

COUNCIL ACTION FORM

**SUBJECT: REQUEST FOR WAIVER OF SUBDIVISION REGULATIONS –
MATTHEW’S SUMMIT**

BACKGROUND:

At the July 26 City Council meeting, Council referred to staff a letter from Mark Gannon seeking a waiver of the subdivisions standards (Attachment 1). Mr. Gannon is proposing a 5-lot subdivision of land named Matthew’s Summit Subdivision at East Riverside Road and Stagecoach Road northeast of Ames in rural Story County. A location map is shown on Attachment 2. A small street lot is also being created which will be dedicated to the County.

A portion of the proposed subdivision is subject to the provisions of the Ames subdivision regulations because it lies within the Rural Transitional Residential area of the Urban Fringe Plan. Another portion of the site lies within the Rural Residential area of the Plan, which exempts the City from review of the subdivision because of provisions in the recently adopted 28-E agreement.

Mr. Gannon requests a waiver of the design and improvement standards otherwise applicable in the Rural Transitional Residential area. These standards define the minimum public infrastructure standards, including public water, sanitary sewer, storm water, and street improvements including street trees and sidewalks. In this instance, no public improvements are necessary since the site is served by rural water and on-site septic systems. No streets are proposed as each lot has frontage on an existing paved street.

Mr. Gannon also requests a waiver from the requirement that a preliminary plat be prepared. Under the City’s subdivision standards, any subdivision greater than three lots is classified as a major subdivision that requires a preliminary plat. Mr. Gannon is also requesting a waiver from the County’s requirement for a preliminary plat.

As stated above, the proposed subdivision straddles two different land use designations of the Urban Fringe Plan. The Plan shows that frontage along East Riverside Road is Rural Transitional Residential while Stagecoach Road is Rural Residential. An excerpt of the Plan map is shown on Attachment 3. The terms of the 28-E agreement have given subdivision jurisdiction in some areas of the plan (including Rural Residential) to the County while the City and County retain joint jurisdiction in other areas (including Rural Transitional Residential).

For those areas of the proposed subdivision that lie within the Rural Transitional Residential area, the Plan requires a density of 1.00 to 3.75 units per acre. The lots lying within that designation (Lots 1 and 2) meet this standard. Within the Rural Residential area, the Plan

allows a maximum density of one unit per acre. The lots within that designation (Lots 3, 4, and 5) meet that standard.

Since two of the lots lie with the Rural Transitional Residential area, the City will request that the plat application include the three covenants that usually accompany rural subdivisions. 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 the buy-out of rural water. The covenants would apply only to Lots 1 and 2, which lie within the Rural Transitional Residential designation.

Since there is no public infrastructure, the requirement that a preliminary plat be submitted can be waived since the preliminary plat is intended to identify and evaluate the proposed public improvements. Without the requirement for a preliminary plat, the proposed subdivision would then be classified as a minor final plat.

If the waivers are granted by the City and the County, Mr. Gannon can then submit an application for a minor final plat to the City and the County. However, the agreement states that the plat will be forwarded to the County for action only after the City approves it.

ALTERNATIVES:

1. The City Council can approve this request to waive the City's design and infrastructure standards for subdivisions and to waive the requirement for a preliminary plat for the proposed five-lot residential subdivision on East Riverside Road and Stagecoach Road, subject to submittal of the standard signed covenants for Lots 1 and 2. The waiver will take effect if, within six months following the date of the resolution, signed covenants and an application for the final plat are submitted to the City. The waiver would be valid only for this division, and any subsequent division of land would need to request a new waiver.
2. The City Council can deny the request to waive the City's design and infrastructure standards for this proposed subdivision. 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:

The proposed plat is the first division of land requested by a property owner in the fringe area since the adoption of the 28-E agreement. While the Plan provides a better process for subdivision review and a clearer understanding of jurisdictional responsibility, depending on where a proposed subdivision is located there will still be anomalies that the Plan and agreement did not anticipate. This subdivision, straddling two Plan designations, is one such anomaly.

If the proposed subdivision were entirely in the Rural Residential area, the City would not review or act on the plat nor would the City need the covenants. If the proposed subdivision were entirely in the Rural Transitional Residential area, both the City and County would review and act on the plat. The City would be asked to grant waivers and the City would require the covenants.

Approval of 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 is standard practice and ensures that approved waivers will not remain outstanding indefinitely. Approving the waiver of the preliminary plat requirements is appropriate since there are no public improvements needed by this division of land.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1 as shown above.

ATTACHMENT 1

July 21, 2011

Ames City Council
Ames City Hall
515 Clark
Ames, Iowa 50010

Re; Matthew's Summit Subdivision – Stagecoach Road and East Riverside Road, Ames, Ia

Dear City Council Members:

We are in the process of developing a five lot subdivision at the SW corner of East Riverside Road and Stagecoach Road that is in Story County but joint oversight authority between the City of Ames and Story County. We are requesting a waiver from the Design and Infrastructure Standards and a waiver of the requirement for a Preliminary Plat. The reason for this request is that rural water through Central Iowa Rural Water is available now and there is not sewer infrastructure anywhere near the area thus septic systems will be installed for the residential homes according to Story County Standards. As I understand it these facts would lend themselves to a possible waiver and this helps us speed up the approval process.

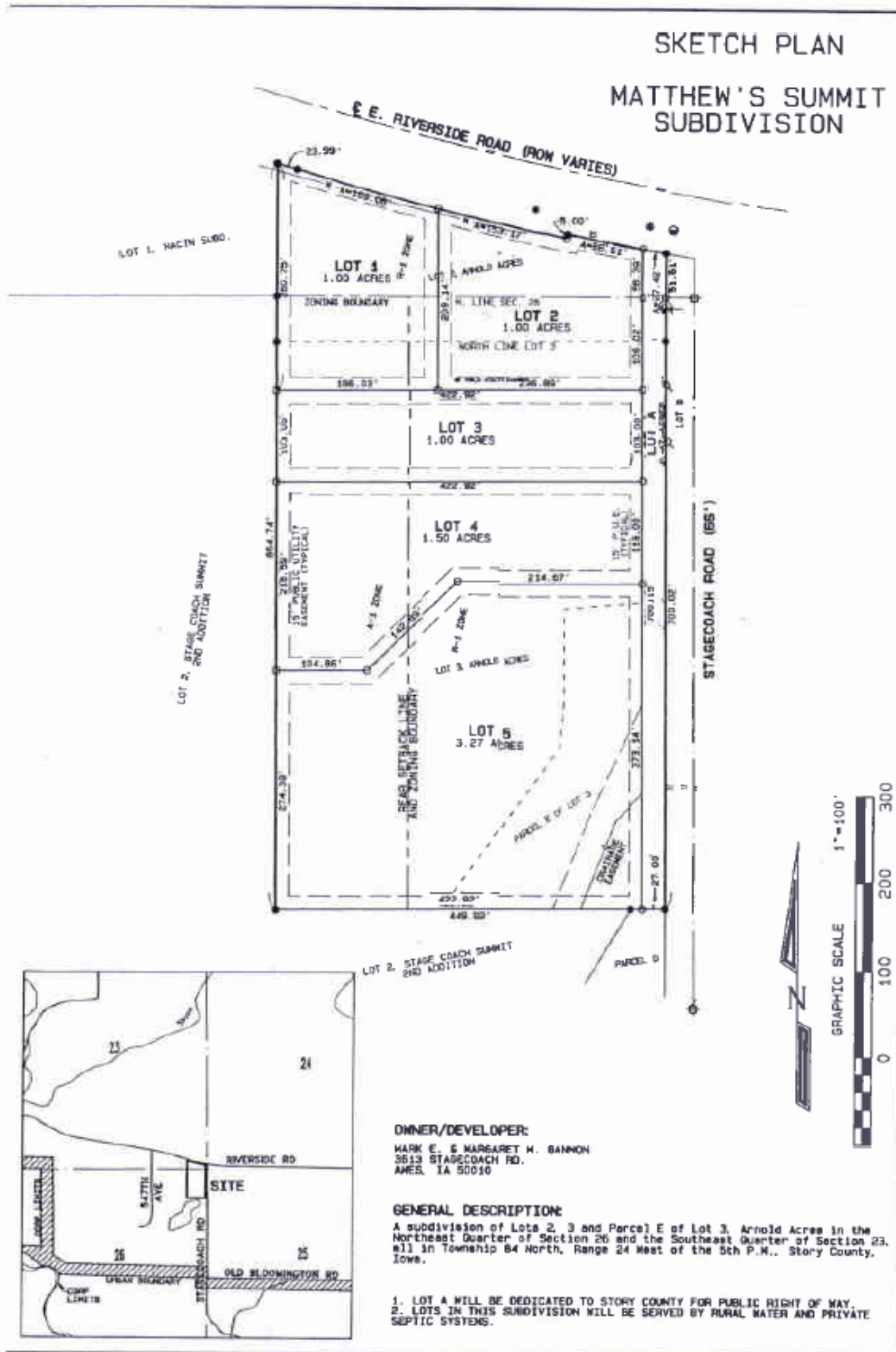
A copy of the Sketch Plan is attached.

We appreciate your consideration.

Thank You,



ATTACHMENT 2



ATTACHMENT 3

