

**COUNCIL ACTION FORM**

**SUBJECT: STORY COUNTY LAND, L.C. REQUEST FOR WAIVER OF SUBDIVISION REGULATIONS**

**BACKGROUND:**

At the April 27 City Council meeting, the City Council referred to staff a letter from Bob Gibson requesting a waiver of subdivision standards. Mr. Gibson is proposing a subdivision of land to separate Canterbrooke from the balance of the Story County Land, LC property west of Ada Hayden Heritage Park. These parcels are within two miles of the corporate limits of Ames and are subject to the provisions of the Ames subdivision regulations (Chapter 23 of the Ames *Municipal Code*).

This subdivision is within the area of the Ames Urban Fringe Plan that the City Council recently amended. The Canterbrooke tract was designated Rural Transitional Residential and the remainder of the area (from the Union Pacific Railroad tracks to the H. P. Jensen subdivision-Alta Vista Court) was designated as Urban Residential. This particular division of land was discussed in the April 13 Council Action Form. This proposed division and request for a waiver is consistent with that discussion and with the resolution approved at that meeting to amend the Urban Fringe Plan.

This proposed subdivision does not create any new developable lots apart from the proposed Canterbrooke lot, which could be redeveloped. The horse stables at Canterbrooke would be within a newly-created lot and the remainder of the Story County Land property would become an outlot, precluding any development until further subdivision. Since that area is designated Urban Residential, no developable lots can be created until the land is annexed into Ames. At the City Council's direction, the City Manager has been negotiating with the property owners north of town who desire to develop their land to facilitate that annexation.

The proposed subdivision contains fewer than three lots, but lacks the required public improvements described in Division IV of Chapter 23. The lack of improvements classify this as a major subdivision, requiring submittal of a preliminary plat identifying how the design and infrastructure standards will be met.

However, Chapter 23 allows the City Council to waive or modify the requirements of the subdivision regulations where "...strict compliance with the requirements of the regulations would result in extraordinary hardship to the Applicant...provided, however, that such modification or waiver shall not have the effect of nullifying the intent and purpose of the Regulations....In so granting a modification or waiver, the City Council may impose such additional conditions as are necessary to secure substantially the modifications of the requirements so modified or waived."

If the City Council were to waive the infrastructure requirements, the owner would **not** need to prepare a preliminary plat for consideration by the City Council because the division will then be classified as a minor subdivision. Instead, the applicant would be allowed to prepare and submit a final plat. Along with the submittal of the final plat, the applicant would also submit the three standard covenants with original signatures suitable for recording in the Story County Recorder's office. These covenants bind the owners and successors to (1) agree to annexation at the time the City requests, (2) waive objections to assessments that may be imposed in the future if public improvements are brought to the site as an assessment project, and (3) pay any fees associated with buy-out of rural water. These covenants would be recorded if the final plat is approved.

After obtaining resolutions from both the City and County approving the final plat, the subdivision plat could then be recorded.

### **ALTERNATIVES:**

1. The City Council can approve a waiver of the City's design and infrastructure standards for subdivisions for the proposed two-lot, 188-acre subdivision on Story County Land, LC property lying west of Grant Avenue and south of 190<sup>th</sup>. The waiver would be effective only if, within six months following the date of the resolution, signed covenants and application for the final plat are submitted to the City. The waiver is effective only for this division. Any subsequent division of land would need to request a new waiver.

The resolution approving this waiver of the City's design and infrastructure standards is consistent with past practices of the City Council and with the policies and intent of the Ames Urban Fringe Plan. The six-month time limit has not been standard practice in the past but it would ensure that approved waivers will not be outstanding indefinitely.

2. The City Council can deny the request to waive the City's design and infrastructure standards.

This alternative would require the developer to prepare and submit a preliminary plat indicating how the standards will be met.

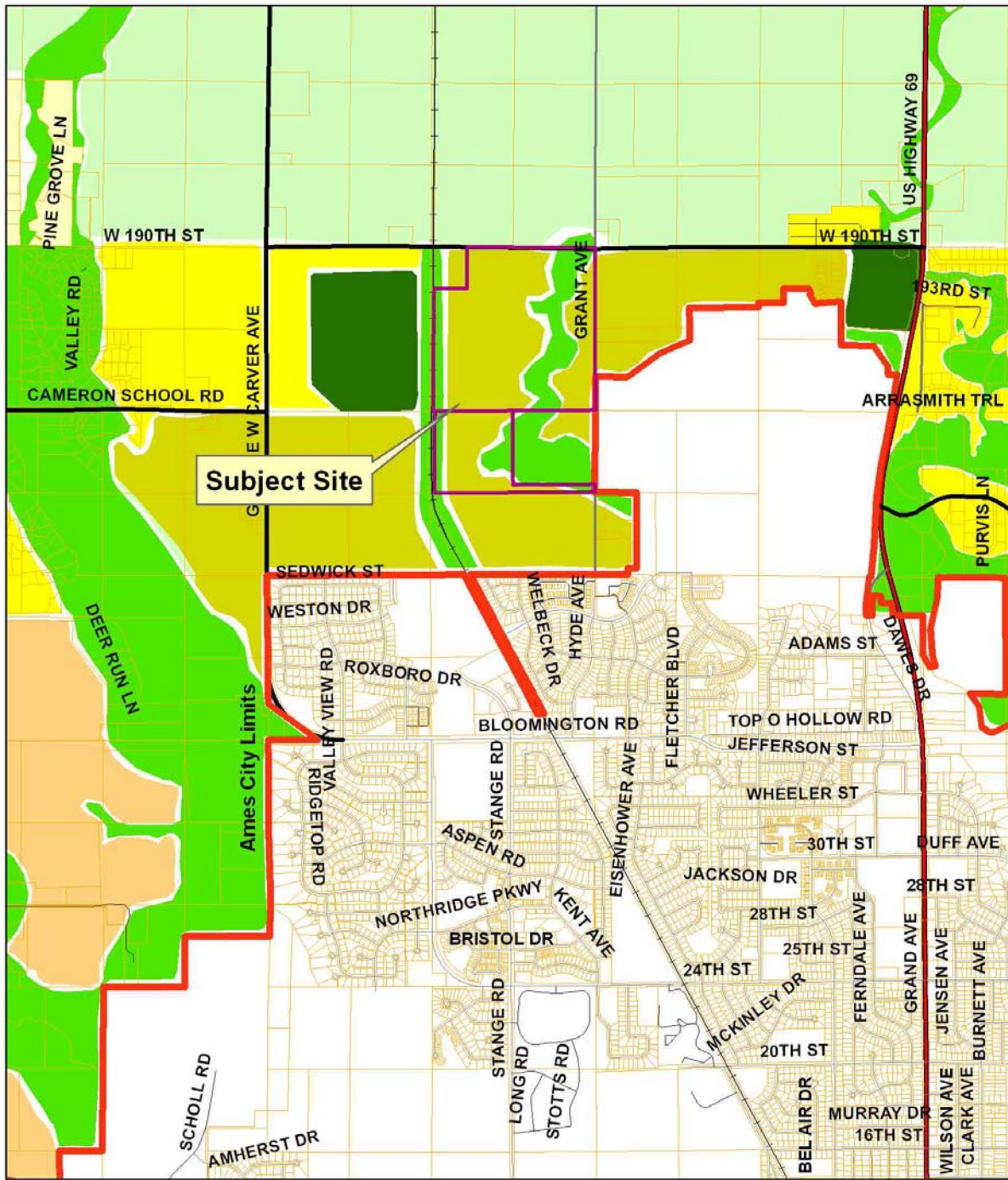
3. The City Council can refer this request back to staff and/or the applicant for additional information.

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

This property currently consists of two parcels comprising 188 acres. The proposed division does not create any new developable parcels except for the proposed Canterbrooke lot, which could be redeveloped. Since the Urban Fringe Plan designation of Urban Residential precludes development until the land is annexed, the outlot designation preserves that intent. Only one lot, for an existing development, is being created.

Staff has determined that a waiver of the design and infrastructure standards is warranted due to the impending annexation of this area and the development of Rose Prairie. Further, the separation of Canterbrooke from the bulk of the Story County Land, LC property is consistent with the Plan designations; and the waiver is consistent with the policies and intent of the Ames Urban Fringe Plan.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1, thereby waiving the City's design and infrastructure standards for subdivisions for the proposed two-lot, 188-acre subdivision on Grant Avenue and 190<sup>th</sup> Street. The waiver would be valid for six months following the date of the resolution, by which time the signed covenants and application for the final plat must be submitted to the City.



**General Location Map**

