

COUNCIL ACTION FORM

SUBJECT: MAJOR SUBDIVISION FINAL PLAT FOR SPECK SUBDIVISION, SECOND ADDITION

BACKGROUND:

Mark Speck seeks approval of a Final Plat for Speck Subdivision 2nd Addition, a rural subdivision across U.S. Highway 69 from Ada Hayden Heritage Park and north of West Riverside Road. Four lots are proposed for single family detached residences. Three lots of 0.81 acres each are proposed for single family detached residences, and a fourth, one-acre, lot contains an existing home. The location of the project is shown on Attachment 1, and the proposed subdivision plat is shown on Attachment 2.

The proposed project is within two miles of the Ames city limits and the City has jurisdiction over the Final Plat. On July 24, 2001, the Ames City Council waived its requirements for installation of infrastructure for this residential subdivision. Therefore, City standards for infrastructure do not apply. The property is within the service area of Xenia Rural Water Association, and is outside the service area of Ames Electric Services. Story County development standards also apply to this project, and Story County has already approved the Final Plat.

Attachment 3 contains the standards of review of the Ames *Municipal Code* applicable to the case. In addition, staff has confirmed that the requirements in Section 23.503 of the *Municipal Code*, Major Final Plats, have been satisfied. In addition, the final subdivision plat is consistent with the Preliminary Plat approved by the City Council on March 2, 2010.

ALTERNATIVES:

1. The City Council can approve the Final Plat for Speck Subdivision, Second Addition.
2. The City Council can deny the Final Plat for Speck Subdivision, Second Addition.
3. The City Council can refer this request back to staff or the applicant for additional information.

MANAGER'S RECOMMENDED ACTION:

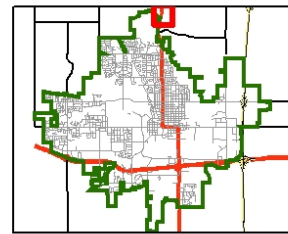
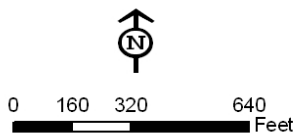
City staff has evaluated the proposed final subdivision plat and concluded that the proposal is consistent with the Preliminary Plat approved by the City Council and that the plat conforms to the adopted ordinances and policies of the City of Ames.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, approving the Final Plat for Speck Subdivision, Second Addition.

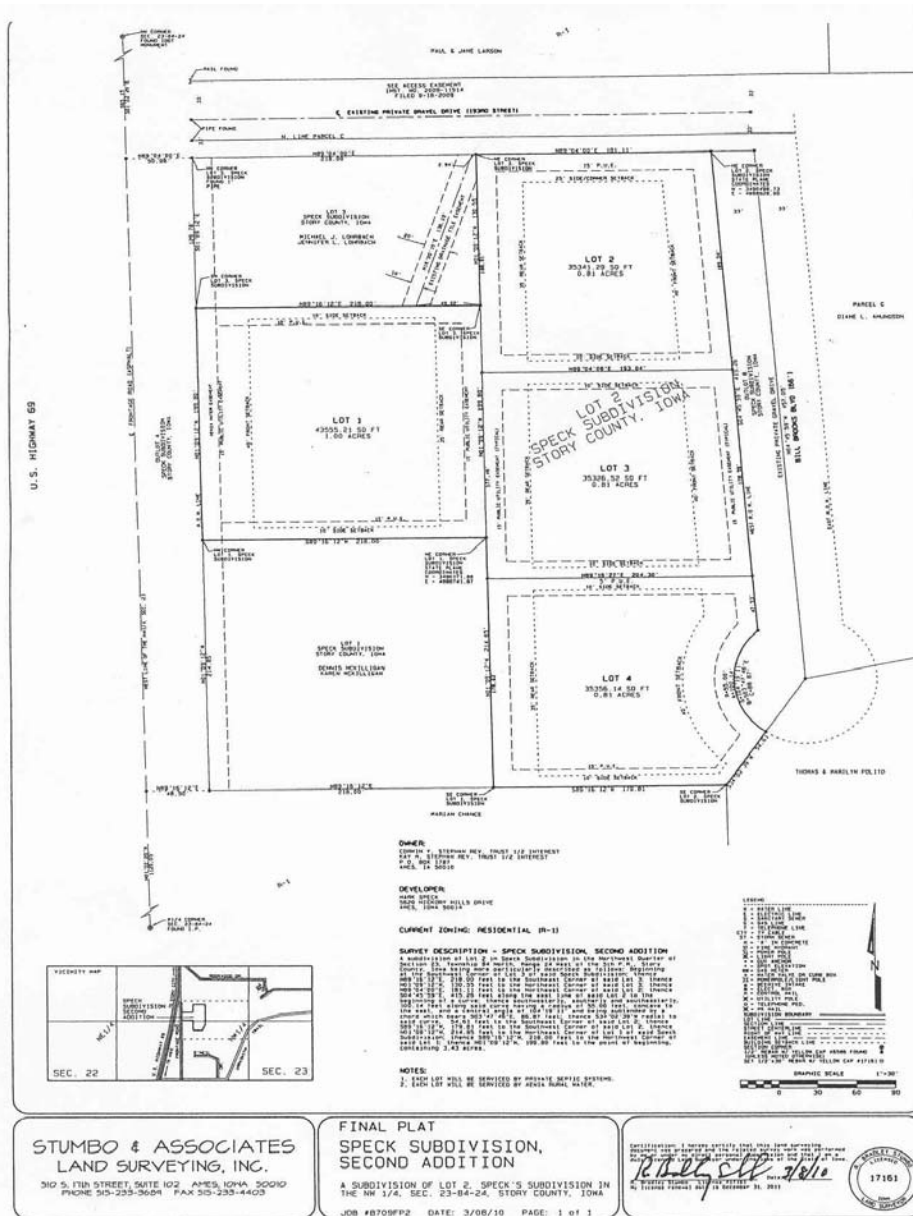
ATTACHMENT 1: GENERAL LOCATION



Location Map Speck Subdivision 2nd Add.



ATTACHMENT 2: FINAL PLAT



ATTACHMENT 3: APPLICABLE LAW

The laws applicable to this case file are as follows:

Code of Iowa Chapter 354.8 states in part:

A proposed subdivision plat lying within the jurisdiction of a governing body shall be submitted to that governing body for review and approval prior to recording. Governing bodies shall apply reasonable standards and conditions in accordance with applicable statutes and ordinances for the review and approval of subdivisions. The governing body, within sixty days of application for final approval of the subdivision plat, shall determine whether the subdivision conforms to its comprehensive plan and shall give consideration to the possible burden on public improvements and to a balance of interests between the proprietor, future purchasers, and the public interest in the subdivision when reviewing the proposed subdivision and when requiring the installation of public improvements in conjunction with approval of a subdivision. The governing body shall not issue final approval of a subdivision plat unless the subdivision plat conforms to sections 354.6, 354.11, and 355.8.

Ames Municipal Code Section 23.302(10) states as follows:

(10) City Council Action on Final Plat for Major Subdivision:

- (a) All proposed subdivision plats shall be submitted to the City Council for review and approval. Upon receipt of any Final Plat forwarded to it for review and approval, the City Council shall examine the Application Form, the Final Plat, any comments, recommendations or reports examined or made by the Department of Planning and Housing, and such other information as it deems necessary or reasonable to consider.
- (b) Based upon such examination, the City Council shall ascertain whether the Final 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.
- (c) The City Council may:
 - (i) deny any subdivision where the reasonably anticipated impact of such subdivision will create such a burden on existing public improvements or such a need for new public improvements that the area of the City affected by such impact will be unable to conform to level of service standards set forth in the Land Use Policy Plan or other capital project or growth management plan of the City until such time that the City upgrades such public improvements in accordance with schedules set forth in such plans; or,
 - (ii) approve any subdivision subject to the condition that the Applicant contribute to so much of such upgrade of public improvements as the need for such upgrade is directly and proportionately attributable to such impact as determined at the sole discretion of the City. The terms, conditions and amortization schedule for such contribution may be incorporated within an Improvement Agreement as set forth in Section 23.304 of the Regulations.

(d) Prior to granting approval of a major subdivision Final Plat, the City Council may permit the plat to be divided into two or more sections and may impose such conditions upon approval of each section as it deems necessary to assure orderly development of the subdivision.

(e) Following such examination, and within 60 days of the Applicant's filing of the complete Application for Final Plat Approval of a Major Subdivision with the Department of Planning and Housing, the City Council shall approve, approve subject to conditions, or disapprove the Application for Final Plat Approval of a Major Subdivision. The City Council shall set forth its reasons for disapproving any Application or for conditioning its approval of any Application in its official records and shall provide a written copy of such reasons to the developer. The City Council shall pass a resolution accepting the Final Plat for any Application that it approves.