

COUNCIL ACTION FORM

SUBJECT: BROOKVIEW PLACE WEST 4TH ADDITION MAJOR FINAL PLAT

BACKGROUND:

Brookview Place West Subdivision is located north of Ontario Road at the west corporate limits of the city. The property owners, E. A. Hunziker Development, LLC and D & R Furman, LLC, are now requesting approval of a Final Plat for the 4th Addition. (See Attachment A, Location Map and Attachment B, Final Plat.) This proposed addition is approximately 3.5 acres and includes 14 single family residential lots and one lot for Missouri Street.

Existing public utilities around the perimeter of the subject property are adequate to serve all of the proposed lots. From these utilities, additional mains have been installed within the 4th Addition to serve all of the lots. The Public Works Department has verified that the public utilities required for the subdivision have been completed and are acceptable. Existing easements within and around the property provide for drainage, conveyance and storage of storm water. Easements are provided to the City as required for electric and other public utilities. Easements are also provided for a fire truck turnaround that the Fire Department has determined meets Fire Code requirements.

Missouri Street is under construction. An “Agreement for Public Improvements” has been prepared for City Council approval with the Final Plat for the completion of street lighting, erosion control and asphalt roadway surfaces. Financial security in the amount of \$80,000 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 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 Brookview Place West Subdivision 4th 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 Brookview Place West Subdivision 4th Addition, based upon the findings and conclusions stated above.
2. The City Council can deny the Final Plat for Brookview Place West Subdivision 4th 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 August 26, 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 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**



Attachment B Final Plat



PROPERTY DESCRIPTION:
THE PLAT OF BROOKVIEW PLACE WEST SUBDIVISION FOURTH ADDITION BEING AN OFFICIAL REPLAT OF THE CITY OF AMES, STORY COUNTY, IOWA IS DESCRIBED AS FOLLOWS:
OUTLOT "A" IN BROOKVIEW PLACE WEST SUBDIVISION FOURTH ADDITION, AN OFFICIAL PLAT, CITY OF AMES, STORY COUNTY, IOWA.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENT OF RECORD.

SAID TRACT OF LAND CONTAINS 3.541 ACRES MORE OR LESS.

PROPRIETOR:
CORYN HANCOCK AND MARGARET HANCOCK
DEVELOPMENT TRUST, L.L.C.
105 S 16TH STREET
AMES, IA 50010
PH (515) 232-4400

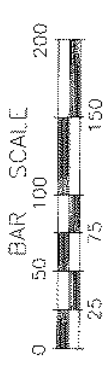
D. & P. PARKS, L.L.C.
402 2ND STREET
AMES, IA 50010
PH (515) 232-4214

NOTES:
ALL CORNERS HAVE BEEN MARKED WITH A 3/4" IRON PIPE UNLESS OTHERWISE NOTED. ALL IRON PIPE SET ARE MARKED WITH A YELLOW PLASTIC CONSPIQUOUS CAP #8830.

THIS PLAT HAS AN ERROR OF COURSE OF LESS THAN 2.0 FEET IN COURSE OF LESS THAN 1/4 MILE. THE ERROR OF COURSE OF LESS THAN 1/4 MILE IS 3,000.0 FEET.

SOIL BORDERS ARE REQUIRED IN AREAS WHERE THIS PLAT WHICH HAS BEEN ENTERED BY THE CITY AS TOWN SOILS THAT MAKE CONSTRUCTION OF BUILDINGS DIFFICULT.

BEFORE TO UNDEVELOPED SOILS THAT MAY BE FOUND IN THIS AREA, THE PROPOSED DEVELOPER SHALL OBTAIN SOIL BORDERS FROM A LICENSED SURVEYOR AND REQUIRE FOUNDATION EGRESS BY A LICENSED STRUCTURAL ENGINEER.



LEGEND:
INDICATES PLAT CORNER FOUND AS NOTED
INDICATES LOT CORNER FOUND AS NOTED
INDICATES LOT CORNER SET BY A LICENSED SURVEYOR
INDICATES LOT ADDRESS
P INDICATES PUBLIC UTILITY EASEMENT
M MEASURED DIMENSION

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PREPARED BY: STEVEN K. VERNARD, PLS. BISHOP ENGINEERING CO., INC., 3501 104TH STREET, URBA DALE, IOWA, 50322, PH. 515-276-0487

DATE: 12/28/2017
SCALE: AS SHOWN
SHEET: 1 OF 1

CONCEPT PLAN C FOR
BROOKVIEW PLACE WEST SUBDIVISION
FOURTH ADDITION

PROJECT NO: 106-0294

DATE: 12/28/2017
SHEET: 1 OF 1

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)