

COUNCIL ACTION FORM

SUBJECT: MINOR FINAL PLAT FOR AUBRY SUBDIVISION

BACKGROUND:

Subdivision regulations for the City of Ames are included in Chapter 23 of the Ames Municipal Code. This Subdivision Code includes the process for creating or modifying property boundaries, and specifies whether any improvements are required in conjunction with the platting of property. Creation of new lots is classified as either a major or a minor subdivision. A **minor subdivision** includes three or less lots and does not require additional public improvements. A minor subdivision does not require a preliminary plat, and may be approved by Council as a final plat only, subject to the applicant completing the necessary requirements. After City Council approval of the plat, it must then be recorded with the County Recorder to become an officially recognized subdivision plat.

Property owner Thomas Aubry is requesting approval of a final plat for a minor subdivision of the 2.19 acres of land located at 1519 Top-O-Hollow Road (see Attachment A). This property currently includes two parcels of unplatted land with each being approximately 1.1 acres in size. One of the existing parcels has street frontage and includes a single-family dwelling built in 1957. The other parcel has no frontage on a public street and is an unbuildable lot without approval of this plat to establish a minimum of 35 feet of street frontage.

The proposed final plat (see Attachment B) shows the subject site with the division of property as requested by the owner. Proposed Lot 1 includes 0.74 acres, and is developed with the existing single-family detached home. Proposed Lot 2 includes 1.46 acres, and is planned for the future construction of a single-family detached home. Lot 2 is configured as a “flag lot,” and includes an access strip, 35 feet wide, that provides frontage onto Top-O-Hollow Road.

Proposed Lot 1 is presently served with public utilities, and public utilities are in place to serve proposed Lot 2. Service lines for water, sewer and electric can be extended from public mains along Top-O-Hollow Road through the access strip to serve the back lot. Sidewalk is required for this residential subdivision, as well as the installation of street trees, prior to the issuance of an occupancy permit for a house on Lot 2.

The property owner is requesting that the City Council approve deferment of the installation of public sidewalk in the public right-of-way for Top-O-Hollow Road (see Attachment C). The applicant requests this deferral because of the lack of sidewalks along the north side of Top-O-Hollow. A deferment for the installation of sidewalks may be granted by the City Council when topographic conditions exist that

make the sidewalk installation difficult or when the installation of sidewalk is premature. Where the installation of sidewalk is deferred by the City Council, an agreement is to be executed between the property owner/developer and the City that will ensure the future installation of the sidewalk. The deferment agreement is to be accompanied by a cash escrow, letter of credit, or other form of acceptable financial security to cover the cost of installation of the sidewalk.

The applicant has provided financial security, in the form of cash, in the amount of \$2001. This security will be held in escrow for the future installation of the sidewalk. The City may use this money to pay for a sidewalk project at a future date, or the property owner may choose to complete the sidewalk installation and request return of the financial security upon completion. The applicant has also requested the typical deferral of street tree installation until the time of construction and occupancy of the new home or within 24 months of the final plat, whichever occurs first. An "Agreement for Installation of Street Trees and Deferment of Sidewalk Installation with Thomas I. Aubry and Carla R. Aubry for 1519 Top-O-Hollow Road and 1525 Top-O-Hollow Road" has been signed by the property owners and returned to the City.

Alternatively, City Council could choose to not grant the sidewalk deferment and not accept the cash in escrow payment. If this occurs, a sidewalk would be required to be constructed within 24-months of the final plat or the construction and occupancy of the new home, whichever occurs first. This approach is the typical sidewalk improvement agreement for most new subdivisions where complete deferment is not warranted.

Except for the request for deferral of sidewalk, the proposed subdivision complies with all relevant and applicable design and improvement standards of the Subdivision Regulations, to the City's Land Use Policy Plan, to other adopted City plans, ordinances and standards, and to the City's Zoning Ordinance.

ALTERNATIVES:

1. The City Council can:

- A. Grant approval of the request to defer the installation of sidewalk along Top-O-Hollow Road with cash in escrow; and
- B. Approve the final plat of Aubry Subdivision, based upon the findings and conclusions stated above.

2. The City Council can:

- A. Deny the sidewalk deferment with cash in escrow and require installation of a sidewalk within 24 months of the final plat, or prior to occupancy of a new home, whichever occurs first; and
- B. Approve the final plat of Aubry Subdivision, based upon the findings and conclusions stated above.

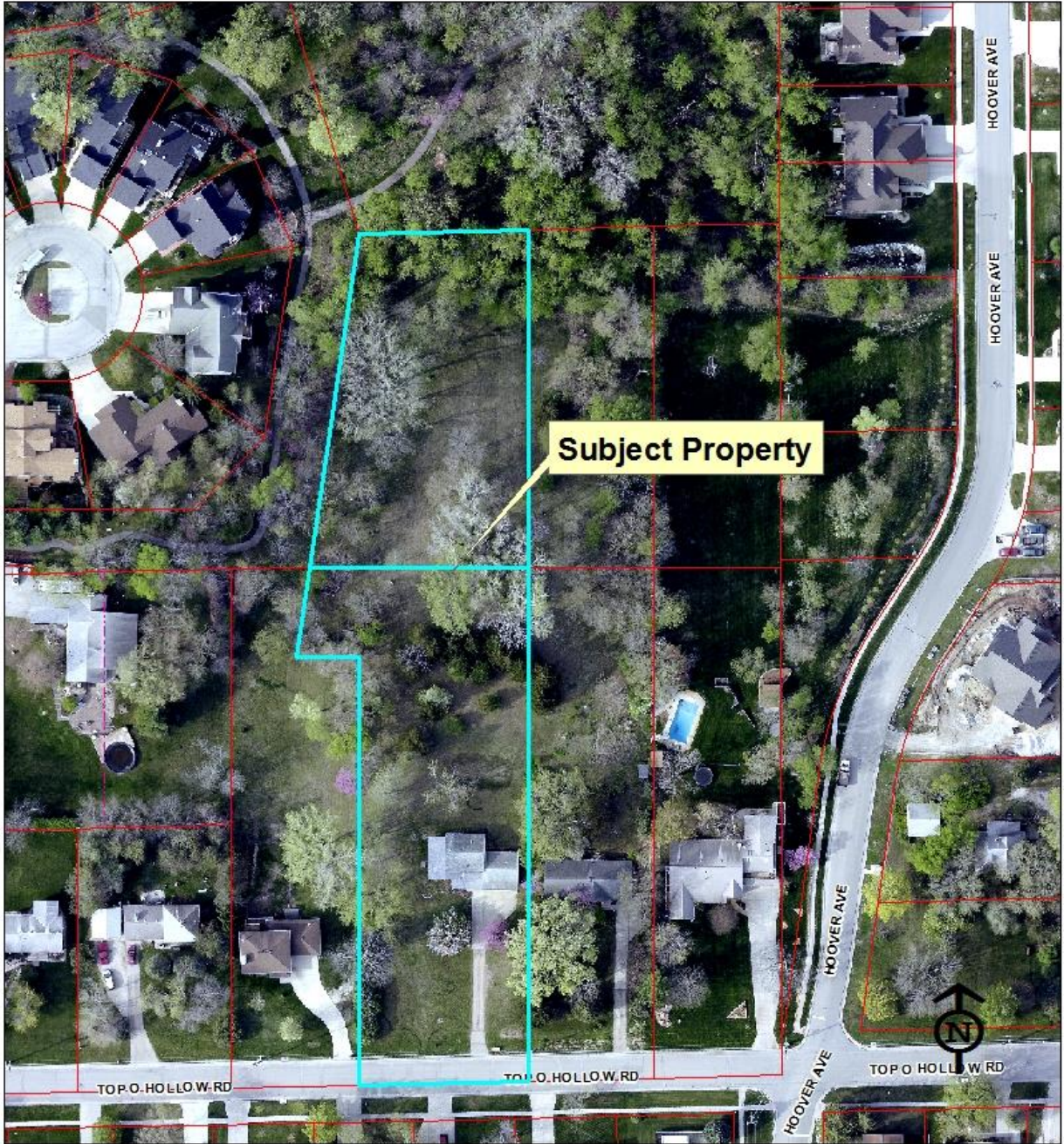
3. The City Council can deny the final plat for Aubry Subdivision if the Council finds that the proposed subdivision does not comply with applicable ordinances, standards or plans.
4. The City Council can refer this request back to staff or the applicant for additional information.

MANAGER'S RECOMMENDATION:

The proposed final plat for Aubry 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. Granting of the request to defer the installation of sidewalk is supported by staff, since presently there is no sidewalk to connect to on either side of the proposed subdivision. Financial security in the form of cash escrow for the cost of sidewalk installation provides the City with the needed assurance that the sidewalk can be installed by the City at the appropriate time.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the Final Plat for Aubry Subdivision and granting the request for deferral of sidewalk installation.

Attachment A



Location Map
Aubry Subdivision
1519/1525 Top-O-Hollow Rd.



Attachment B

Proposed Final Plat of Aubry Subdivision

R. BRADLEY STUMBO P.O. BOX 1664 AMES, IOWA 50010 515-233-3689

FINAL PLAT AUBRY SUBDIVISION

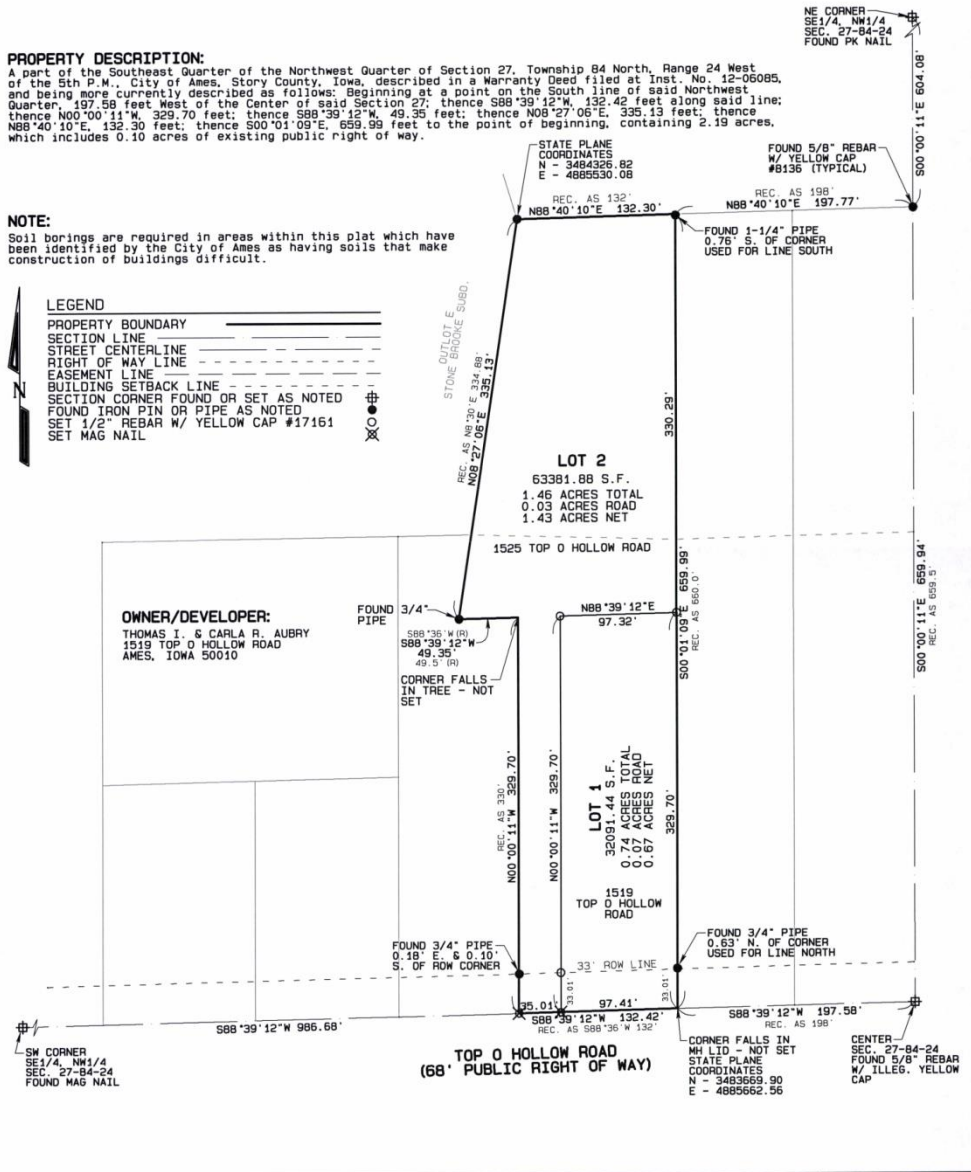
PROPERTY DESCRIPTION:

A part of the Southeast Quarter of the Northwest Quarter of Section 27, Township 84 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa, described in a Warranty Deed filed at Inst. No. 12-05085, and being more currently described as follows: Beginning at a point on the South line of said Northwest Quarter, 197.58 feet West of the Center of said Section 27; thence S88°39'12"W, 132.42 feet along said line; thence N00°00'11"W, 329.70 feet; thence S88°39'12"W, 49.35 feet; thence N08°27'06"E, 335.13 feet; thence N88°40'10"E, 132.30 feet; thence S00°01'09"E, 659.99 feet to the point of beginning, containing 2.19 acres, which includes 0.10 acres of existing public right of way.

NOTE:

Soil borings are required in areas within this plat which have been identified by the City of Ames as having soils that make construction of buildings difficult.

- LEGEND**
- PROPERTY BOUNDARY ————
 - SECTION LINE ————
 - STREET CENTERLINE ————
 - RIGHT OF WAY LINE - - - - -
 - EASEMENT LINE - - - - -
 - BUILDING SETBACK LINE - - - - -
 - SECTION CORNER FOUND OR SET AS NOTED #
 - FOUND IRON PIN OR PIPE AS NOTED ●
 - SET 1/2" REBAR W/ YELLOW CAP #17161 ⊗
 - SET MAG NAIL ×



STUMBO & ASSOCIATES
LAND SURVEYING

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

Certification: I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

R. Bradley Stumbo Date: 2/25/14
R. Bradley Stumbo License #17161
My license renewal date is December 31, 2015

Job #1833 Date: 2/25/14 Page 1 of 1



Attachment C
Request by Property Owners for Deferral of Sidewalk Installation

February 10, 2014

Thomas & Carla Aubry
1519 Top O Hollow Rd.
Ames, IA 50010

To Whom it May Concern,

Our intention is to subdivide our current property into two Lots. This creates a minor subdivision and therefore is subject to municipal codes regarding sidewalks in the right of way [see Section 23.403(14)(a)(i) of the Municipal Code]. Since there are no public sidewalks currently on the north side of the street (Top O Hollow), we intend not to have them installed at this time.

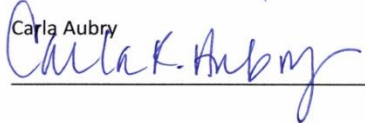
Our request is that you grant a deferment agreement for 132.42' of public sidewalk installation.

Regards,

Thomas Aubry



Carla Aubry



Attachment D Applicable Laws

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 as follows:

(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 and 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 23.403(14)(a)(i) states as follows:

(14) Sidewalks and Walkways:

- (a)(i): A deferment for the installation of sidewalks may be granted by the City Council when topographic conditions exist that make the sidewalk installation difficult or when the installation of sidewalk is premature. Where the installation of a sidewalk is deferred by the City Council, an agreement will be executed between the property owner/developer and the City of Ames that will ensure the future installation of the sidewalk. The deferment agreement will be accompanied by a cash escrow, letter of credit, or other form of acceptable financial security to cover the cost of the installation of the sidewalk.