

COMMISSION ACTION FORM

DATE PREPARED: April 29, 2009

REQUEST: Preliminary Plat for Northwood Heights 4th Addition

MEETING DATES: Planning and Zoning Commission – May 6, 2009

PROPERTY OWNER Hunziker Land Development Co., LLC
&
DEVELOPER : 105 S. 16th Street
Ames, IA 50010

LOCATION: Unincorporated Area of Story County
Section 20 of Franklin Township
East of North Dakota Avenue and between 199th and 200th
Streets

ZONING: Story County: R-1 Residential District

ATTACHMENTS:

- A – Location Map
- B – Preliminary Plat
- C – Winkleblack Letter Dated March 12, 2009
- D – Land Use Map
- E – Land Use Designations and Policies for Rural/Urban Transition Area

BACKGROUND:

Project Description.

Northwood Heights 4th Addition is a proposed subdivision of four lots for single family residences and six outlots set aside for open space, located on level terrain two miles north of Ames on North Dakota Avenue. It is west of the Squaw Creek and south of County Road E26. (See Attachment “A” Location Map). The property is 19.2 acres in size, 15.4 acres without road rights-of-way.

Northwood Heights 3rd Addition established the property as two lots. Two roads serve the property: 199th Street on the north and 200th Street on the south, which connect east of the platted area to form a loop. The roads are within easements created by previous plats and are within the area to be platted. They are private roads maintained by the Northwood Heights II Homeowners Association. The members of this Homeowners Association include owners of the area to be platted and of 18 residentially developed lots to the east served by the roads.

The four residential lots are 1.16 to 1.32 acres in size and each is surrounded by one of the six outlots proposed to be private open space. (See Attachment “B” Preliminary Plat)The two remaining outlots at the east end of the plat form a conservation area. The property adjacent to the platted area on the east is also a conservation area. Overall, Northwood Heights 4th Addition provides 15.17 acres of conservation area, open space and road right-of-way and 4 single family residential lots on 4 acres, for an overall net density of 1 unit per acre, meeting the net density policy of the Ames Urban Fringe Plan, discussed further below.

At the west edge of the property a 15-foot wide pedestrian easement provides a connection for residents who walk the loop road, as does another 50-foot wide surface water flowage and pedestrian easement in the center of the platted area. No subdivision improvements are proposed. The applicant has requested that the City Council waive the City’s subdivision requirements regarding infrastructure, street trees and street lighting. (See Attachment “C” Winkleblack Letter Dated March 12, 2009)

Utilities.

City utility systems extend to the city limits, which is two miles south of the subject property and three-quarter mile east across the Squaw Creek valley. It is the City’s current policy not to extend city utility systems beyond the city limits, except to interconnect with other public utility providers.

The subject property is within the service area of Xenia Rural Water Association. Ames City Council approved this service by Resolution No. 96-498 on October 22, 1996.

Zoning.

The following table describes the current zoning surrounding the subject property, under the jurisdiction of Story County.

Area	Zoning Designation	Current Land Use
North	R-1 Residential (Story County)	Residences
South	A-1 Agricultural (Story County)	Pasture, residences
East	R-1 Residential (Story County)	Residences
West	A-1 Agricultural (Story County)	Row crop

APPLICABLE LAW AND POLICY, FINDINGS AND CONCLUSIONS

Land Use

The City of Ames, the City of Gilbert and Story County have jointly adopted the Ames Urban Fringe Plan, which describes the land use policies for the land area within two-miles of the Ames city limits. This policy is a portion of the City’s comprehensive plan, which is the Ames Land Use Policy Plan (LUPP).

The Ames Urban Fringe Plan establishes three broad classes of land use:

- Rural Service and Agricultural Conservation Area with land uses that will remain rural in character, such as agricultural operations, farmsteads, acreages and rural residential subdivisions.
- Urban Services Area, into which Ames and Gilbert will grow by annexation and where land uses in the meantime will remain rural, reducing impediments to such planned growth.
- Rural/Urban Transition Areas that serve as a transition between rural and urban land uses. Any development will 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.

The Ames Urban Fringe Plan designates the subject property and the properties surrounding it on the north, east and south as Rural Transitional Residential, a land use designation within the Rural/Urban Transition Areas. The land across the road to the west is designated Agricultural and Farm Service a land use designation within the Rural Service and Agricultural Conservation Area (See also Attachment “D” Land Use Map.)

The Rural Transitional Residential land use designates single-family residential land use 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 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, the AUF. (See Attachment “E” Land Use Designations and Policies for Rural/Urban Transition Area)

The net density is achieved through the use of conservation areas and private open space. The Ames Urban Fringe Plan has no definition of net density. The intention of requiring different net densities in different land use designations for residential use is to coordinate development in the Ames Urban Fringe with development within the City. Within the City, the zoning portion of the Municipal Code sets net density, specifically within the Suburban Residential Zoning Districts regulated by Chapter 29 Article 12. Table 29.1202(6) requires net density to be calculated by subtracting from gross acreage the area of the following uses:

1. Public or private right-of-way;
2. Public or private open space
3. Areas of severe slope (>10%)
4. Areas identified in the 1994 Natural Areas Inventory of the City of Ames

Section 29.201(129) defines “open space” as

. . . useable open space designed and intended for the use of all residents of a residential development, including space dedicated to the public.

Although the subdivision provide four lots on 19 acres, the plan “nets out” the private open space and conservation areas to achieve a net density of one unit per acre. Other approaches to achieve the required net density in the Rural Transitional Residential land use designation have included:

- Nacin Subdivision platted four lots and one conservation area. Two owners own all of the property. Two of the lots remain undeveloped, but could be developed if and when either owner, or future owners, chooses to sell.
- Mangels Subdivision on 190th Street platted two lots each slightly less than one acre. These lots were arranged so that the remaining 33 acres can be developed in a future subdivision, which is stated on the Final Plat.

The proposed plat is consistent with the Ames Urban Fringe Plan in its land use and density. In the absence of a definition of net density for application in the Ames Urban Fringe, it is consistent with the intent of the AUF Plan to apply the definitions in the Ames zoning ordinance. If the use of the outlots and conservation area complies with those definitions, then the average net density is one unit per acre and thus complies with the Ames Urban Fringe Plan. **To implement those uses, prior to Final Plat approval by the City Council, an easement document could be provide establishing rights and responsibilities for Outlots A through F, including but not limited to:**

- a. allowing use of the Outlots as open space by all residents of Northwood Heights Subdivision 2nd, 3rd and 4th Additions
- b. prohibiting construction and other types of development in a manner that would restrict use of these properties by all residents of Northwood Heights Subdivision 2nd, 3rd and 4th Additions
- c. prohibiting construction or development that would physically divide these Outlots into separate open space areas (e.g. fences) or to appear or function only as portions of Lots 1 through 4
- d. defining responsibilities for improvement and maintenance costs
- e. defining maintenance activities required
- f. defining responsibility for maintenance activities required
- g. describing other provisions necessary for Outlots to function as Open Space as defined by Ames Municipal Code Section 29.201

Subdivision Review Authority

The boundary of the proposed project is three-quarters mile from the Ames city limits and two and one-half 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.

Section 23.302(4) requires the Commission to forward a report including its recommendation to the City Council within 30 days of the regular meeting of the Planning and Zoning Commission at which a complete application is first formally received for consideration. **Therefore, the Planning and Zoning Commission must forward its recommendation on the Preliminary Plat for Northwood Heights 4th Addition by June 5, 2009. This recommendation may include approving, disapproving or modifying the**

Preliminary Plat.

Community Growth

The Ames Land Use Policy Plan, along with the Ames Urban Fringe Plan, set policies for future development within Ames and beyond its city limits. The current Land Use Map, adopted by City Council on April 22, 2008, establishes expansion areas to the northwest and southwest. A study completed in 2006, established that when these areas are annexed and developed the community could have housing for a population of 63,500, when existing subdivisions at that time were combined with both expansion areas. This meets the LUPP goal to provide for a population of 60,000 to 62,000 by the year 2030. The proposed Northwood Heights 4th Addition is located outside the southwest and northwest expansion areas.

The Ames Urban Fringe Plan preserves the City's options for future growth beyond the planning horizon in areas which the Land Use Policy Plan identifies for future expansion. The current Land Use Map establishes these areas with the Priority Transitional Residential land use designation. When land with this land use designation is developed, it is to provide net densities that are the same as Suburban Residential zoning districts within the city. To the greatest extent possible, infrastructure is to be provided that meets City of Ames standards. Although annexation of Priority Transitional Residential areas is not planned within the planning horizon of the City, these areas have a higher likelihood of annexation beyond 2030 or if conditions and policies change. The Priority Transitional Residential areas, all north of Ames, could accommodate an additional population of 5,350, according to a 2008 study.

Because the proposed Northwood Heights 4th Addition is not located in a Priority Transitional Residential area, it is not likely to effect community growth in manner inconsistent with City policies and plans.

State law prohibits growth by annexation when the area to be annexed would surround and make an island of an unincorporated area. Without the consent of these land owners to annexation, the only ways such an area can be annexed is through an involuntary annexation or an 80/20 voluntary annexation. Both of these annexation methods are more difficult and the outcome less certain than a completely voluntary annexation. An example of such a small group of properties inhibiting future annexation is the Meadow Glen development on State Street south of Ames. This neighborhood is surrounded on three sides by the city limits of Ames. Annexation of one more land parcel would make it an island. **To further reduce potential impediments to future growth by voluntary annexation, the Ames Urban Fringe Plan provides for agreements regarding future annexation, which seek to bind current and future land owners to voluntary annexation when the City requests it.** There is very little history on the implementation of such agreements and no case law.

Environmental Protection

The goals and objectives of the LUPP include protecting environmental resources, particularly water resources and natural areas. The proposed Northwood Heights 4th 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 not adjacent to any designated Natural Area. Although the AUF does designate a Natural Area in the Squaw Creek valley to the east, it is separated from the subject site by existing residences and a conservation area planted with native grasses and forbs. The proposed development places four homes on 19 acres surrounded by land that will remain largely undeveloped. **The proposed plat is not likely to impact the water resources or other environmental assets of the city.**

Traffic

The Code of Iowa, Ames Municipal Code and City policies require consideration of the impact of development on the transportation infrastructure of the city and allow the City to assign costs to mitigate such impact when development occurs. Access to the site is by a paved road, North Dakota, which is a county road. However, no direct access will be allowed from North Dakota. No new streets are proposed. Four new residences is below the threshold of traffic generation that would require a traffic impact study. The subject site is two miles from the nearest City street. **Therefore, it is concluded that the proposed plat is not likely to impact the traffic or transportation infrastructure of the City.**

Other Infrastructure: Streets, Water Supply, Sanitary Sewers, Electric, Street Lighting, Storm Water Management, Waste Treatment, Sidewalks, Landscaping, Soil Erosion and Sediment Control

Chapter 23 Division IV of the Ames Municipal Code establishes the standards for all of these infrastructure improvements and the Code of Iowa allows the City to apply these standards within the Ames Urban Fringe. The applicant has requested that the City Council waive all of these requirements and standards (See Attachment "C" Winkleblack Letter Dated March 12, 2009).

Ames Municipal Code Section 23.103 provides for such waiver:

Where, in the case of a particular subdivision, it can be shown that strict compliance with the requirements of the Regulations would result in extraordinary hardship to the Applicant or would prove inconsistent with the purpose of the Regulations because of unusual topography or other conditions, the City Council may modify or waive the requirements of the Regulations so that substantial justice may be done and the public interest secured provided, however, that such modification or waiver shall not have the effect of nullifying the intent and purpose of the Regulations. In no case shall any modification or waiver be more than necessary to eliminate the hardship or conform to the 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 objectives of the requirements so modified or waived.

The Ames Urban Fringe Plan also anticipates such waivers:

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.

The following findings have relevance to these policy considerations:

Location: As described above under “Project Description,” the proposed subdivision is a drive of two miles from Ames and City infrastructure is inaccessible at this time. Streets and sidewalks will connect with City streets and sidewalks when developed. The area surrounding this location is rural in character, with row cropping, pastures and residences on lots larger than one acre. These rural residences are located between the subject property and the nearest Ames city limits line. Several other large rural subdivisions are located on both sides of the Squaw Creek north of this site. (See Attachment “A” Location Map)

South of the site is a pasture and two rural residences. Beyond these, one-quarter mile from the subject property, is the north edge of Ames Northwest Priority Growth Area Southwest of the site, separating the row crops from the Ames Northwest Priority Growth Area, is a large Iowa State University livestock teaching and research farm, which representatives of the University have stated that there are no plans to relocate. (See Attachment “D” Land Use Map)

Timing of development: The four lots in the development are intended to be available this year. It is unknown how long it will take for these lots to sell, but at the past rate of rural development, these lots would not meet the demand for one year. As described above under “Community Growth” the land use policies and plans of the City and County provide sufficient land for growth of the city limits until well beyond 2030 at the past rate of development, without the need to annex in this location or to the north of it.

Density and size of lots: The lot sizes and proposed net density are within the size and density ranges of the Ames Urban Fringe policies for this area, serving as a transition between urban and rural densities. The gross density, with the outlots and rights-of-way included, is well below the typical residential density of areas served by Ames infrastructure. This is also the case with the lot size and gross density of the rural subdivisions all along Squaw Creek.

Development Design: With the building sites widely separated by the private open space, the subdivision would be very inefficient to be served by City utilities. A further challenge would be routing a sanitary sewer main through the rural residential area from the Squaw Creek valley, which is a likely location for a sewer trunk line.

The existing streets have a rural cross section: shoulders with drainage ditches. There is not enough room on the shoulder to safely accommodate a sidewalk, so any sidewalks would have to be on the side of the ditch opposite the street. The policies for Rural Transitional Residential Areas call for development to have a rural character and street

trees meeting City standards may not be consistent with that policy.

Clustering of proposed sites: In the context and scale of the surrounding agricultural land, residential development is clustered along Squaw Creek. The design of the Northwood Heights 4th Addition does not cluster the building sites with the Plat.

Other considerations - Utilities: Under current codes, policies and standards the City of Ames does not allow rural-type community waste treatment systems and requires these areas to be served by urban sanitary sewer systems at the developer's expense, but current City policy does not accommodate extending the City's utilities beyond the city limits. The timing of annexation is at the City's discretion based upon its ability to service the area.

Other considerations – Streets: The street pavement is only 14 feet wide and functions as a one-way loop. However, sufficient right-of-way is provided for an urban street cross section. The street right-of-way is identified on the proposed plan as "public." However, Story County will not accept ownership of new streets, nor will it maintain them. So there is no public entity to accept ownership and maintenance of the streets.

In response to the request for the City to waive its infrastructure standards for subdivisions, the city can either grant the waiver or require the infrastructure.

- **If the location is critical to accommodating future growth of the community or the development is of such an intensity or design that infrastructure meeting City standards is necessary to protect the public improvements or environmental resource of Ames, then granting the waiver would not be consistent with the City's land use policies and subdivision regulations.**
- **If the location and characteristics of the proposed development are not critical to accommodating the future growth of the community and are not expected to impact the public improvements or environmental resource of Ames, then granting the waiver would be consistent with the City's land use policies and subdivision regulations. The above findings would support this conclusion.**

The land use policies for the subject area and the Rural Transitional Residential land use areas are intended to keep open the option for future annexation of these areas in the long-term future. Annexation is likely to lead to the need to connect the project to the City's sanitary sewer and water systems, which can be very costly. State law requires the buy-out of rural water systems including lost revenues, a very difficult cost to determine in advance. In order to assign costs for future street and utility system improvements to those who benefit, the City may seek to assess the area residents. To facilitate these annexation processes, the City would require the current property owners to agree to future annexation, to agree to buy out the rural systems and to waive their rights to protest future annexations. (See RTR Policies 4, 5 and 7 in Attachment "E").

SUMMARY OF CONCLUSIONS

Land Use

- The proposed plat is consistent with the Ames Urban Fringe Plan in its land use and density.
- To implement those uses, prior to Final Plat approval by the City Council, an easement document should be provide establishing rights and responsibilities for Outlots A through F, including but not limited to:
 - a. allowing use of the Outlots as open space by all residents of Northwood Heights Subdivision 2nd, 3rd and 4th Additions
 - b. prohibiting construction and other types of development in a manner that would restrict use of these properties by all residents of Northwood Heights Subdivision 2nd, 3rd and 4th Additions
 - c. prohibiting construction or development that would physically divide these Outlots into separate open space areas (e.g. fences) or to appear or function only as portions of Lots 1 through 4
 - d. defining responsibilities for improvement and maintenance costs
 - e. defining maintenance activities required
 - f. defining responsibility for maintenance activities required
 - g. describing other provisions necessary for Outlots to function as Open Space as defined by Ames Municipal Code Section 29.201

Subdivision Review Authority: The Planning and Zoning Commission must forward its recommendation on the Preliminary Plat for Northwood Heights 4th Addition by June 5, 2009. This recommendation may include approving, disapproving or modifying the Preliminary Plat.

Community Growth: The proposed Northwood Heights 4th Addition is not likely to effect community growth in a manner inconsistent with City policies and plans. To further reduce potential impediments to future growth by voluntary annexation, an agreement should be required regarding future annexation that bind current and future land owners to voluntary annexation when the City requests it.

Environmental Protection: The proposed plat is not likely to impact the water resources or other environmental assets of the city.

Traffic: The proposed plat is not likely to impact the traffic or transportation infrastructure of the city

Other Infrastructure: The findings support the conclusion that the location and characteristics of the proposed development are not critical to accommodating the future growth of the community and are not expected to impact the public improvements or environmental resource of Ames. Accordingly, granting the waiver would be consistent with the City's land use policies and subdivision regulations. Agreements should be required binding the current and future owners to future assessments for public improvements and to pay any costs associated with the conversing of rural water systems to municipal systems.

ALTERNATIVES:

1. The Planning and Zoning Commission can recommend that the City Council approve the waiver of all of the standards of Chapter 23 Division IV of the Ames Municipal Code and also recommend that the City Council approve the Preliminary Plat for Northwood Heights 4th Addition, based upon the above findings and conclusions, with the following conditions to be met prior to Final Plat approval by the City Council:
 - A. An agreement shall be provided whereby the property owner waives his or her right to protest a future annexation.
 - B. An agreement shall be provided for any future assessment for the costs of City subdivision improvements should they be required in the future.
 - C. An agreement shall be provided whereby the landowner shall be responsible for the full cost of abandoning any rural water and sewer systems and connecting to urban infrastructure.
 - D. An easement document shall be provided establishing rights and responsibilities for Outlots A through F, including but not limited to:
 - a. allowing use of the Outlots as open space by all residents of Northwood Heights Subdivision 2nd, 3rd and 4th Additions
 - b. prohibiting construction and other types of development in a manner that would restrict use of these properties by all residents of Northwood Heights Subdivision 2nd, 3rd and 4th Additions
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 - d. defining responsibilities for improvement and maintenance costs
 - e. defining maintenance activities required
 - f. defining responsibility for maintenance activities required
 - g. describing other provisions necessary for Outlots to function as Open Space as defined by Ames Municipal Code Section 29.201
 - E. These agreements shall bind all future owners of all of the property being platted.
2. The Planning and Zoning Commission can recommend that the City Council deny the waiver of all of the standards of Chapter 23 Division IV of the Ames Municipal Code, and also recommend that the City Council deny the Preliminary Plat for Northwood Heights 4th 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 Planning and Zoning Commission should develop findings of fact and conclusions that support a decision of denial.
3. The Planning and Zoning Commission can return this request in order to obtain further particular information, to be brought back to the Commission no later than its June 3, 2009 meeting.

RECOMMENDED ACTION:

The proposed development creates four lots and private open space, without any public improvements planned. It is consistent with the land use policies of the City. The County will determine if it is consistent with its policies and zoning. The primary issue is whether the City should waive all of its infrastructure standards. The above findings support the conclusion that it should.

The Ames Urban Fringe Plan designates this and other areas Rural Transitional Residential land use, rather than Priority Transitional Residential land use because of the many difficulties that the area presents for future urban expansion. The area is unlikely to be annexed, and we very likely will not require an involuntary annexation, which can be very difficult. This land and surrounding areas are not needed to accommodate future population growth within Ames. The policies of the Ames Urban Fringe Plan require case-by-case decisions about waiving urban infrastructure and also support such a waiver in this case.

The Ames Municipal Code requires various other criteria for granting a waiver:

- Extraordinary hardship to the Applicant – The hardship in this case is the impossibility of meeting the City’s standards not only at the current time, but beyond 2030, since no utility connections or annexation will be available.
- Conditions such that a waiver would prove inconsistent with the purpose of the Regulations – The purpose of the subdivision regulations is to encourage orderly development and provide for the regulation and control of the extension or urban areas consistent with the land use policies of the City. Those policies are based on the very low likelihood that future expansion to this area will occur.
- That substantial justice may be done – Not granting the waiver would deny any opportunity for residential use of this land at any time now or in the future, when City policies designate it for that use and allows the waiver.
- Public interest can be secured without nullifying the intent and purpose of the Regulations by imposing conditions on the waiver.

Based upon the Findings of Fact and Conclusions above, it is the recommendation of the Department of Planning and Housing that the Planning and Zoning Commission act in accordance with Alternative #1, which is to recommend that the City Council approve the waiver of all of the standards of Chapter 23 Division IV of the Ames Municipal Code, and also recommend that the City Council approve the Preliminary Plat for Northwood Heights 4th Addition, based upon the above findings and conclusions, with the following conditions to be met prior to Final Plat approval by the City Council:

- A. An agreement shall be provided whereby the property owner waives his or her right to protest a future annexation.
- B. An agreement shall be provided for any future assessment for the costs of City subdivision improvements should they be required in the future.
- C. An agreement shall be provided whereby the landowner shall be responsible for the full cost of abandoning any rural water and sewer systems and connecting to urban infrastructure.

- D. An easement document shall be provided establishing rights and responsibilities for Outlots A through F, including but not limited to:
 - a. allowing use of the Outlots as open space by all residents of Northwood Heights Subdivision 2nd, 3rd and 4th Additions
 - b. prohibiting construction and other types of development in a manner that would restrict use of these properties by all residents of Northwood Heights Subdivision 2nd, 3rd and 4th Additions
 - c. prohibiting construction or development that would physically divide these Outlots into separate open space areas (e.g. fences) or to appear or function only as portions of Lots 1 through 4
 - d. defining responsibilities for improvement and maintenance costs
 - e. defining maintenance activities required
 - f. defining responsibility for maintenance activities required
 - g. describing other provisions necessary for Outlots to function as Open Space as defined by Ames Municipal Code Section 29.201
- E. These agreements shall bind all future owners of all of the property being platted.

This proposed subdivision illustrates an issue with the City requirement for minimum net average density in residential development. This is a zoning requirement for suburban residential development within the city. Because residential development in the Ames Urban Fringe needs to be coordinated with suburban residential development in Ames, the use of minimum density in the Ames Urban Fringe needs to be the same as in Ames.

The purposes of a required minimum net average density are to make efficient use of taxpayers' and utility rate payers' money and to preserve the traditional character and quality of Ames neighborhoods as new neighborhoods are built. The Northwood Heights 4th Addition illustrates the value of this requirement. Its proposed design provides four lots on about 15 acres, not including road right-of-way, for an average density of 0.27 dwelling units per acre, a very low density. To meet a required minimum density of 3.75 dwelling units per acre, 56 lots would be required: 14 times as many lots. Certainly, to accomplish this more length of streets and more length of utility mains would be required, but not 14 times the length. Even if only the current street lengths were used, as well as utilities in only those rights-of-way, 30 lots, each with 85 feet of frontage, could be served without any additional length of streets or utilities mains.

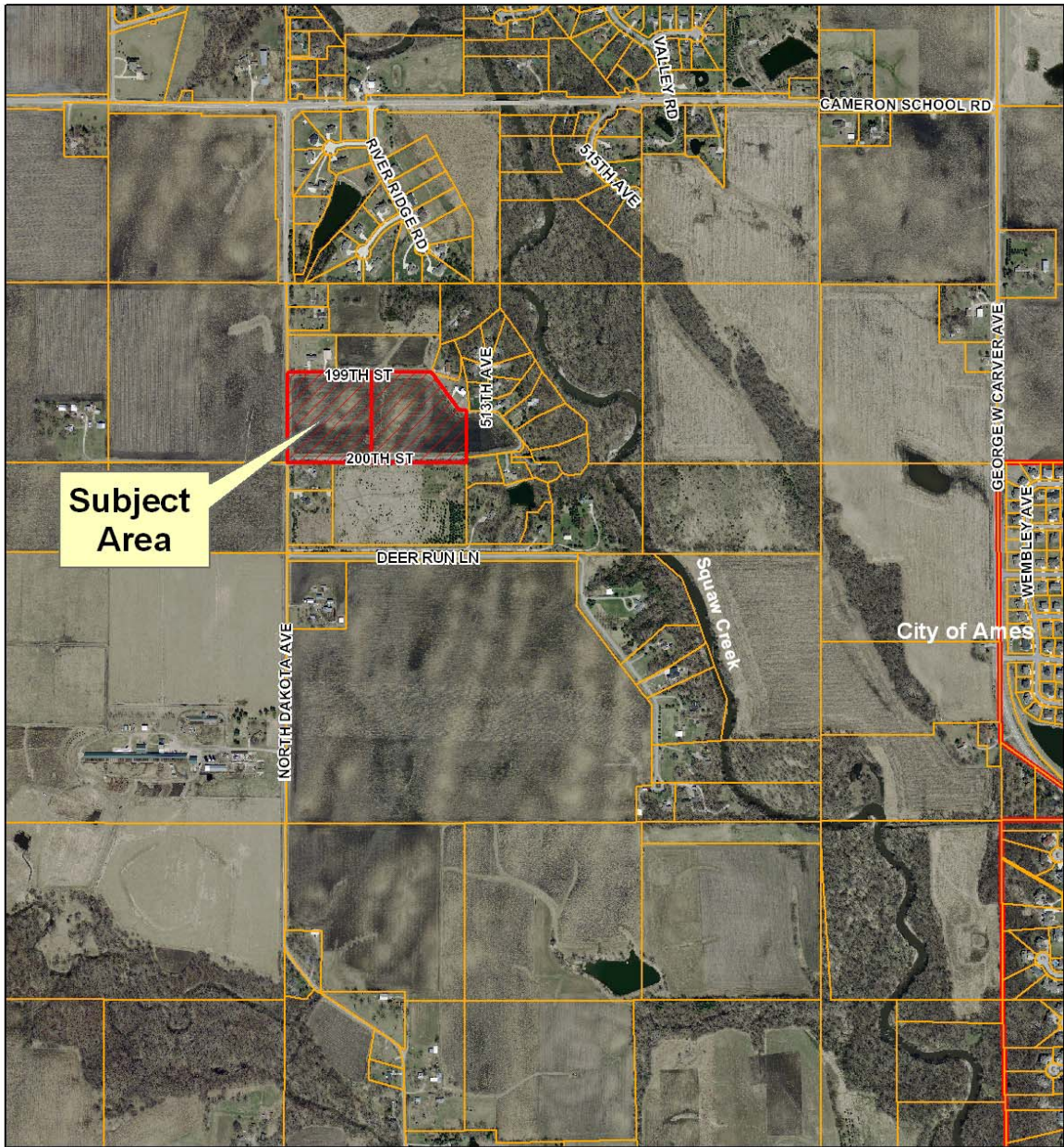
If steep slopes, sensitive natural areas, and even open space are included in the calculation, minimum net density makes it very difficult to protect such areas from development. These "green" areas are a major asset of Ames, an asset that many people value and believe helps to make Ames a great place to live. Therefore, the City zoning code allows such areas to be removed from the calculation. This represents a trade-off: accepting higher on-going cost for infrastructure in exchange for the preservation of green areas.

But is the type of open space proposed in this plat, the type of green area that the community values? If each outlot of this "private open space" is owned by the owner of the lot that it surrounds and he or she maintains it, does it really function as open space? Will the development look any different than a development with four 3.75-acre lots? Is this still an acceptable trade-off?

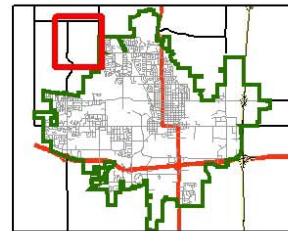
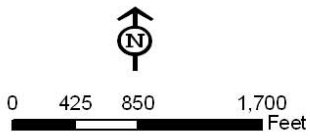
This approach conforms to the current policies and regulations of the City and can be applied to any new development in the City. If the Commission concludes that this approach is not consistent with the intent and spirit of the minimum net average density requirement, then it can also recommend that the City Council re-examine the definitions and methods that are used to apply the minimum net average density requirement and consider appropriate code revisions.

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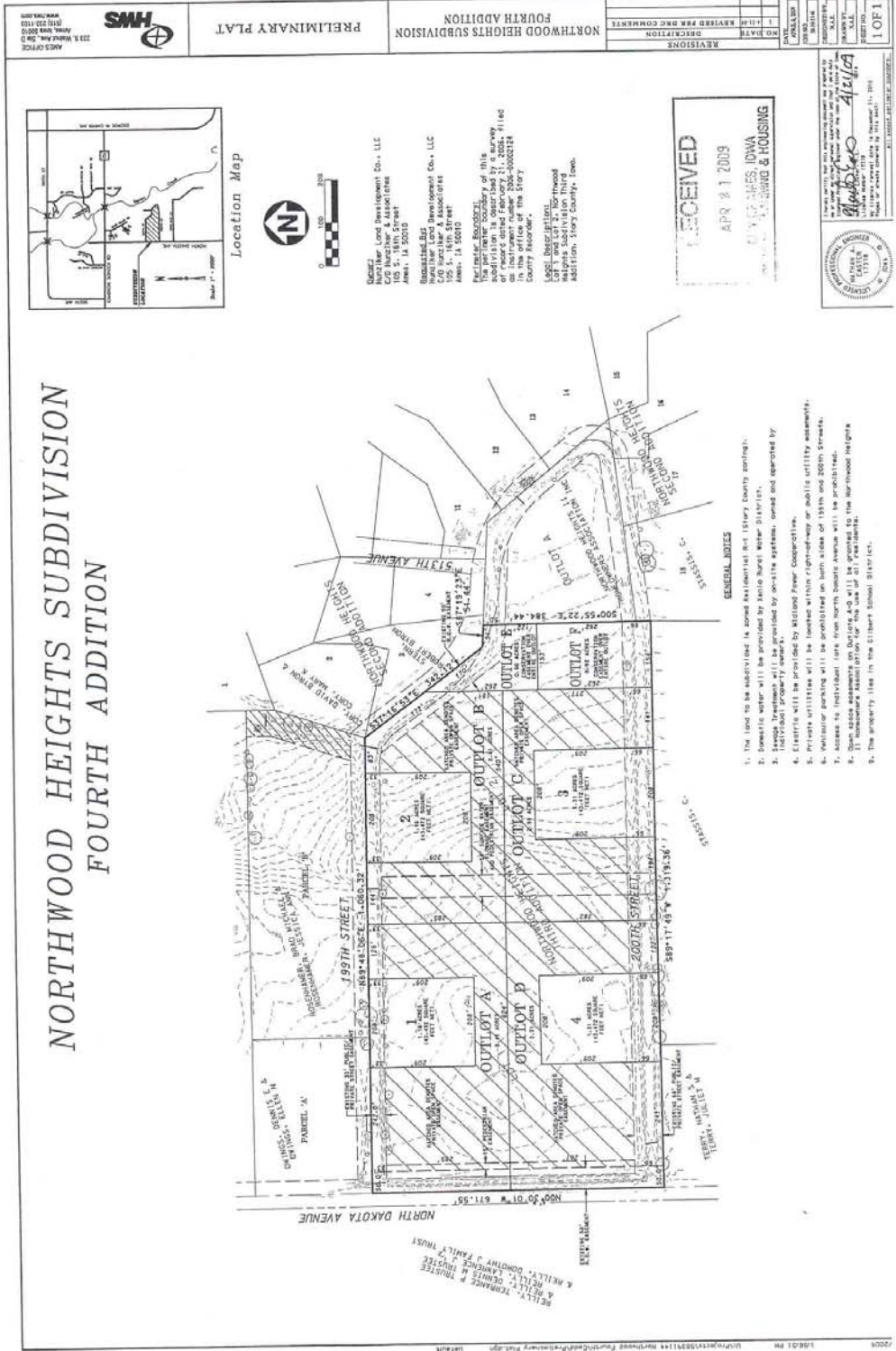
ATTACHMENT A



**Location Map
Northwoods Heights 4th Addition**



ATTACHMENT B



ATTACHMENT C

Date: March 12, 2009

To: City of Ames

From: Chuck Winkleblack
Hunziker Land Development

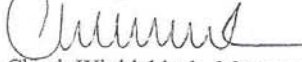
RE: Northwood Heights 4th addition

Hunziker Land Development is requesting a waiver of the subdivision requirements regarding infrastructure, street trees and street lighting for the proposed subdivision at Northwood Heights. This proposed subdivision is a re-platting of two existing lots into four proposed lots and some additional land to be deeded to the home owners association.

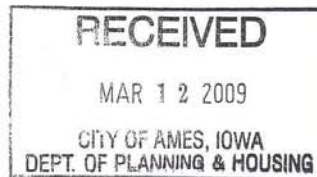
I have met with the Home owners association and residents of the subdivision and believe that the plat that I am submitting meets the needs and desires of the Developer and the existing residents.

The Developer agrees to waive the right to protest any future assessments by the City of Ames should the ground become part of the corporate limits of Ames.

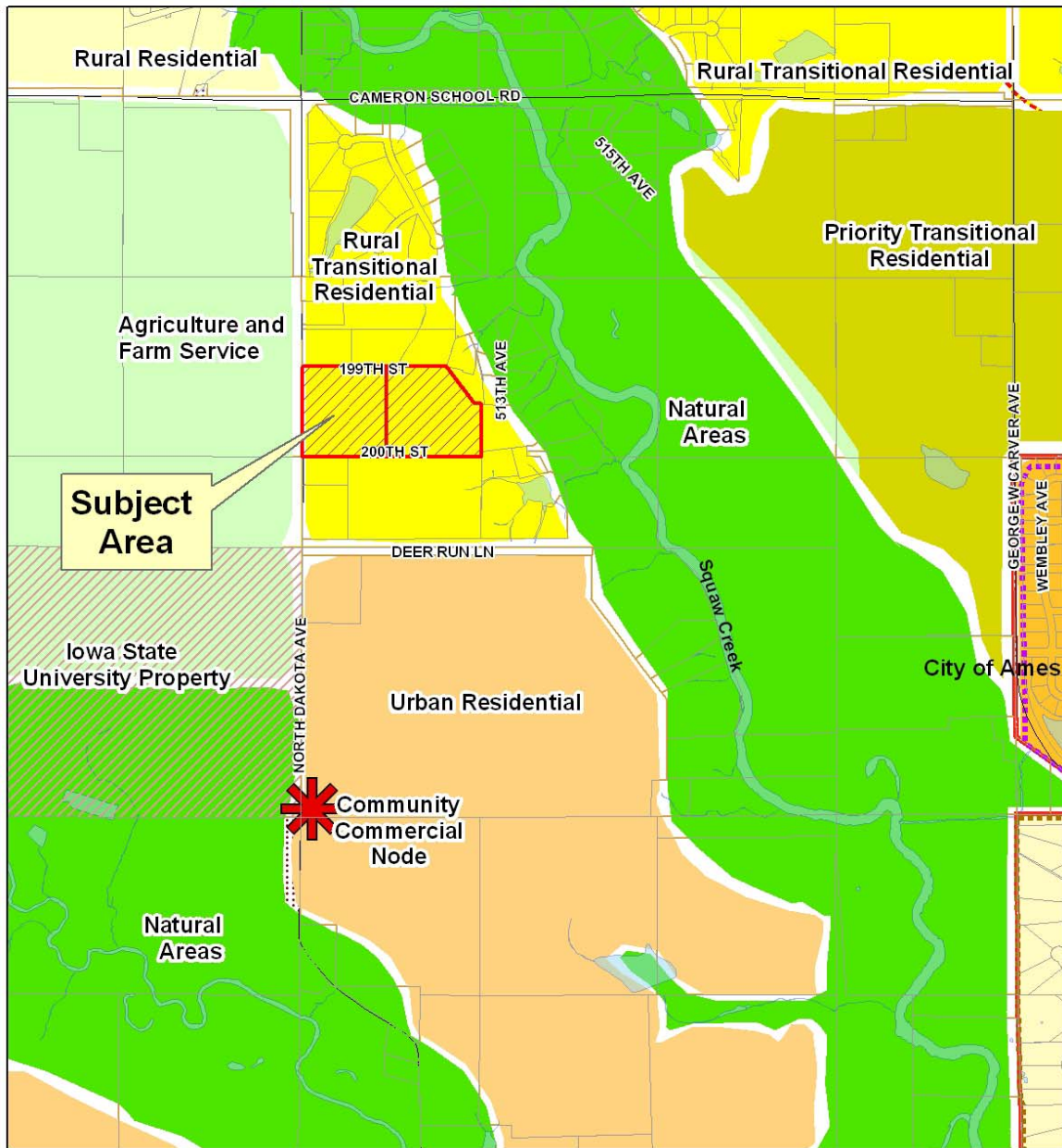
Respectfully submitted,



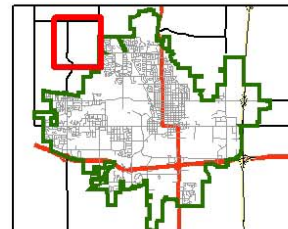
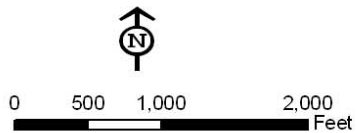
Chuck Winkleblack, Manager
Hunziker Land Development



ATTACHMENT D



**Land Use Map
Northwoods Heights 4th Addition**



ATTACHMENT E

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)