

COUNCIL ACTION FORM

**SUBJECT: REQUEST FOR WAIVER OF SUBDIVISION REGULATIONS –
RASMUSSEN GROUP SUBDIVISION, BOONE COUNTY**

BACKGROUND:

At the May 18, 2012 City Council meeting, Council referred to staff a letter from Tim Mallicoat of the Rasmussen Group, seeking a waiver of infrastructure requirements and subdivision regulations (see Attachment 1). The Rasmussen Group is proposing to subdivide an industrial property in Boone County at the intersection of Lincoln Way and X Avenue. A location map is included as Attachment 2. The proposal is to create three lots, two of which are buildable and one of which is likely to be incorporated into an existing lot. The proposed plat is included as Attachment 3.

In reviewing earlier subdivisions of portions of this property, in 2003 the City of Ames waived its standards for public improvements and, in 2008 the City waived its regulations to allow a plat of survey to divide a lot. In 2003, the City also required the owners to sign and provide covenants waiving the right of whoever owns the property 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. In its reports on these subdivisions, staff generally stated that the City is unlikely to annex the land along this corridor in the future, and cited on-going urban fringe planning in cooperation with the County.

The City of Ames has since completed an Urban Fringe Plan that includes this corridor, although it is not yet reached an agreement with Boone County on its implementation. That Plan identifies the future land use for this area as Highway Oriented Commercial, with Agricultural and Farm Service as the proposed land use for areas along the corridor in between the developed areas. Neither the Ames Urban Fringe Plan nor the Ames Land Use Policy Plan identifies this corridor as a community entry. In summary, the Plan anticipates that Highway Oriented Commercial land uses will develop outside of the City, preferably in clusters, and that public improvements may be required depending on the location, anticipated traffic, intensity, and type of use and other factors.

The development that has occurred in this area is mostly industrial, consistent with the Boone County zoning map. Boone County has already approved Limited Industrial Zoning for the subject property. The applicant is proceeding with the platting process in Boone County; and both the applicant and Boone County seek decisions on platting from the City of Ames before completing the process in Boone County. **If the City takes no action or declines to waive its infrastructure requirement, the property owner**

must provide streets, sanitary sewer, and water systems meeting City standards, some of which cannot be put into service at this time because the City has not extended its infrastructure to the site.

ALTERNATIVES:

1. The City Council can waive Division IV Design and Improvement Standards of the Ames Subdivision Regulations for the subdivision proposed by the Rassmussen Group. This alternative will allow the owner to prepare a minor subdivision plat for later approval by the Ames City Council prior to recording the plat and selling lots. This alternative would also be accompanied by a six-month time limit, by which time the application for the subdivision plat must be submitted to the City. This would satisfy a portion of the request by the Rassmussen Group. The covenants that the City requires prior to approving a waiver were received and recorded in 2003 for this property.
2. The City Council can waive its entire subdivision authority for the division of land as proposed by the Rassmussen Group. This alternative would allow the owner to seek approval only from Boone County for the division of land. This would satisfy the entirety of the Rassmussen Group request.
3. The City Council can deny the request for a waiver of its subdivision regulations or Division IV Design and Improvement Standards for the subdivision proposed by the Rassmussen Group. This alternative would require the owner to submit an application for a major subdivision plat and prepare a preliminary plat indicating how the proposal would meet the infrastructure standards of the City.
4. The City Council can refer this request back to staff and/or the applicant for additional information.

MANAGER'S RECOMMENDED ACTION:

Boone County has adopted a land use plan for the entire county. However, their expectations for this area differ from that of Ames. In the past, the City has reviewed subdivisions in Boone County on a case-by-case basis to deal with specific developments that may not be consistent with Ames Urban Fringe Plan.

In the meantime, Boone County property owners have been making plans for the use and development of their property based on the current zoning designation by Boone County and by past practices of the City for similarly situated land. Although Boone County is not a signatory to the 28E Implementation Agreement that Ames has with Gilbert and Story County, one aspect of that agreement is to give deference to the rural zoning already in place if it is not consistent with the Ames Urban Fringe Plan.

Therefore, it is the recommendation of the City Manager at this time that the City Council approve Alternative #1. This alternative will allow the owner to prepare a minor

subdivision plat for later approval by the Ames City Council prior to recording the plat and selling lots. This alternative would also be accompanied by a six-month time limit, by which time the application for the subdivision plat must be submitted to the City.

While the recommended action will allow the owner to proceed with a minor subdivision plat, he will still need plat approval from the Ames City Council in the future. The owner would rather have the City Council waive its entire subdivision authority and, therefore, only have to obtain approval from Boone County.

ATTACHMENT 1

May 18, 2012

Mayor and City Council
515 Clark
Ames, IA 50010

Dear Mayor and City Council,

The Rassmussen Group Inc. respectfully requests a waiver from the subdivision regulations and public improvements for a Boone County subdivision. This property is within the 2 mile jurisdictional limit of the City of Ames. The subdivision will consist of 3 commercial lots. The lot under consideration is known as Gene Harris Subdivision Second Addition Outlot H (Except Lot 1) and has a Boone County parcel ID of 088325013350013.

Chuck Winkleblack with Hunziker & Associates will be representing our organization for this development project.

We are requesting a waiver of the following items:

- 1) Sidewalks
- 2) Dry sanitary sewer
- 3) Curb and gutter
- 4) Street lights and street trees
- 5) Subdivision requirements

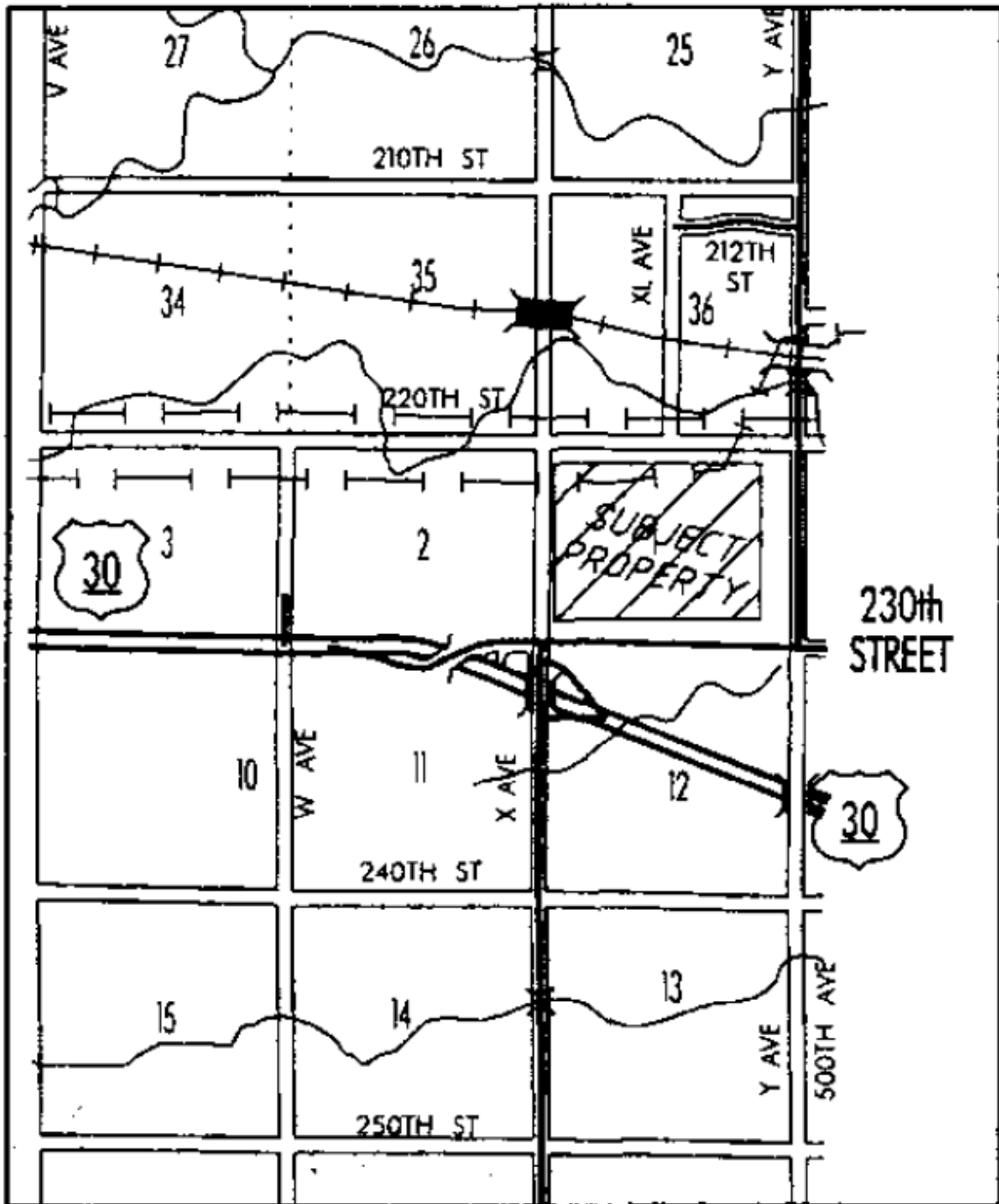
It is our belief that covenants are already in place that the city generally requires regarding annexation, water services and infrastructure on this parcel. We believe that they were agreed to back in 2008 when this land was previously subdivided. Those covenants generally run with the land and should not need to be done again. If however they need to be done again our organization is willing to execute those documents at the appropriate time.

Respectfully submitted,



Tim Mallicoat, vice president
The Rassmussen Group

ATTACHMENT 2



LOCATION MAP
(Boone County)

ATTACHMENT 3

