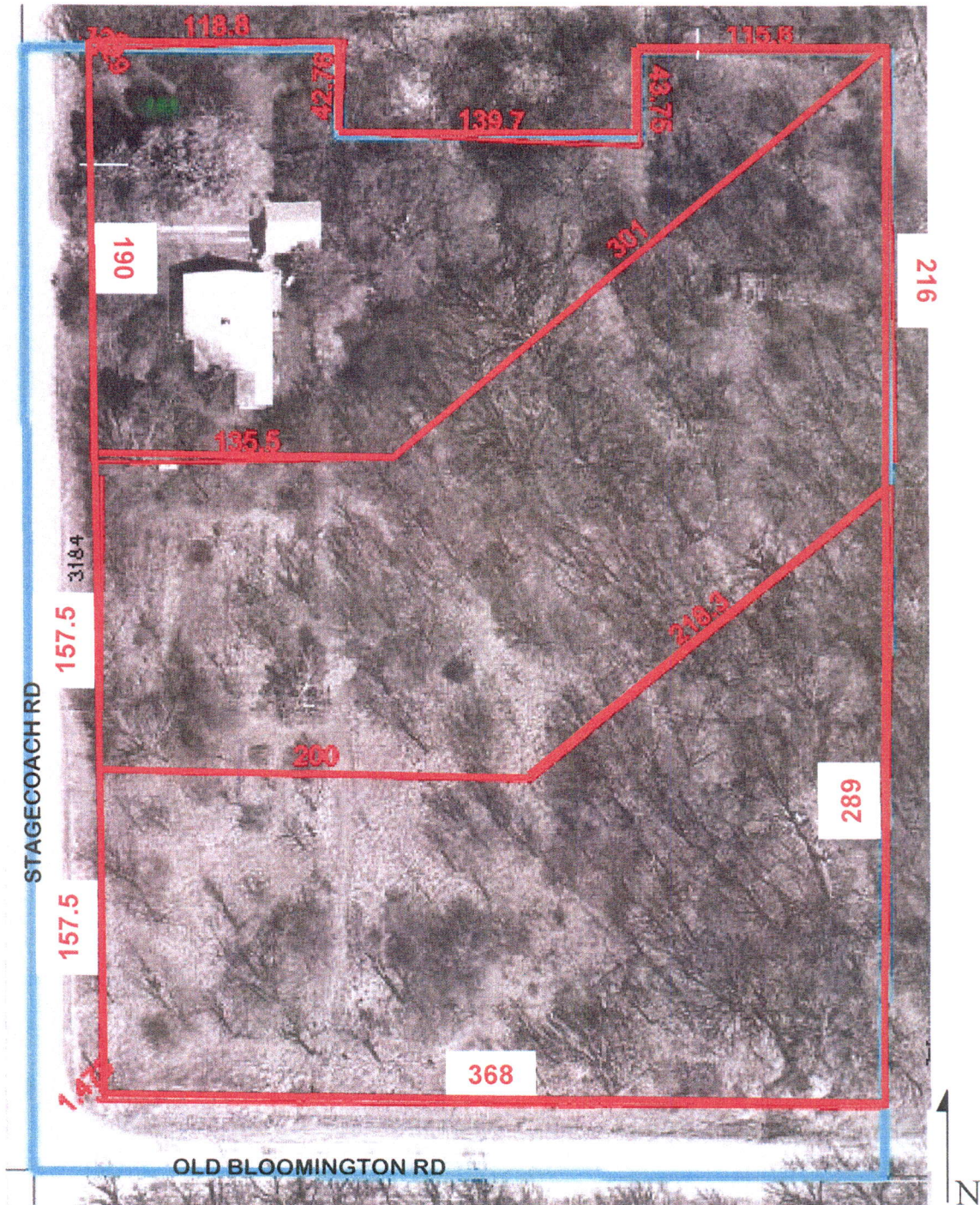
Sincerely,


Patrick Stahr


Matthew Thatcher



Sketch Plan – Subdivision of 3184 Stagecoach Rd



Proposed Land Use: Subdivision
 Number of Lots: 3
 Proposed Name: considering options...
 Oak Valley, Oak Glen, or Baker Subdivision
 Submission Date: 11 Sep 2008

Property Owner:
 Baker, Violet M Trust
 3184 Stagecoach Rd
 Ames, IA 50010
 515-232-0864

Applicants/Preparers/Contacts:
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 Ames, IA 50014
 515-292-9511
 thatchmd@yahoo.com