

COUNCIL ACTION FORM

SUBJECT: **MINOR FINAL PLAT FOR DAUNTLESS SUBDIVISION 10th ADDITION**

BACKGROUND:

The City's subdivision regulations 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 fewer 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 Kinneer Development LLC is requesting approval of a final plat for a minor subdivision of the 2.18 acres of land located at 4540 Mortensen Road (see Attachment A). This existing single parcel has street frontage on both Mortensen Road and Dickinson Avenue and is currently vacant. Access from Mortensen Road is restricted to one location at the northeast corner of the lot. This access point includes an existing 30-foot north/south public access easement through the site, and also provides the sole access to the properties to the east from Mortensen Road. The south boundary of the lot has the benefit of an east/west public access easement on the neighboring lot to the south.

The proposed final plat (Attachment B) shows the subject site with the division of property as requested by the owner. Proposed Lot 1 includes 0.96 acres and includes easements for access among neighboring parcels. Proposed Lot 2 includes 1.22 acres, and access from Dickinson Avenue is available for this parcel. The Community Commercial Node zoning for both of these properties permits retail trade, except automotive trade, and short term lodging. No other residential use is permitted. The sites are also subject to the Southwest Gateway Overlay District, which includes additional site development and architectural standards. Staff is reviewing a site development plan for a hotel on Lot 2. There is not a proposed project for Lot 1 at this time.

Public utilities serve both parcels. An existing agreement requires installation of the public sidewalk for the existing lot along the entire Mortensen and Dickinson frontages at the time the lot is developed, before an occupancy permit is approved. This is typical for sidewalk agreements approved with subdivisions in commercially zoned areas. However, this existing sidewalk agreement does not apply to this subdivision for the

10th Addition that divides the lot into two lots. **Therefore, a new sidewalk agreement is provided for City Council approval that requires the sidewalks along the entire length of Mortensen Road and Dickinson Avenue frontages (both Lot 1 and Lot 2) to be completed before an occupancy permit is issued for the first building to be built in the subdivision.** (See Attachment C Agreement for Sidewalk and/or Shared Use Path) Staff recommends requiring the complete installation on all frontages with the first building due to the current need along the site evidenced by the existing connections abutting the site. Additionally, if the property was not subdivided, all frontages would be improved with the first building to be built.

Please note that street trees are not required as part of the subdivision in commercially zoned areas.

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:

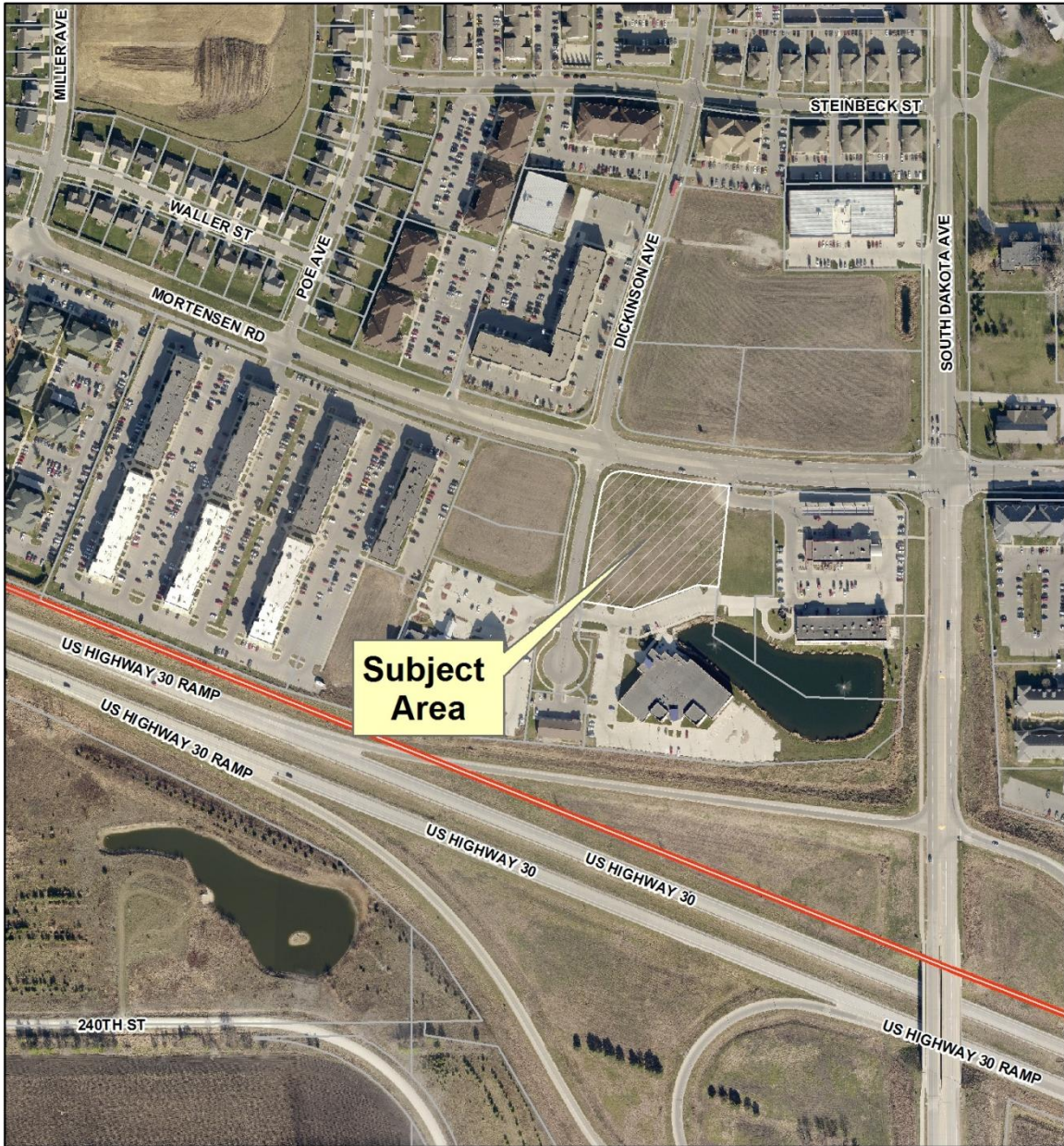
1. The City Council can approve the final plat for Dauntless Subdivision 10th Addition including the proposed sidewalk/shared path agreement for improvements along all frontages prior to occupancy of the first building built on either Lot 1 or Lot 2, based upon the findings and conclusions stated above.
2. The City Council can approve the final plat for Dauntless Subdivision 10th Addition, based upon the findings and conclusions stated above, conditional upon approval of a sidewalk agreement that is revised to require sidewalks to be built separately on Lot 1 and Lot 2, when each lot is developed.
3. The City Council can deny the final plat for Dauntless Subdivision 10th Addition 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:

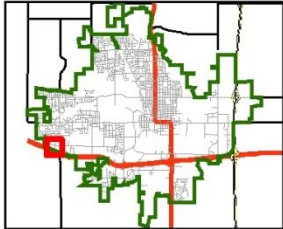
The proposed final plat for Dauntless Subdivision 10th Addition is consistent with the City's existing subdivision and zoning regulations, other City ordinances and standards, the City's Land Use Policy Plan, and the City's other duly adopted plans. Staff supports the proposed agreement requiring installation of the remaining sidewalks all at one time, since the existing sidewalk agreement anticipated that is how the sidewalk would be implemented with the overall original subdivision.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1.

Attachment A
Location Map



Location Map
Dauntless Subdivision
10th Addition



10TH ADDITION, DAUNTLESS SUBDIVISION
FINAL PLAT



Attachment C

Agreement for Sidewalk and/or Shared Use Path

DO NOT WRITE IN THE SPACE ABOVE THIS LINE; RESERVED FOR RECORDER

Prepared by: Jessica D. Spoden, City of Ames Legal Department, 515 Clark Ave., Ames, IA 50010 (Phone: 515-239-5146)

Return to: City of Ames City Clerk, 515 Clark Ave., Ames, IA 50010

AGREEMENT FOR SIDEWALK AND/OR SHARED USE PATH

The parties to this agreement are Kinneer Development, LLC, their successors and assigns (hereinafter referred to as “Owners”) and the City of Ames, Iowa (hereinafter referred to as “City”).

WHEREAS, the Owners are in the process of platting a subdivision of real estate per Chapter 23 of the Municipal Code of Ames, Iowa, to be known as 10TH ADDITION, DAUNTLESS SUBDIVISION, Ames, Story County, Iowa; and

WHEREAS, the Owners are required to construct a sidewalk and/or shared use path in all segments that abut a street in the subdivision as part of the platting procedure of the City.

NOW, THEREFORE, in consideration of the premises, it is hereby understood and agreed that:

1. The Owners shall construct a sidewalk and/or shared use path as required by the City for said subdivision, in accordance with plans and specifications on file with the City’s engineers and by this reference made a part of this agreement before any city zoning/building permit will be issued with respect to said subdivision. In the alternative, Owners may obtain said permits and proceed with construction pursuant to said permits with the understanding that

an “occupancy permit” under City ordinances shall be withheld with respect to any building in the subdivision unless and until the sidewalk and/or shared use path is completed as aforesaid for the entire subdivision. Further, if the sidewalk and/or shared use path is not completed as aforesaid for the entire subdivision within twenty-four (24) months of the issuance of the zoning building permit for any building, the said building permit shall be revoked and be null and void with respect to that building.

2. This agreement shall be filed of record in the office of the Story County Recorder and all covenants, agreements, promises and representations herein stated shall be deemed to be covenants running with the land and shall endure and be binding on the parties hereto, their successors and assigns, for a period of twenty-one (21) years from the date of the recording of these covenants, unless claims to continue any interest in the covenants are filed as provided by law.

Dated this ____ day of _____, 2014.

OWNERS

CITY OF AMES, IOWA

By _____
Kevin Kinneer

By _____
John Joiner, Director of Public Works

<p>STATE OF IOWA, COUNTY OF STORY, ss:</p> <p>This instrument was acknowledged before me on _____, by Kevin Kinneer as Manager of Kinneer Development, LLC.</p> <p>_____ Notary Public in and for the State of Iowa</p>	<p>STATE OF IOWA, COUNTY OF STORY, ss:</p> <p>This instrument was acknowledged before me on _____, by John Joiner as Director of Public Works for the City of Ames, Iowa.</p> <p>_____ Notary Public in and for the State of Iowa</p>
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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.