

ITEM # 21
DATE 07/15/08

COUNCIL ACTION FORM

SUBJECT: PRELIMINARY PLAT FOR ESTATES WEST SUBDIVISION, SECOND ADDITION (Case # SUB-08-08)

BACKGROUND:

Chuck Winkleblack, representing Hunziker Land Development, is requesting preliminary plat approval for a 5-lot subdivision titled Estates West Subdivision, Second Addition. It is located at 130 North Dakota Avenue and 4401 Westbrook Drive (see attached location map). The site is currently comprised of three lots, including Lots Estates West Subdivision and Lot 20, Clear Creek Addition II, & Parcel B. Total area of the site is 6.36 acres. The site was previously developed as a manufactured home park to the north, and includes a forested / creek-bottom area to the south.

The applicant proposes to take Lots 9 & 10 from the Estates West Subdivision, approved in April of 2008, and include it with this proposed subdivision. A new cul-de-sac street would then cut between Lots 9 & 10 to serve the proposed subdivision. The cul-de-sac would connect to the newly constructed Timber Ridge Drive to the north of the site. The five single-family lots would be created in a widened level area on the ridge to maintain the natural state of the low-lying areas. See the attached four (4) pages of Preliminary Plat documents.

This is not a phase of a previously approved subdivision, but a combination of four (4) lots from three (3) different previously recorded plats. Proposed Outlot "A" on the Preliminary Plat is designated as an "outlot" because no access is permitted to North Dakota Avenue or Westbrook Drive. This is due to the "principal arterial" designation of North Dakota Avenue in the Ames Area MPO Long Range Transportation Plan of 2005. Moreover, the developer does not propose to extend the "flagpole" portion of the outlot to the proposed cul-de-sac. Therefore, no accessible frontage is possible.

The cul-de-sac street, "Quam Circle," is proposed as a 55-foot wide right-of-way extending from the newly constructed Timber Ridge Drive. Topographic and floodplain limitations prevent the continuation of the street and therefore the cul-de-sac turn-around is required. The bend in the road as it transitions from Timber Ridge Drive to Arizona Avenue is not considered an intersection because of its continuous movement; therefore, Quam Circle is permitted in its proposed location, even though it is less than 280 feet from the bend.

Clear Creek meanders through the southern and western portions of the site through proposed Lots 3, 4 and Outlot A. The associated floodplain boundary is shown on the Preliminary Plat and extends through parts of Lots 3 and 4, as well as Outlot A. Areas of the plat not in the floodplain are roughly equivalent to one acre per lot, which gives an overall net density of 0.89 dwelling units per net acre. This results in lots well over the required minimum of 6,000 square feet. Single-family homes constructed on lots that contain floodplain will be required to comply with Ames Municipal Code Chapter 9, Flood Plain Zoning Regulations.

A Storm Water Pollution Prevention Plan (SWPPP) has been submitted for the project, and SWPPP's for each individual lot will be required prior to the grading and construction of each home. The applicant is also providing a drainage easement to the City of Ames over, under, and through the property within the floodplain. The drainage easement allows long-term maintenance of Clear Creek, pursuant to Municipal Code, Chapter 23.407(5), Storm Water Management. Staff recommended a note on the face of the plat referencing required compliance with Municipal Code Chapter 9, Floodplain Regulations. The applicant agreed to the notation, which is now included on the proposed Preliminary Plat. The City's Public Works Department indicated that this site is adequately served by utilities and infrastructure, and that public improvement plans will be required prior to Final Plat submittal. No adverse traffic impacts are anticipated because no additional access points are being permitted from North Dakota Avenue or Westbrook Drive, and Westbrook Drive is not being extended to North Dakota Avenue. Sidewalks and street trees are required on both sides of the street and have been proposed in compliance with Municipal Code. Staff therefore concludes that the proposed development satisfies Ames Municipal Code, Subdivision Regulations, Section 23, design and improvement standards, and also complies with the Zoning Ordinance, Section 29.701 relating to the RL district.

The Ames Area MPO Long Range Transportation Plan, dated October 2005, indicates an unpaved path within the Clear Creek floodplain in the general vicinity of this site. The City owns the wooded area, directly east of the site, which lies between the proposed project and Munn Woods. City staff has determined that there is no need for another path in this area because there is already a 350' shared use path constructed in public right-of-way beyond the dead end portion of Westbrook Drive. This provides connectivity to the shared use path, which runs the length of North Dakota Avenue.

Simultaneous with this application is a proposed rezoning of Lot 20 of Clear Creek Addition II from F-PRD to RL. Lot 20 is part of the Clear Creek PUD approved by City Council in 1980. The remainder of the site is already zoned RL. The PUD designation has since been replaced with the Floating Planned Residence District (F-PRD) designation. This occurred in the year 2000 when the City replaced citywide all PUD zoning designations with a newly adopted F-PRD zoning designation.

Notice of the proposed zoning map amendment was mailed to owners of property within 200 feet of the site on June 24, 2008. Public signs were also placed at the site. There have been several phone calls generated by the signs placed and letters mailed. All callers seemed to have been satisfied when provided with additional information on what is being proposed. None have been in opposition. Some did convey the message that they were simply calling to ensure that what is commonly known, as Munn Woods is not being developed. Because of the unusual shape of the lot and the development being infill between public lands and existing neighborhoods, the property boundaries are difficult to understand without viewing the drawing. Because of the infill nature, some property owners requested additional explanation beyond the letter provided and the signs posted. There was also concern expressed about traffic safety on North Dakota Avenue. The City's Public Works Department has addressed traffic safety by not allowing additional access points to North Dakota and by not requiring the extension of Westbrook Drive. Providing the additional information to those who were concerned seemed to satisfy the concern

sufficiently. Because of the notice provided and the quick responses given to questions, staff concludes that public notice was provided in a manner consistent with state and local laws.

The property is designated Low Density Residential on the Land Use Policy Plan Map and Greenway on the Environmentally Sensitive Lands Map. The property is currently vacant due to the removal of manufactured homes and the construction of public improvements for an adjacent development recently approved to the north. Because of the designation on the Land Use Policy Plan map, staff concludes that the proposed Preliminary Plat is consistent with the Land Use Policy Plan Map. Although the "Greenway" designation on the Environmentally Sensitive Lands Map indicates possible future use for open space and connectivity between parks, the potential for an unpaved path is limited by the significant elevation change from the creek basin to North Dakota Avenue, as well as development restrictions in place for Flood Plain areas. Therefore, City staff believes there is no need for a conservation easement to reserve space for another path because of the pre-existing path in the same area. Accordingly, staff concludes that the proposed development is not in conflict with the Environmentally Sensitive Lands Map recently added to the Land Use Policy Plan in February 2008. Because of these determinations, staff further concludes that the Code of Iowa Chapter 354, Section 8, pertaining to review and approval of subdivision plats by governing bodies, has been satisfied.

The following table identifies the existing land use, existing zoning, and LUPP designation of the properties surrounding the site.

Area	LUPP Designation	Zoning Designation	Land Use
North	Low-Density Residential	Residential Low Density (RL)	Single Family Homes (under construction)
South	Parks and Open Space, High-Density Residential	Residential High Density (RH)	Single Family Homes
East	Parks and Open Space	Government/Airport District (S-GA)	Wooded-City owned
West	Low-Density Residential	Residential Low Density (RL)	Single Family Homes

Applicable Law:

The applicable law to the case is contained in an attachment. Of particular significance to the Council's level of review, is the following in Municipal Code 23. 302(6):

- (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.*

Based upon the above facts and analysis, staff concludes that the proposed plat conforms to relevant and applicable design and improvement standards, that the subdivision conforms to minimum levels of service standards set forth in the Land Use Policy Plan, and will have no detrimental burden on public improvements, subject to the conditions that will be recommended by the City Manager.

Also relevant to the City Council's review is Section 23.304, which requires installation of public improvements prior to final plat approval, unless the City Council allows deferral of said improvements subject to the applicant executing an Improvement Agreement and providing security in the form of an Improvement Guarantee. The Council has typically allowed deferral of improvements under this provision.

Recommendation of the Planning & Zoning Commission. The Planning and Zoning Commission held its meeting on July 2, 2008, to consider this action. Staff gave the report simultaneously with the Estates West 2nd Addition Preliminary Plat because the same property is involved. A public input session was conducted in which no one spoke in opposition. The applicant spoke in favor of the request and explained that these three lots were not included in the Estates West Subdivision Plat, approved in April 2008, because the timing of acquiring the property was inappropriate and now it has become available and is being proposed according to city requirements.

With a vote of 4-0, the Planning & Zoning Commission recommended approval of the Preliminary Plat for Estates West Subdivision, Second Addition with the conditions recommended by staff in Alternative 1, below.

ALTERNATIVES:

1. The City Council can approve the Preliminary Plat for the Estates West Subdivision, Second Addition, located at 130 North Dakota Avenue, based upon staff's findings and conclusions, and subject to the following conditions:
 - a. The developer will construct and dedicate all public improvements within the development to City of Ames Urban Standards, as required, including: dedication of public right-of-way, street paving, curb, gutter, sidewalks, street lights, water main, sanitary sewer main, and storm sewer improvements, prior to approval of the Final Plat, or execute an Improvement Agreement to guarantee the completion of all public improvements and provide security in the form of an Improvement Guarantee, as set forth in Section 23.409 of the Ames Municipal Code.
 - b. Civil drawings of all public improvements shall be submitted to the Public Works Department for review and approval prior to installation and prior to final plat approval.
 - c. The rezoning of lot 20, Clear Creek II, as submitted on June 10, 2008 within the rezoning application, shall be completed before the recording of the plat.

- d. A note shall be placed on the face of the final plat referencing required compliance with Ames Municipal Code Chapter 9, Floodplain Regulations.
2. If the City Council finds that the proposed Preliminary Plat does not conform to all adopted standards and applicable law pertaining to subdivisions, the City Council can deny the Preliminary Plat for the Estates West Subdivision, located at 130 North Dakota Avenue.
3. The City Council can approve the Preliminary Plat for the Estates West Subdivision, located at 130 North Dakota Avenue, with modifications.
4. Action on this request can be postponed and referred back to City staff and/or the applicant for additional information, provided that the applicant provide a written waiver of their rights to have their application processed within 30 days as specified in Ames Municipal Code Section 23.302(4).

MANAGER'S RECOMMENDED ACTION:

It is the recommendation of the City Manager that the City Council act in accordance with Alternative #1. This would recommend to the City Council approval of the Preliminary Plat for the Estates West Subdivision, Second Addition, located at 130 North Dakota Avenue based upon staff's findings and conclusions, and subject to the following conditions:

- a. The developer will construct and dedicate all public improvements within the development to City of Ames Urban Standards, as required, including: dedication of public right-of-way, street paving, curb, gutter, sidewalks, street lights, water main, sanitary sewer main, and storm sewer improvements, prior to approval of the Final Plat, or execute an Improvement Agreement to guarantee the completion of all public improvements and provide security in the form of an Improvement Guarantee, as set forth in Section 23.409 of the Ames Municipal Code.
- b. Civil drawings of all public improvements shall be submitted to the Public Works Department for review and approval prior to installation and prior to final plat approval.
- c. The rezoning of lot 20, Clear Creek II, as submitted on June 10, 2008 within the rezoning application, shall be completed before the recording of the plat.
- d. A note shall be placed on the face of the final plat referencing required compliance with Ames Municipal Code Chapter 9, Floodplain Regulations.

Applicable Law

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.

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 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 29, Zoning, Section 29.701, includes standards for the Residential Low Density (RL) zone.

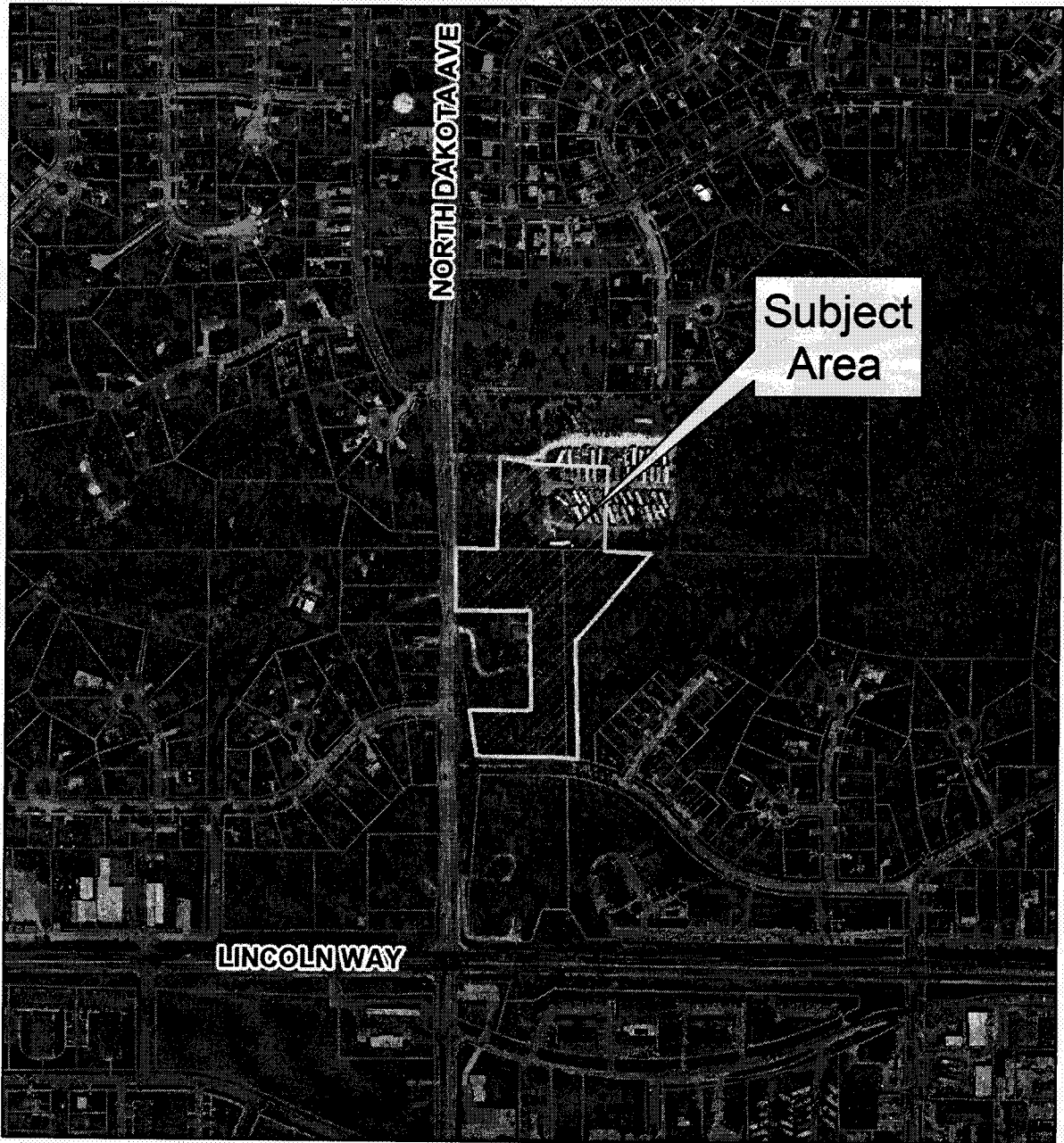
Ames Municipal Code Section 23.107 is as follows:

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.

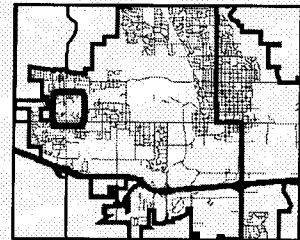


Location Map
Proposed Estates West, 2nd Addition



2003 Aerial Photo

0 330 660 1,320
Feet

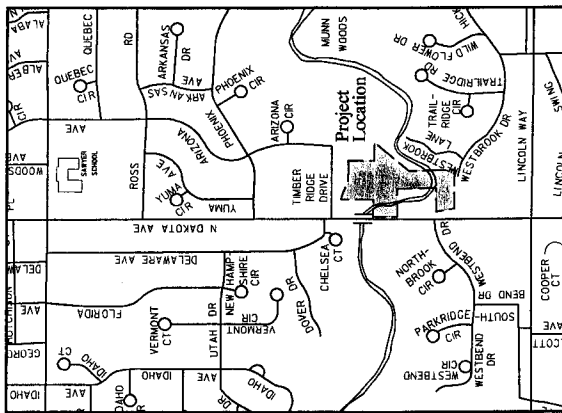


ESTATES WEST SUBDIVISION SECOND ADDITION

Preliminary Plat

GENERAL NOTES:

- Existing Zoning: Residential Low Density (RL) & Planned Residential District (P-RD).
- Proposed Zoning: Residential Low Density (RL)
- All private utilities will be located within public utility easements, shown, or located within utility easements provided for by the City & Use of City Rights-of-Way by Right-of-Way Users Ordinance.
- Sidewalks will be constructed on both sides of public streets.
- Vehicle parking will be prohibited as follows:
Along the East side of Quam Circle
Along the West side of Quam Circle
Along both sides of North Dakota Avenue
- Street trees will be planted in the right-of-way of all streets within the subdivision. Tree species, quantity, and size shall conform to the City of Ames Municipal Code, Chapter 23.402, Residential Subdivision Landscaping Standards.
- All construction materials, methods, detached trailers, or similar items are prohibited on public streets or within the public right-of-way.
- Minimum required setbacks in "R" zoning district:
Front Lot Line: 25 ft.
Rear Lot Line: 20 ft.
Side Lot Line: 8 ft. for 2 or 3 started or 15 ft. if abutting right-of-way
- The Plans show approximate locations of existing utilities located within the limits of this project. The completeness and accuracy of this utility information is not guaranteed. The Contractor shall obtain utility locate data to avoid utilities resulting from the excavation.
- Grading on individual lots will occur on a site-by-site basis.
- No vehicular access from Westbrook Drive will be allowed to Outlot A & Lot 4.
- No vehicular access from Westbrook Drive will be allowed to Lot 3.
- City of Ames Municipal Code, Chapter 9 (Flood Plain Zoning Regulations) applies to Lots 3, 4 and Outlot A.
- Drainage easements shown are easements to the City of Ames for the long term maintenance of Clear Creek, pursuant to City of Ames Municipal Code, Chapter 23, Subdivision Regulations, Storm Water Management, 23.407(15).



Location Map

INDEX OF SHEETS

- 1 of 3 Title Sheet/General Information
- 2 of 3 Survey Data
- 3 of 3 Proposed Conditions

OWNERS

Hunziker Land Development Co. LLC
c/o Hunziker & Associates
105 S. 16th Street
Ames, IA 50010

Quam Limited Partnership
2200 Hamilton Drive, Apt. 306
Ames IA 50014

APPLICANT

Hunziker Land Development Co. LLC
c/o Hunziker & Associates
105 S. 16th Street
Ames, IA 50010

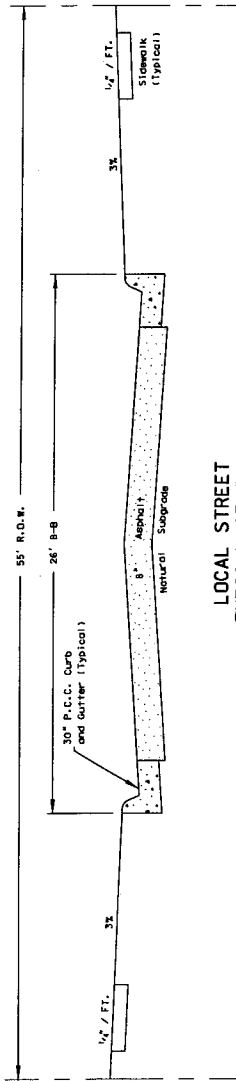
PREPARED BY

HWS Consulting Group
223 S. Walnut Avenue, Ste. D
Ames, IA 50010

SUBMITTAL DATE

June 10, 2008

LOCAL STREET TYPICAL SECTION (shown circle)



RECEIVED
JUL 10 2008
CITY OF AMES, IOWA
DEPT. OF PLANNING & HOUSING

LEGEND

EXISTING	PROPOSED	FIELD FENCE
X	---	RIGHT OF WAY
---	---	WATER MAIN & SIZE
---	---	SANITARY SEWER & SIZE
---	---	STORM SEWER & SIZE
---	---	FIELD TILE / COLLECTOR LINE
---	---	GAS MAIN
---	---	TELEPHONE / FIBER OPTIC
---	---	ELECTRIC
---	---	8" BISEPATH
---	---	4" SIDEWALK

- WATER VALVE
- FIRE HYDRANT
- MANHOLE
- STORM SEWER INTAKE
- PLUMED END SECTION

ESTATES WEST SUBDIVISION
SECOND ADDITION
PRELIMINARY PLAT
CITY OF AMES, IOWA

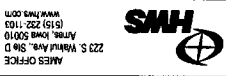
TITLE SHEET

NO.	DATE	DESCRIPTION
1	6/10/08	DESIGNED BY
2	6/10/08	DRAWN BY
3	6/10/08	CHECKED BY
4	6/10/08	APPROVED BY
5	6/10/08	REVISIONS

Survey Data
7/9/08
7/9/08
7/9/08

Professional Engineer
Jesse L. Hunter
1935
105 S. 16th Street
Ames, IA 50010

Professional Engineer
Jesse L. Hunter
1935
105 S. 16th Street
Ames, IA 50010



AMES OFFICE
105 S. WALNUT AVE., SUITE D
AMES, IOWA 50010
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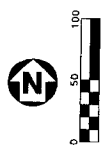


SURVEY DATA

ESTATES WEST SUBDIVISION
PRELIMINARY PLAT
CITY OF AMES, IOWA

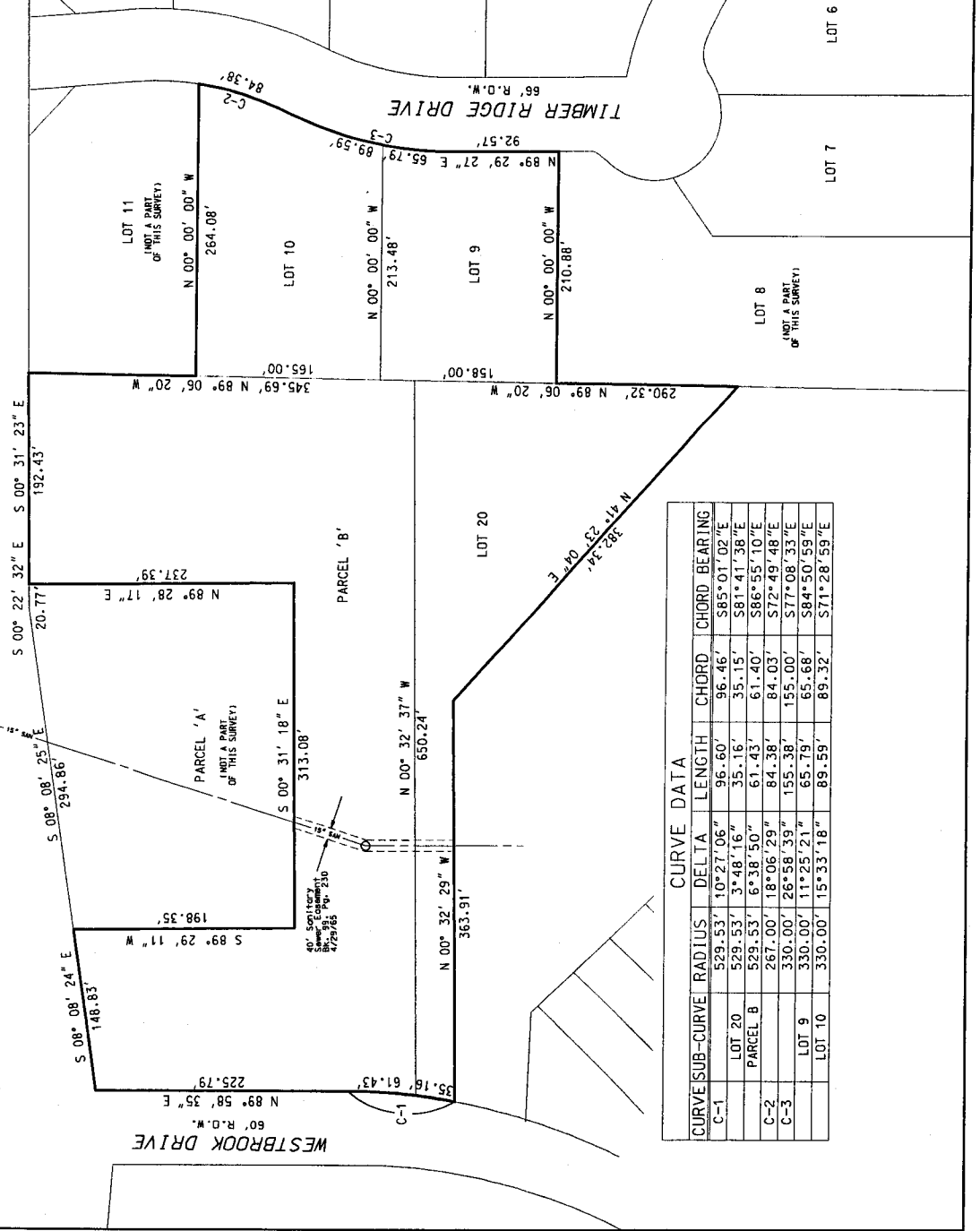
NO.	DATE	DESCRIPTION

DATE:	
DRAWN BY:	
CHECKED BY:	
DATE:	
SCALE:	
SHEET NO.	3



NORTH DAKOTA AVENUE
R.O.W. VARIES

LEGAL DESCRIPTION
Parcel B of Lots 15 and 16 in the Southwest Quarter of the Southwest Quarter of Section 5, Township 82 North, Range 24 West of the 5th P.M., Ames, Story County, Iowa, as shown on the "Plat of Survey" filed in the Office of the Recorder of Story County, Iowa on the 1st day of March 1996, and recorded in book 13 at page 201.
AND
Lot 20 (twenty), Clear Creek Addition II to City of Ames, Story County, Iowa as recorded in the Story County Recorder's Office on March 31, 1981 as Instrument #81-05552.
AND
Lot 9 (nine) and Lot 10 (ten), Estates West Subdivision, City of Ames, Story County, Iowa, as recorded in the Story County Recorder's Office on April 25, 2008 on Slide 330, Page 2.



CURVE DATA

CURVE	SUB-CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C-1		529.53'	10° 27' 06"	96.60'	96.46'	S85° 01' 02" E
	LOT 20	529.53'	3° 48' 16"	35.16'	35.15'	S81° 41' 38" E
	PARCEL B	529.53'	6° 38' 50"	61.43'	61.40'	S86° 55' 10" E
C-2		267.00'	18° 06' 29"	84.38'	84.03'	S72° 49' 48" E
	LOT 9	330.00'	26° 58' 39"	155.38'	155.00'	S77° 08' 33" E
	LOT 10	330.00'	11° 25' 21"	65.79'	65.68'	S84° 50' 59" E
		330.00'	15° 53' 18"	89.59'	89.32'	S71° 28' 59" E