

**COUNCIL ACTION FORM**

**SUBJECT: GRAND ASPEN SUBDIVISION, 4TH ADDITION MINOR FINAL PLAT**

**BACKGROUND:**

Scott Randall, Randall Corporation, is requesting approval of a Minor Final Plat to establish a 3-lot residential subdivision for Grand Aspen Subdivision Fourth Addition. Lot 1 is planned for development in the "RH" (High-Density Residential) zone, and includes 13.16 acres. Lot A is the right-of-way for Grand Avenue, and Outlot D is an unbuildable lot that includes 0.19 acres in the northeast corner of the subdivision. This is a replat of Outlot 'B', Grand Aspen Subdivision Third Addition, 715 South 16<sup>th</sup> Street. The property, owned by Scott E. Randall (The Randall Corporation), includes a total of 14.68 acres of land and is located south and west of the Coldwater Links golf course, and directly north of Ames Christian School at 925 S. 16<sup>th</sup> Street, and LaVerne Apartments (presently under construction) at 919 S. 16<sup>th</sup> Street.

In conjunction with receipt of the Final Plat application, the property owner has submitted a request that the City Council waive the requirements for public improvements for the Grand Avenue right-of-way, as the street and other public improvements within the right-of-way will be constructed/installed by the City of Ames in accordance with the Developer's Agreement for this subdivision.

Approval of this waiver is required for approval of Grand Aspen Subdivision, 4<sup>th</sup> Addition as a Minor Subdivision, instead of a Major Subdivision. A division of land is classified as a "Major Subdivision" if the subdivision includes three or more lots, and/or there is a requirement for the construction of public improvements as part of the subdivision. Approval of a Major Subdivision requires the approval of a Preliminary Plat and a Final Plat. A Minor Subdivision requires only a Final Plat. **The Final Plat for Grand Aspen Subdivision, 4<sup>th</sup> Addition, can be approved without approving a Preliminary Plat, if the City Council first waives the requirement for construction of public improvements in the Grand Avenue right-of-way by the Developer.**

A Developer's Agreement for this subdivision is to be considered by the City Council concurrently with the Final Plat. **The Developer's Agreement must also be approved by the City Council, prior to approval of the Final Plat for this proposed subdivision.**

An "Agreement for Street Trees" is required as part of the approval of this subdivision, since this is a "residentially-zoned subdivision." A plan for street trees in the right-of-way for South 16<sup>th</sup> Street, adjacent to this subdivision, was approved by the City Council on June 24, 2009, as part of the approval of the Preliminary Plat for Grand Aspen Subdivision, 3<sup>rd</sup> Addition. The approved plan includes Black Maple trees planted in the right-of-way along the frontage of this subdivision on South 16<sup>th</sup> Street, spaced at 40 feet on-center. The street trees must meet the requirements of Section 23.402,

Residential Subdivision Landscaping Standards, of the Municipal Code, see “Applicable Law” in Attachment C.

The following documents have been submitted with the Final Plat:

- Resolution Approving Grand Aspen Subdivision, 4<sup>th</sup> Addition;
- Consent to Platting and Dedication of the Public Right-of-Way by the Property Owners;
- Consent to Platting by Community State Bank, NA, Ankeny, Iowa;
- Consent and Dedication documents signed by the property owners and the mortgagee;
- Attorney’s Opinion verifying ownership and that the property is free of encumbrances except for the mortgage to Community State Bank;
- Certificate of the County Treasurer certifying the property is free of taxes as of October 11, 2010;
- New easements for public utilities;
- Access Easement; and,
- Agreement for Street Trees.

The City Council is required to determine compliance with the applicable law found in Attachment A. Analysis of the proposed subdivision plat demonstrates compliance with zoning and subdivision standards and confirms that adequate public facilities are provided for public street frontage and access to Lot 1, which is the only buildable lot in the subdivision. A Developer’s Agreement will be presented to the City Council for consideration, prior to consideration of the Final Plat that identifies public subdivision infrastructure that is required and the responsibility for the construction of those improvements.

Based upon the above analysis, the City Council may conclude that the Final Plat conforms to relevant and applicable design and improvement standards of the Ames Municipal Code Chapter 23 (Subdivisions), to other City ordinances and standards, to the City’s Land Use Policy Plan, and to the City’s other duly adopted plans, provided the City Council grants a waiver to the requirements for public improvements for the Grand Avenue right-of-way, and the Developer’s Agreement for this subdivision is approved by the City Council.

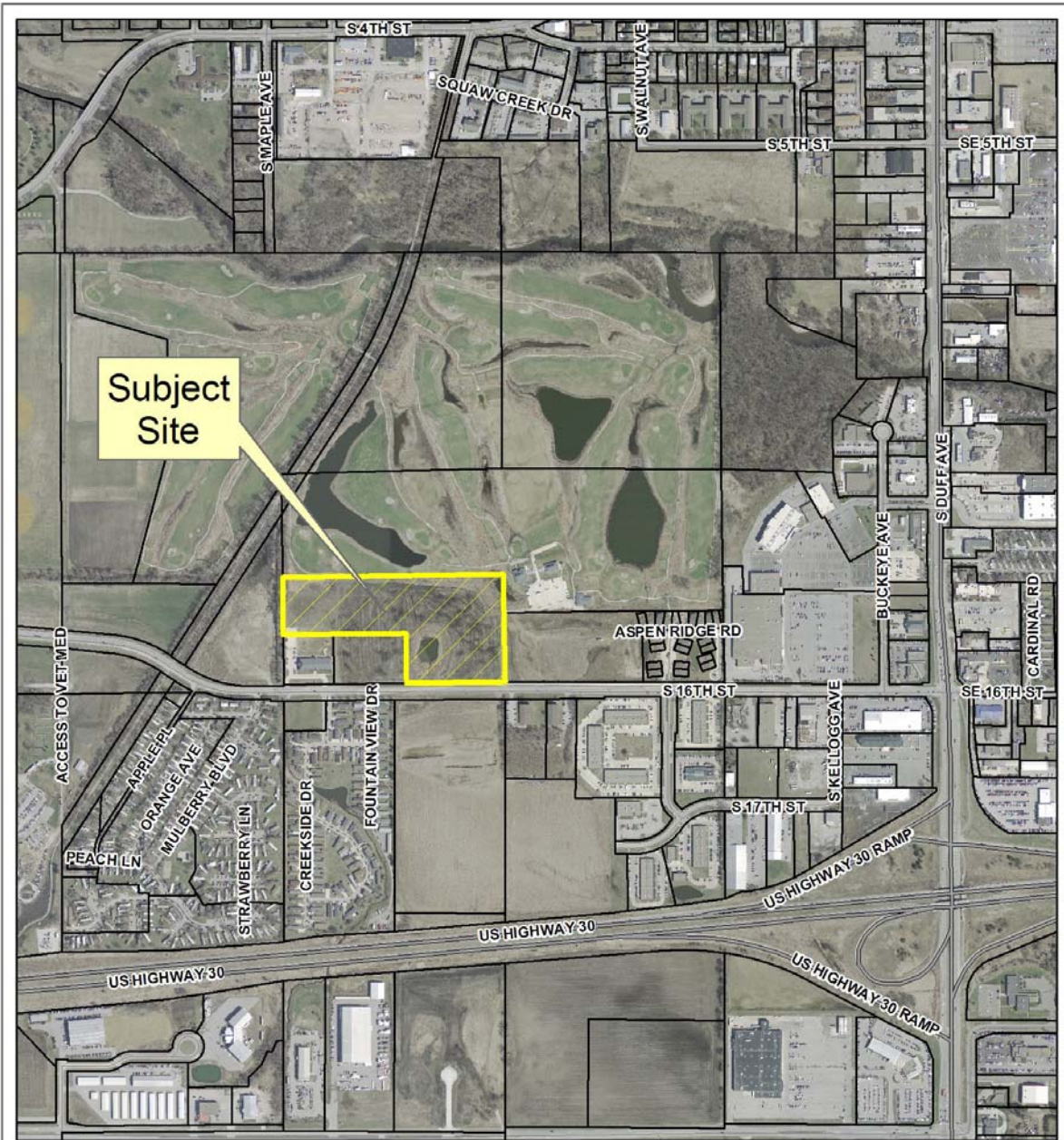
**ALTERNATIVES:**

1. The City Council can approve the Minor Final Plat of Grand Aspen Subdivision 4th Addition, and approve the Agreement for Street Trees by finding that all requirements of the Municipal Code, Section 23.303 (3)(b) are met, subject to the following conditions:
  - A. That the City Council approve the Developer's Agreement for this subdivision; and,
  - B. That the City Council grant a waiver to the requirements for public improvements for the Grand Avenue right-of-way.
2. If the City Council denies the requested waiver of required improvements, the City Council must deny the Application for Final Plat approval of Grand Aspen Subdivision, 4<sup>th</sup> Addition, and require the Applicant to proceed with a Preliminary Plat for a approval of Grand Aspen Subdivision, 4<sup>th</sup> Addition, as a Major Subdivision.
3. The City Council can refer this back to staff and/or the property owner for additional information.

**MANAGER'S RECOMMENED ACTION:**

The proposed Final Plat for Grand Aspen Subdivision Fourth Addition is consistent with the requirements of a minor subdivision with the stipulations for approval of the Developer's Agreement and the waiver of the requirements for public improvements.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1. Approval of the resolution will allow the Final Plat for Grand Aspen Subdivision, 4th Addition and accompanying documents to be recorded in the office of the County Recorder.



**Location Map  
Grand Aspen 4th Add. Final Plat**



0 500 1,000 2,000  
Feet



## Attachment A 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 23.103(1), Waiver/Modification, states:**

- (1) “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.”

**Ames Municipal Code Section 23.303(3) states:**

- (3) City Council Action on Final Plat for Minor Subdivision:
  - (a) “All proposed subdivision plats shall be submitted to the City Council for review and approval in accordance with Section 354.8 of the Iowa Code, as amended or superseded. 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. If the City Council determines that the proposed subdivision will require the installation or upgrade of any public improvements to provide adequate facilities or services to any lot in the proposed subdivision or to maintain adequate facilities and services to any other lot, parcel or tract, the City Council shall deny the Application for Final Plat approval of a Minor Subdivision and require the Applicant to file a Preliminary Plat for Major Subdivision.”

**Ames Municipal Code Section 23.303(4) states:**

- (4) “Effect of City Council Action on Minor Subdivision: Following such examination, and within 60 days of the applicant’s filing of the complete Application for Final Plat approval of a Minor 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 Minor 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.”

**Ames Municipal Code Section 23.402(4), Residential Subdivision Landscaping Standards, states:**

“General. As a requirement of subdivision approval for all subdivisions zoned residentially, trees shall be planted within the right-of-way of all streets proposed within the subdivision. Trees shall be planted in accordance to the requirements of this Section.

- (1) Tree Species: Trees planted in the public right-of-way shall be of a species approved by the Department of Public Works from the list of approved tree species for the City.
- (2) Spacing: Trees shall be planted no closer than the distance of the full spread of the tree to the next adjacent tree according to the species selected. Generally trees shall be planted at 30 to 50 feet spacing on center. This spacing may be adjusted as a result of drive openings, underground utility services, street light placement, and other potential obstructions.
- (3) Area Requirements Per Tree: A minimum of nine square feet of area shall be maintained for each tree and no impervious material shall be installed closer than 30 inches to the trunk of the tree.

- (4) Placement: Trees shall not be located closer than 2-1/2 feet to the back of curb or the sidewalk line. Where the distance between the back of curb and the sidewalk is 8 feet, trees shall be centered in the space. Where the distance between the back of curb and the sidewalk line is greater than 8 feet, trees shall be planted within 4 feet of the sidewalk.
- (5) Location at Intersections. Trees shall not be planted closer than 30 feet from the corner at intersections and shall not be closer than 20 feet to the intersection of the front and side lot line on a corner lot.”
- (6) Location from Driveways. Trees shall not be planted closer to driveways than specified herein:
  - (a) Residential driveways- 10 feet
  - (b) Commercial driveways- determined n a case by case basis.
- (7) Location from Street Lights. Trees shall not be located closer to a street light pole than the distance of the spread of the tree at maturity. The distance shall be measured from center of the tree to the center of the pole.

**RECEIVED**

OCT 9 2 2010

CITY OF AMES, IOWA  
DEPT. OF PLANNING & HOUSING

LEND: \_\_\_\_\_

PROVISIONS: \_\_\_\_\_

REVISIONS: \_\_\_\_\_

DATE: \_\_\_\_\_

BY: \_\_\_\_\_

SCALE: 1"=100'

GRAPHIC SCALE: 0 100 200 300

**OWNER/DEVELOPER:**  
SCOTT E. & JANE S. HANDEL  
510 S. 17TH STREET, SUITE 102  
AMES, IOWA 50010  
PHONE 515-233-3689

**FLOOD INFORMATION:**  
AS NOTED ON THIS PLAN, PORTION OF THE SUBJECT SITE WITHIN ZONE X WHICH IS OPENED TO FLOODING IS SHOWN WITHIN THE FLOOD HAZARD ZONE X WHICH IS OPENED TO FLOODING. THE FLOOD HAZARD ZONE X WHICH IS OPENED TO FLOODING IS SHOWN WITHIN THE FLOOD HAZARD ZONE X WHICH IS OPENED TO FLOODING. THE FLOOD HAZARD ZONE X WHICH IS OPENED TO FLOODING IS SHOWN WITHIN THE FLOOD HAZARD ZONE X WHICH IS OPENED TO FLOODING.

**ZONING DISTRICT: RM (RESIDENTIAL HIGH DENSITY)**

**DESIGNATION OF ANCHORAGE:**  
ANCHORAGE: \_\_\_\_\_

**DESIGNATION OF LOT:**  
LOT: \_\_\_\_\_

**DESIGNATION OF UNIT:**  
UNIT: \_\_\_\_\_

**DESIGNATION OF STORY:**  
STORY: \_\_\_\_\_

**DESIGNATION OF FLOOR:**  
FLOOR: \_\_\_\_\_

**DESIGNATION OF WALL:**  
WALL: \_\_\_\_\_

**DESIGNATION OF WINDOW:**  
WINDOW: \_\_\_\_\_

**DESIGNATION OF DOOR:**  
DOOR: \_\_\_\_\_

**DESIGNATION OF STAIR:**  
STAIR: \_\_\_\_\_

**DESIGNATION OF ELEVATOR:**  
ELEVATOR: \_\_\_\_\_

**DESIGNATION OF OTHER:**  
OTHER: \_\_\_\_\_

**MAXIMUM HEIGHT: 100' ON 9 STORIES (LOWER)**

**NOTES:**

1. ALL SURVEY DATA HAS BEEN OBTAINED FROM THE CITY OF AMES.

2. THE SURVEY DATA HAS BEEN OBTAINED FROM THE CITY OF AMES.

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**PROPERTY DESCRIPTION - GRAND ASPEN SUBDIVISION, FOURTH ADDITION:**

SECTION 10-83-24, T42N, R100E, S10E, AMES, STORY COUNTY, IOWA

ACROSS 100.00 FEET WIDE RIGHT OF WAY OF GRAND AVENUE

ACROSS 100.00 FEET WIDE RIGHT OF WAY OF SOUTH 16TH STREET

ACROSS 100.00 FEET WIDE RIGHT OF WAY OF SOUTH 17TH STREET

ACROSS 100.00 FEET WIDE RIGHT OF WAY OF SOUTH 18TH STREET

ACROSS 100.00 FEET WIDE RIGHT OF WAY OF SOUTH 19TH STREET

ACROSS 100.00 FEET WIDE RIGHT OF WAY OF SOUTH 20TH STREET

ACROSS 100.00 FEET WIDE RIGHT OF WAY OF SOUTH 21ST STREET

ACROSS 100.00 FEET WIDE RIGHT OF WAY OF SOUTH 22ND STREET

ACROSS 100.00 FEET WIDE RIGHT OF WAY OF SOUTH 23RD STREET

ACROSS 100.00 FEET WIDE RIGHT OF WAY OF SOUTH 24TH STREET

ACROSS 100.00 FEET WIDE RIGHT OF WAY OF SOUTH 25TH STREET

ACROSS 100.00 FEET WIDE RIGHT OF WAY OF SOUTH 26TH STREET

ACROSS 100.00 FEET WIDE RIGHT OF WAY OF SOUTH 27TH STREET

ACROSS 100.00 FEET WIDE RIGHT OF WAY OF SOUTH 28TH STREET

ACROSS 100.00 FEET WIDE RIGHT OF WAY OF SOUTH 29TH STREET

ACROSS 100.00 FEET WIDE RIGHT OF WAY OF SOUTH 30TH STREET

**GRAND ASPEN SUBDIVISION, 4TH ADDITION**

LOT 1: 100.00' x 100.00'

LOT 2: 100.00' x 100.00'

LOT 3: 100.00' x 100.00'

LOT 4: 100.00' x 100.00'

LOT 5: 100.00' x 100.00'

LOT 6: 100.00' x 100.00'

LOT 7: 100.00' x 100.00'

LOT 8: 100.00' x 100.00'

LOT 9: 100.00' x 100.00'

LOT 10: 100.00' x 100.00'

LOT 11: 100.00' x 100.00'

LOT 12: 100.00' x 100.00'

LOT 13: 100.00' x 100.00'

LOT 14: 100.00' x 100.00'

LOT 15: 100.00' x 100.00'

LOT 16: 100.00' x 100.00'

LOT 17: 100.00' x 100.00'

LOT 18: 100.00' x 100.00'

LOT 19: 100.00' x 100.00'

LOT 20: 100.00' x 100.00'

LOT 21: 100.00' x 100.00'

LOT 22: 100.00' x 100.00'

LOT 23: 100.00' x 100.00'

LOT 24: 100.00' x 100.00'

LOT 25: 100.00' x 100.00'

LOT 26: 100.00' x 100.00'

LOT 27: 100.00' x 100.00'

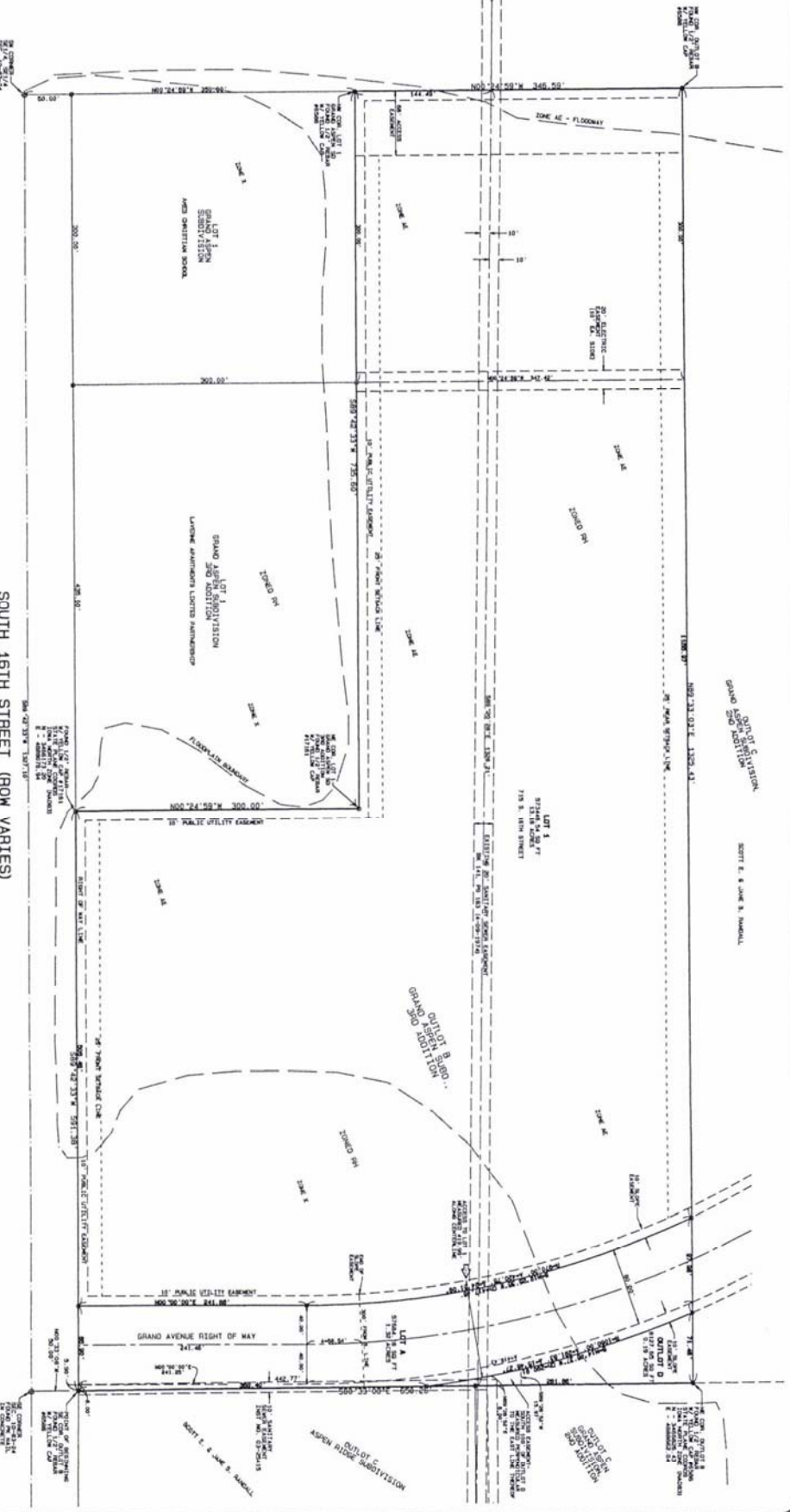
LOT 28: 100.00' x 100.00'

LOT 29: 100.00' x 100.00'

LOT 30: 100.00' x 100.00'

**STUMBO & ASSOCIATES**  
LAND SURVEYING

510 S. 17TH STREET, SUITE 102 AMES, IOWA 50010  
PHONE 515-233-3689 FAX 515-233-4403



**FINAL PLAT**  
**GRAND ASPEN SUBDIVISION, 4TH ADDITION**

A SUBDIVISION OF OUTLOT B, GRAND ASPEN SUBDIVISION, THIRD ADDITION, SEC. 10-83-24, AMES, STORY COUNTY, IOWA

SURVEY PREPARED FOR: SCOTT RENAUD, FOX ENGINEERING

JOB #14684FP4 DATE: 10/21/10 PAGE: 1 of 1

Certification: I hereby certify that this land surveying was prepared by me or under my direct personal supervision and that I am a duly licensed land surveyor in the State of Iowa.

*Robert J. Stumbo* Date: 10-21-10

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