

**COUNCIL ACTION FORM**

**SUBJECT: MAJOR FINAL PLAT FOR SUNSET RIDGE 5<sup>TH</sup> 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. The creation of new lots is classified as either a major or minor subdivision, with a major subdivision requiring a two step platting process to finalize the creation of new lots. The "Preliminary Plat" is first approved by the City Council, and identifies the layout of the subdivision and any necessary or required public improvements. Once the applicant has completed the necessary requirements, including provision of required public improvements or provision of financial security for their completion, an application for a "Final Plat" may then be made for City Council approval. Often the subdivision is developed in phases, called "additions." After City Council approval of the Final Plat, it must then be recorded with the County Recorder to become an officially recognized subdivision plat.

Sunset Ridge is located north of Lincoln Way at the west corporate limits of the city. The property owner for the Sunset Ridge Subdivision 5<sup>th</sup> Addition, Hunziker Land Development Company, LLC, is now requesting approval of a Final Plat. (See Attachment A, Location Map and Attachment B, Final Plat) This proposed addition is approximately 10.5 acres and includes 18 single family residential lots, two outlots for storm water detention and utility purposes, and one lot for the extension of Wilder Avenue, Allerton Drive, and Westfield Drive.

Existing public utilities around the perimeter of the subject property are adequate to serve all of the proposed lots. From these utilities, additional mains will be installed to serve all of the lots internally. Easements are being provided to the City as required for mains that will serve multiple lots and fire hydrants. The temporary extension of streets within the addition has been found to be adequate for circulation and determined by the Fire Department to meet access and turnaround requirements during the construction phase of the development.

As part of the original Developer's Agreement approved by Council in 2005, the developer was responsible for costs associated with utility and street extensions within the subdivision, and the City would bear the cost of the extra width and thickness of the pavement for the collector streets (Wilder Avenue and Westfield Road). On October 23, 2012, City Council approved a supplemental agreement that included an update which allowed the City to pay for its obligation for street improvement through the use of a mutually agreed upon public project at a cost equal to the original project obligation. That project was approved by Council at the September 24, 2013 meeting, where the City agreed to construct the asphalt pavement for the street improvements for the

Sunset Ridge 5<sup>th</sup> Addition with all remaining public improvements being completed by the owner. The City has partially completed paving of the roads and expects to complete the obligation during the summer of 2014.

The Public Works Department has verified and approved that a portion of the public utilities and curb and gutter construction required for the subdivision has been completed and acceptable. An "Agreement for Public Improvements," which has been prepared for City Council approval with the Final Plat, identifies the need for financial security for the completion of street lighting, curb and gutter installation, pedestrian ramps, utility adjustments and erosion control. Financial security in the amount of \$85,000 has been received and placed on file with the City Clerk's Office. The financial security will be released upon satisfactory completion of these improvements.

The applicant has also provided an agreement for the installation of street trees and sidewalks, but has requested a waiver of providing financial security for these improvements. As an alternative to installing sidewalks before lots are platted, Section 23.403 (14) allows deferment of sidewalks with financial security when installation is considered premature. Notwithstanding this code requirement for financial security, the City Council's past practice has been to accept a signed, written agreement for sidewalk and street trees from the owner specifying that, in lieu of financial security, occupancy of new structures will not be permitted by the City until the sidewalks and street trees associated with each individual lot are installed. Consistent with this practice, the City Council may wish to waive this financial security condition and allow sidewalk and street trees to be deferred until occupancy of structures on abutting sites.

After reviewing the proposed Final Plat, staff believes it complies with the approved Master Plan, Preliminary Plat, adopted plans, development agreement, and all other relevant design and improvement standards required by the Municipal Code.

**ALTERNATIVES:**

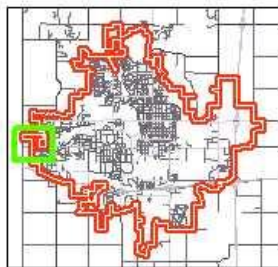
1. The City Council can take the following two actions:
  - A. Waive the subdivision code requirement for financial security for sidewalks and street trees in the Sunset Ridge Subdivision 5<sup>th</sup> Addition, since the Developer has signed the "Agreement for Sidewalk and Street Trees" requiring the installation of these improvements prior to occupancy or within 24 months of issuance of a building permit; and,
  - B. Approve the Final Plat of Sunset Ridge 5<sup>th</sup> Addition, based upon the findings and conclusions stated above.
2. The City Council can deny the Final Plat for Sunset Ridge 5<sup>th</sup> Addition if it finds that the development creates a burden on existing public improvements or creates a need for new public improvements that have not yet been installed.
3. The City Council can refer this request back to staff or the applicant for additional information. City Council must approve, approve subject to conditions, or disapprove this Final Plat application no later than May 5<sup>th</sup>, 2014 to meet the a mandatory 60 day deadline for a decision on a final plat.

**MANAGER'S RECOMMENDED ACTION:**

Staff has evaluated the proposed final subdivision plat, and has determined that the proposal is consistent with the Master Plan and Preliminary Plat approved by City Council and that the plat conforms to the adopted ordinances and policies of the City as required by Code.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 as described above.

# Attachment A Location Map



## Location Map Sunset Ridge Subdivision





## **Attachment C**

### **Applicable Laws and Policies Pertaining to Final Plat Approval**

Adopted laws and policies applicable to this case file include, but are not limited to, the following:

*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) 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.

*(Ord. No. 3524, 5-25-99)*