

COUNCIL ACTION FORM

SUBJECT: MINOR FINAL PLAT FOR S.E. CORNER OF US HIGHWAY 30 AND INTERSTATE HIGHWAY 35

BACKGROUND:

Mark Gannon is proposing a two-lot subdivision in the unincorporated portion of Story County within the two-mile fringe of Ames. The site is the southeast corner of the intersection of US Highway 30 and Interstate Highway 35.

The Ames City Council waived the subdivision and improvement standards on May 14, 2013 allowing the applicant to submit a minor subdivision plat. The application was submitted on June 24 and reviewed by City and County staff. The submitted materials are all found to be acceptable.

ALTERNATIVES:

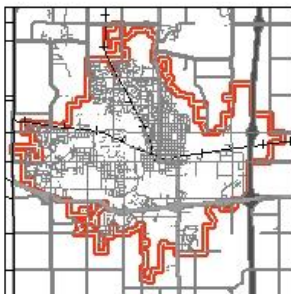
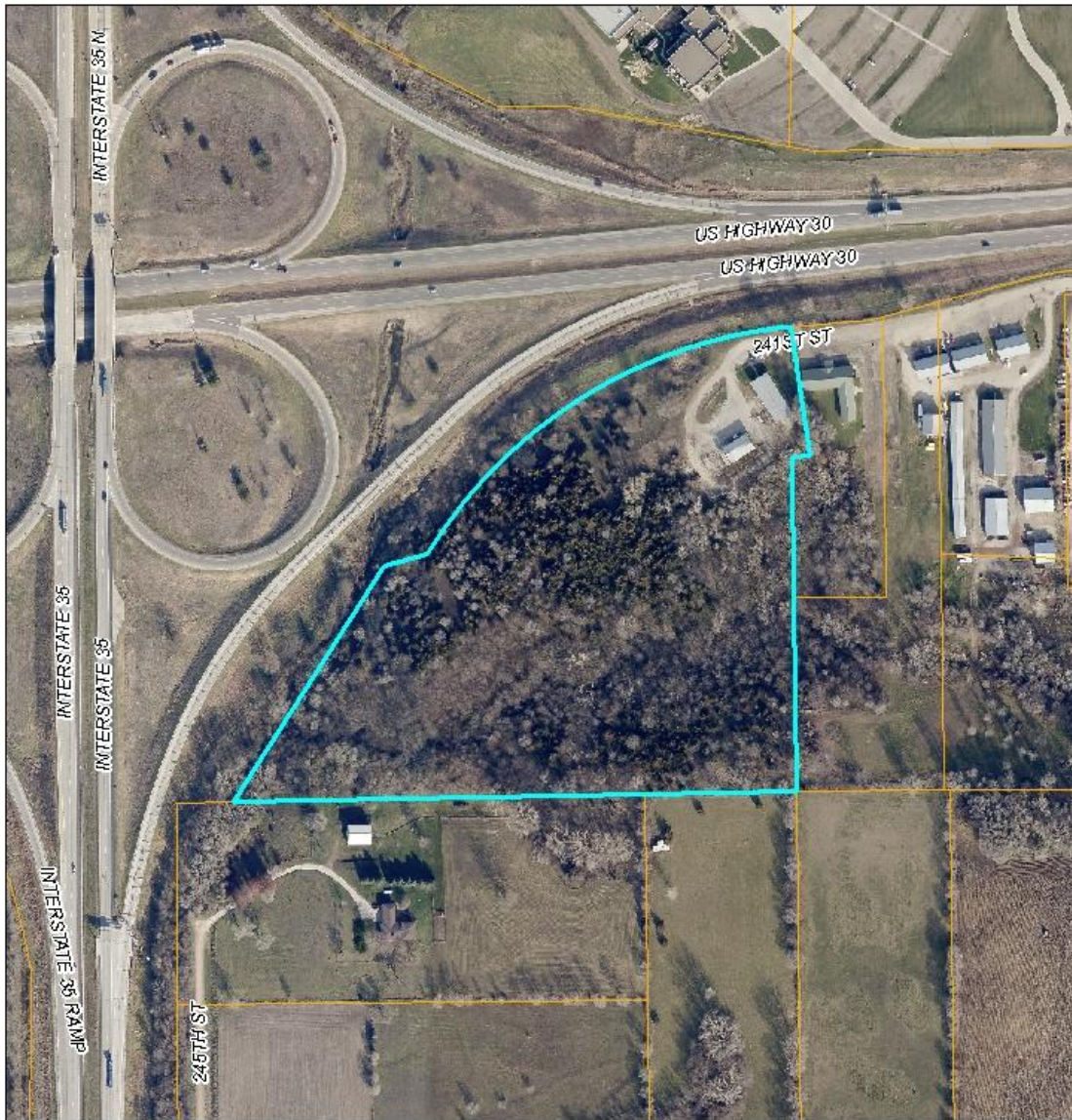
1. The City Council can approve the Final Plat for SE Corner 30-35 Junction Subdivision.
2. The City Council can deny the Final Plat for SE Corner 30-35 Junction Subdivision if it finds that it does not comply with the applicable ordinances, standards or plans.
3. The City Council can refer this request back to staff or the applicant for additional information.

MANAGER'S RECOMMENDED ACTION:

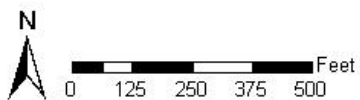
The proposed Final Plat for SE Corner 30-35 Junction Subdivision is consistent with the City's existing subdivision and zoning regulations, to other City ordinances and standards, to the City's Land Use Policy Plan, and to the City's other duly adopted plans.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the Final Plat for SE Corner 30-35 Junction Subdivision.

ATTACHMENT A



Location Map



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ATTACHMENT C
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 23.303(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.”