

**COUNCIL ACTION FORM**

**SUBJECT: PRELIMINARY PLAT FOR SPECK SUBDIVISION, SECOND ADDITION**

**BACKGROUND:**

Mark Speck seeks approval of a Preliminary Plat for Speck Subdivision 2<sup>nd</sup> Addition, a subdivision of Section 23 of Franklin Township in the unincorporated area of Story County across U.S. Highway 69 from Ada Hayden Heritage Park and north of W. Riverside Road. The 3.43 acre property is on level terrain. (See Location Map, Attachment A.)

Four lots are proposed for single family detached residences. Three of the proposed lots are 0.81 acres and the fourth is one acre. The one-acre lot contains an existing home (See Preliminary Plat, Attachment B.)

The subject property is on a road that also accesses seven other existing single-family detached residences on lots larger than one acre. The owners of all of these properties recently agreed to and recorded an access easement and covenants that provides for this 66-foot wide public access and its maintenance.

Applicable Law. The boundary of the proposed project is across the highway from the Ames city limits and is two miles from the Gilbert city limits. According to *Code of Iowa* Chapter 354 and Ames *Municipal Code* Section 23.102(2)(b) the City of Ames has authority to review and either approve or deny the proposed Preliminary Plat based on the possible burden on public improvements, on its subdivision regulations, on the Ames Land Use Policy Plan, and on all other City plans, regulations or ordinances. Story County will also review and take action on the Preliminary Plat. *Attachment E.* contains the sections of the Ames *Municipal Code* applicable to the case.

Zoning and LUPP. The following table identifies the existing land use, existing zoning, and Future Land Use, LUPP designation of the properties surrounding the subject site.

**DESCRIPTION OF SURROUNDING AREA**

Area	LUPP/AUF Designation	Story County Zoning Designation	Land Use
North	Rural Transitional Residential	Residential (R-1)	Residences
South	Rural Transitional Residential	Residential (R-1)	Residences
East	Rural Transitional Residential & Natural Areas	Residential (R-1)	Residences
West	Rural Transitional Residential	Agricultural (A-1)	Residences

(See also Attachment "C" Land Use Map.)

The land use designation of the subject property is Rural Transitional Residential, a land use category that anticipates single-family residential development that is intended to be

rural in character as it develops, but may be within an urban setting at some time in the future, beyond the time horizon of the Ames Urban Fringe Plan. These areas will be able to serve as a transition between urban and rural areas and thus the density of development is intended to be within rural densities and urban densities. The Preliminary Plat is consistent with single-family residential uses and the average net density is between the one unit per acre and 3.75 dwelling units/acre called for by City policy. (See Attachment "D" Land Use Designations and Policies for Rural/Urban Transition Area)

**Subdivision Improvements Requirements.** By Resolution No. 01-333 of July 24, 2001, the Ames City Council waived its requirements for installation of infrastructure for this residential subdivision. Therefore, City standards for infrastructure (Ames *Municipal Code* Division IV of Chapter 23) do not apply to this subdivision. Story County development standards apply to this project. The subject property is within the service area of Xenia Rural Water Association. The subject property is outside the service area of Ames Electric Services.

**Environmental Protection.** The goals and objectives of the LUPP include protecting *environmental resources*, particularly water resources and natural areas. The proposed Speck Subdivision, Second Addition is not located within a designated Watershed Protection Area. It is outside the area that drains into the back-up water supply at Ada Hayden Heritage Park. It is close to a designated Natural Area and Story County's subdivision review has addressed its protection. The project is not likely to affect the environmental resources of Ames.

**Streets and Vehicle Access.** Access to the site is by a gravel road in a 66-foot public right-of-way. Three new residences is below the threshold of traffic generation that would require a traffic impact study. Therefore, it is concluded that the proposed plat is not likely to impact the traffic or transportation infrastructure of the City.

**Findings of Fact.** Based upon the findings of fact in *Attachment F* and the analysis contained in this report, staff concludes that the proposed preliminary plat is consistent with the Land Use Policy Plan and Ames Urban Fringe Plan. Accordingly, staff concludes that *Code of Iowa* Chapter 354, Section 8 has been satisfied. Staff further concludes that the proposed subdivision complies with all relevant and applicable design and improvement standards of the Subdivision Regulations, to other City ordinances and standards, and to the City's Land Use Policy Plan.

**Recommendation of the Planning & Zoning Commission.** At its meeting of February 17, 2010, with a vote of 6-0, the Planning and Zoning Commission recommended approval of the Preliminary Plat for Speck Subdivision, Second Addition. The Commission made no additional comments.

### **ALTERNATIVES:**

1. The City Council can approve the Preliminary Plat for Speck Subdivision, Second Addition, based upon the above findings and conclusions.
2. The City Council can deny the Preliminary Plat for Speck Subdivision, Second Addition, if it finds that impacts of the proposed development cannot be mitigated and the development is not consistent with all applicable laws and policies. The City Council should develop findings of fact and conclusions that support a decision of denial.
3. The City Council can return this request back to staff and/or the applicant for additional information.

### **MANAGER'S RECOMMENDED ACTION:**

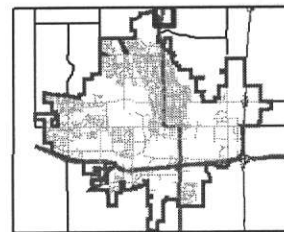
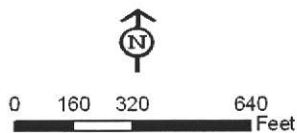
The proposed subdivision creates lots for three new homes embedded within a rural area adjacent to Ames that already contains several hundred residences that have both rural and urban characteristics. Although this entire area would present significant challenges for annexation into the City, the addition of three homes will not change the situation. The City of Ames has no plans or interest in annexing this area. Nine years ago the City Council waived any requirement for urban infrastructure. The only City issue related to this development since that time has been the lack of adequate access to the site, which has been satisfactorily resolved.

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to approve the Preliminary Plat for Speck Subdivision, Second Addition, based upon the above findings and conclusions.

## ATTACHMENT A

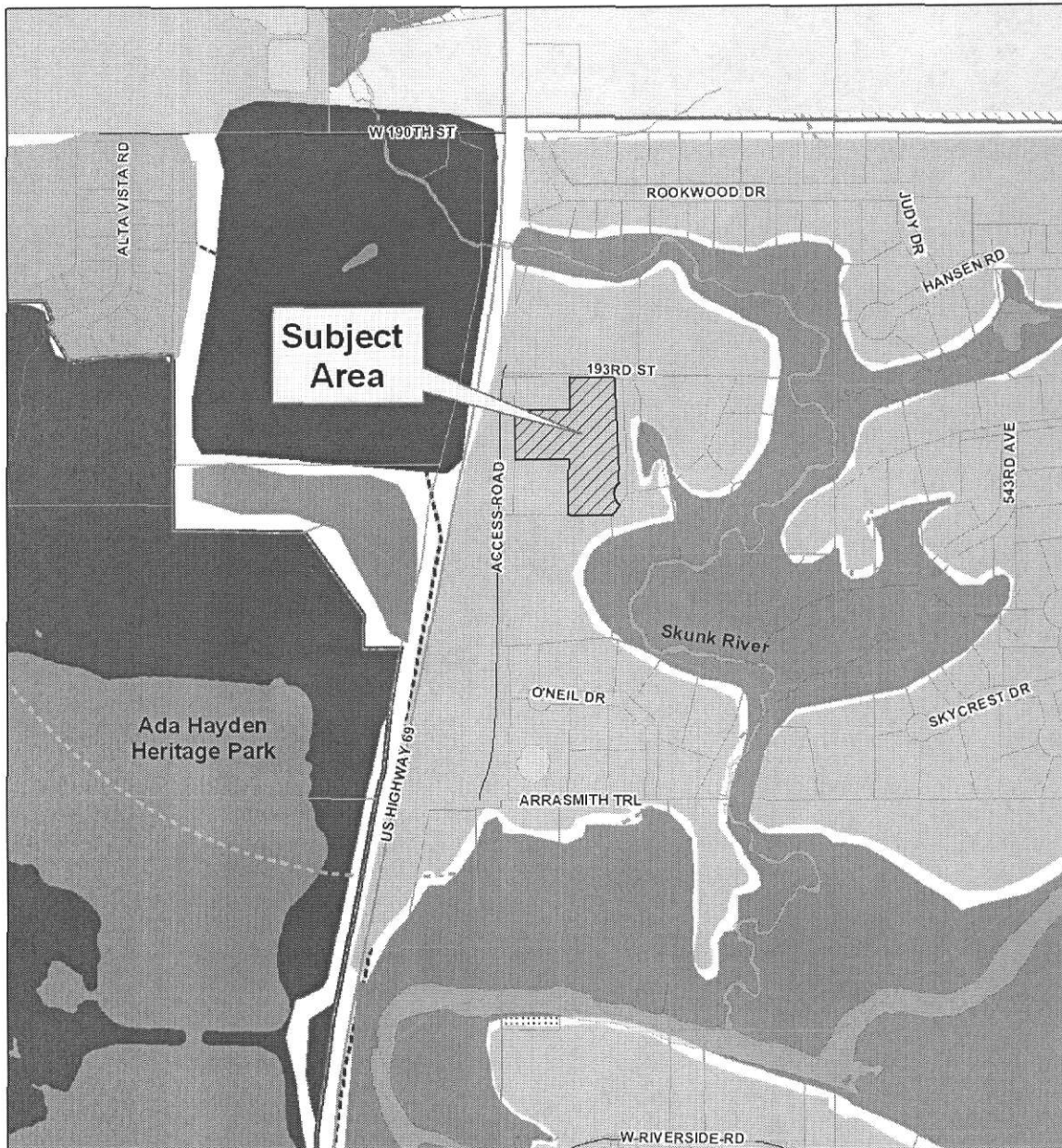


**Location Map**  
**Speck Subdivision 2nd Add.**

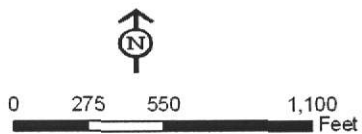




# ATTACHMENT C

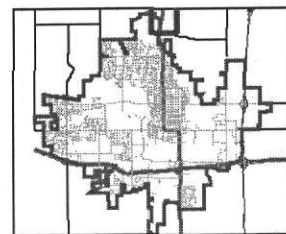


## Land Use Map Speck Subdivision



### Legend

- Natural Areas
- Parks and Open Space
- Urban Residential
- Rural Transitional Residential
- City Limits



## **ATTACHMENT D**

### **From Ames Urban Fringe Plan Adopted July 17, 2006**

#### **Land Use Designations and 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. (Relates to RUTA Goal 3.1, 3.3)

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.* (Relates to RUTA Goal 3.2)

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. (Relates to RUTA Goal 3.1, 3.4)

RUTA Policy 4: Permit interim development to occur in a manner that will support long-term urbanization of the Ames Urban Fringe. (Relates to RUTA Goal 3.2)

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. (Relates to RUTA Goal 3.5)

The following land use designations are planned in the Rural/Urban Transition Area:

#### **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)

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) . . .

*(continues with other land use designations unrelated to this case)*

## ATTACHMENT E

### Applicable Laws:

The laws applicable to this case file are as follows:

*Code of Iowa* Chapter 354, Section 8 requires that the governing body shall determine whether the subdivision conforms to its Land Use Policy Plan and shall consider the impact on public improvements.

*Ames Municipal Code* Chapter 23, Subdivisions, Division I, outlines the general provisions for subdivisions within the city limits and within two miles of the city limits of Ames.

*Ames Municipal Code* Section 23.302(3):

(3) *Planning and Zoning Commission Review:*

- (a) *The Planning and Zoning Commission shall examine the Preliminary Plat, any comments, recommendations or reports assembled or made by the Department of Planning and Housing, and such other information as it deems necessary or desirable to consider.*
- (b) *Based upon such examination, the Planning and Zoning Commission shall ascertain whether the Preliminary 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.*

*Ames Municipal Code* Section 23.302(4):

- (4) *Planning and Zoning Commission Recommendation: Following such examination and within 30 days of the regular meeting of the Planning and Zoning Commission at which a complete Application is first formally received for consideration, the Planning and Zoning Commission shall forward a report including its recommendation to the City Council. The Planning and Zoning Commission shall set forth its reasons for any recommendation to disapprove or to modify any Preliminary Plat in its report to the City Council and shall provide a written copy of such reasons to the developer.*

*Ames Municipal Code* Section 23.302(5):

- (5) *City Council Review of Preliminary Plat: All proposed subdivision plats shall be submitted to the City Council for review and approval in accordance with these Regulations. The City Council shall examine the Preliminary Plat, any comments, recommendations or reports examined or made by the Planning and Zoning Commission, and such other information as it deems necessary and reasonable to consider.*

*Ames Municipal Code* Section 23.302(6):

(6) *City Council Action on Preliminary Plat:*

- (a) *Based upon such examination, the City Council shall determine whether the*



*Preliminary 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. In particular, the City Council shall determine whether the subdivision conforms to minimum levels of service standards set forth in the Land Use Policy Plan for public infrastructure and shall give due consideration to the possible burden of the proposed subdivision on public improvements in determining whether to require the installation of additional public improvements as a condition for approval.*

- (b) Following such examination and within 30 days of the referral of the Preliminary Plat and report of recommendations to the City Council by the Planning and Zoning Commission, the City Council shall approve, approve subject to conditions, or disapprove the Preliminary Plat. The City Council shall set forth its reasons for disapproving any Preliminary Plat or for conditioning its approval of any Preliminary Plat in its official records and shall provide a written copy of such reasons to the developer.*

*Ames Municipal Code Section 23.302(7):*

*(7) Effect of Approved Preliminary Plat:*

- (a) An approved Preliminary Plat authorizes the making or installation of any required improvements shown on the Preliminary Plat after the Municipal Engineer reviews and provides written approval of construction plans, including any appropriate profiles or cross sections, for improvement of public ways, public infrastructure and public utilities.*
- (b) An approved Preliminary Plat shall be valid for one year from the date on which the City Council approves the Preliminary Plat, by which time the Applicant shall submit an Application for Final Plat Approval or the Preliminary Plat shall become null and void unless the City Council has granted an extension of time for the validity of the Preliminary Plat for a period not to exceed one additional year beyond the expiration of the original one year period of validity. If the approval period expires without an Application for Final Plat Approval, nor an extension, the Applicant shall be required to resubmit a Sketch Plan pursuant to currently existing Regulations.*
- (c) The City Council may require that all public improvements described on the approved Preliminary Plat for a Major Subdivision be installed and dedicated prior to approval of the Final Plat. If the City Council does not require that all public improvements be installed and dedicated prior to approval of the Final Plat, the City Council shall require the Applicant to execute an Improvement Agreement as set forth in Section 23.304 and provide security in the form of an Improvement Guarantee as set forth in Section 23.409 of the Regulations. Between the approval of the Preliminary Plat and submission of an Application for Final Plat Approval of a Major Subdivision, the Applicant must*

*either complete all indicated improvements to the satisfaction of the City or enter into an Improvement Agreement to do so.*

Ames *Municipal Code* Section 23.107 is as follows:

*In addition to the requirements of the Regulations, all plats of land must comply with all other applicable City, county, state, and federal statutes or regulations. All references in the Regulations to other City, county, state or federal statutes or regulations are for informational purposes only, and do not constitute a complete list of such statutes or regulations. The Regulations are expressly designed to supplement and be compatible with, without limitation, the following City plans, regulations, or ordinances:*

- (1) Land Use Policy Plan*
- (2) Zoning Ordinance*
- (3) Historic Preservation Ordinance*
- (4) Flood Plain Ordinance*
- (5) Building, Sign and House Moving Code*
- (6) Rental Housing Code*
- (7) Transportation Plan*
- (8) Parks Master Plan*
- (9) Bicycle Route Master Plan*

*Plats may be disapproved on the basis of the above, and other City Council approved plans and policies that may be adopted from time to time.*

Ames *Municipal Code* Chapter 23, Subdivisions, Division III, provides the procedures for the subdivision of property; specifically Section 23.302 discusses Major Subdivisions.

Ames *Municipal Code* Chapter 23, Subdivisions, Division IV, identifies design and improvement standards for subdivisions.

Ames *Municipal Code* Chapter 23, Subdivisions, Section 23.405(3), requires that street lights be installed at the subdivider's expense and according to the design and specification standards approved by the City Council and after review and approval by the Ames Municipal Utility. The electric distribution system for the street light system shall also be installed underground.

Ames *Municipal Code* Chapter 29, Zoning, Section 29.804, includes standards for the Highway-Oriented Commercial Zone.

## ATTACHMENT F

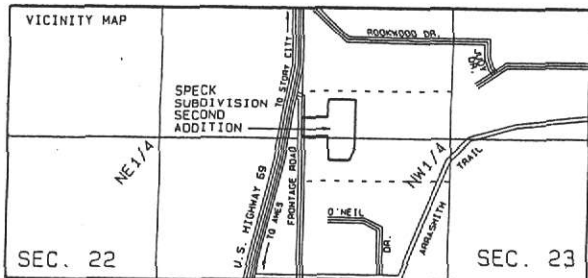
### Findings of Fact

Based upon an analysis of the proposed development, laws pertinent to the proposed development, and conditions and improvements abutting and serving the plat, staff finds as follows:

1. The City of Ames has authority to review and either approve or deny the proposed Preliminary Plat based on the possible burden on public improvements, on its subdivision regulations, on the Ames Land Use Policy Plan, and on all other City plans, regulations or ordinances.
2. The applicant is proposing to subdivide the subject property into four lots. All four lots are proposed for single family detached residential development.
3. The land included within the proposed subdivision is designated on the Land Use Framework Map of the Ames Urban Fringe Plan as Rural Transitional Residential. The Preliminary Plat is consistent with single-family residential uses and the average net density is between the one unit per acre and 3.75 dwelling units/acre called for by these City policies.
4. The Story County Land Development Regulations govern minimum lot sizes, minimum frontage and setbacks.
5. The Ames City Council previously waived its requirements for installation of infrastructure for this residential subdivision. Therefore, City standards for infrastructure (Ames *Municipal Code* Division IV of Chapter 23) do not apply to this subdivision.
6. The proposed subdivision is not located within a designated Watershed Protection Area and is outside the area that drains into the back-up water supply at Ada Hayden Heritage Park.
7. This subdivision is not within a Flood Plain according to the 2008 FEMA Flood Insurance Rate Map.
8. Access to the site is by a gravel road in a 66-foot public right-of-way. Three new residences is below the threshold of traffic generation that would require a traffic impact study.

69 YAMHIGH S.U.

RECEIVED  
JAN 12 2010  
CITY OF AMES, IOWA  
DEPT. OF PLANNING & HOUSING



OWNER:  
CORNIN V. STEPHAN REV. TRUST 1/2 INTEREST  
KAY M. STEPHAN REV. TRUST 1/2 INTEREST  
AMES, IA 50010

DEVELOPER:  
MARK SPECK  
5620 HICKORY HILLS DRIVE  
AMES, IOWA 50014

CURRENT ZONING: RESIDENTIAL (R-1)

**SURVEY DESCRIPTION - SPECK SUBDIVISION, SECOND ADDITION**  
A subdivision of Lot 2 in Speck Subdivision, in the Northwest Quarter of Section 23, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa being more particularly described as follows: Beginning at the Southwest Corner of Lot 3 of said Speck Subdivision; thence N89°16'12"E, 218.00 feet to the Southeast Corner of said Lot 3; thence N01°09'12"W, 130.55 feet to the Northeast Corner of said Lot 3; thence N89°04'00"E, 181.11 feet to the Northeast Corner of said Lot 2; thence S04°45'59"E, 415.26 feet along the east line of said Lot 2 to the beginning of a curve; thence southwesterly, southerly and southeasterly, beginning of a curve having a radius of 55.00 feet, concave to the east, and a central angle of 104°19'11" and being subtended by a chord which bears S03°47'46"E, 85.87 feet; thence S34°02'39"W radial to said curve, 54.61 feet to the Southwest Corner of said Lot 2; thence S89°16'12"W, 179.81 feet to the Southeast Corner of said Lot 2; thence N01°09'12"W, 214.85 feet to the Northeast Corner of Lot 1 of said Speck Subdivision; thence S89°16'12"W, 218.00 feet to the Northwest Corner of said Lot 1; thence N01°09'12"W, 199.80 feet to the point of beginning, containing 3.43 acres.

NOTES:  
1. EACH LOT WILL BE SERVICED BY PRIVATE SEPTIC SYSTEMS.  
2. EACH LOT WILL BE SERVICED BY XENIA RURAL WATER.

PRELIMINARY PLAT  
SPECK SUBDIVISION,  
SECOND ADDITION

A SUBDIVISION OF LOT 2, SPECK'S SUBDIVISION IN  
THE NW 1/4, SEC. 23-84-24, STORY COUNTY, IOWA

JOB #8709PP2 DATE: 1/08/10 PAGE: 1 of 1

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* Date: 1-8-10  
R. Bradley Stumbo, License #17161  
My license renewal date is December 31, 2011

