

COUNCIL ACTION FORM

SUBJECT: SCENIC VALLEY 1ST SUBDIVISION, MAJOR FINAL PLAT

BACKGROUND:

The Hunziker Development Company has submitted a final subdivision plat for Scenic Valley Subdivision, First Addition. The subdivision is zoned as FS-RL (Suburban Low Density), which allows exclusively for single-family residential development. The Scenic Valley development lies west of George Washington Carver Avenue and east of Squaw Creek.

The proposed final plat (attached) includes 42 residential lots for single family attached and detached housing. It plats about the southern one third of the area of the preliminary plat. This first addition includes an extension of Weston Drive west of George Washington Carver Avenue. It also includes the partial construction of Aldrin Avenue and Cartier Avenue. The south end of Cartier Avenue ends in a cul-de-sac, while the north end of Cartier and the north and south ends of Aldrin Avenue will terminate in temporary fire truck turnarounds. These roads will be extended through the subdivision and completed at a later phase.

The developer has provided a letter of credit in the amount of \$1,306,882 for the completion of the improvements, which the City Council is asked to accept.

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.

Only the sidewalks adjacent to the residential lots are being deferred until the occupancy of individual homes. The interior sidewalks and the sidewalk along the west side of George Washington Carver are included in the letter of credit and will be completed as part of the public infrastructure, regardless of the timing of the construction of the abutting homes.

The approval of the preliminary plat included two conditions. The first is that, "prior to final plat approval, the street light and street planting plan for the attached single-family home portion of Aldrin Avenue south of Weston Drive...be prepared and

presented to the Planning and Housing Department for review and approval to ensure appropriate space is reserved for off-street parking coordinated with driveway placement.” The Department has reviewed the plan and finds it acceptable. There will be approximately 11 parking spaces along Aldrin upon its completion.

The second condition is that an “easement document or similar restriction...be prepared for City staff review that contains specific language regarding the protection of trees and slopes as described in the master plan.” Such language has been incorporated into the easement language and has been approved by Planning and Legal staff. It states:

The purpose of the Greenbelt Easements (as defined herein) is to maintain a natural and healthy wooded area for its scenic and aesthetic value and to protect and maintain the sloped terrain within the Greenbelt Easement Areas (as defined herein) from degradation and erosion. The undersigned further grants unto the **CITY OF AMES, IOWA**, and its successors and assigns, greenbelt easements (collectively, the “Greenbelt Easements”) upon, underground, over or across the following-described real estate (collectively, the “Greenbelt Easement Areas”): [Legal Description here]

With respect to the Greenbelt Easement Areas, the following shall apply:

- a. No habitable structures shall be erected within the Greenbelt Easement Areas;
- b. Ash trees may be removed from within the Greenbelt Easement Areas at any time, and dead, dangerous, and/or diseased trees may be removed from the Greenbelt Easement Areas;
- c. Other trees and scrub vegetation may selectively be removed from the Greenbelt Easement Areas with the purpose of promoting the health of the overall woods and protection of the sloped terrain, and accordingly, the clearing of large areas of trees from within the Greenbelt Easement Areas is prohibited unless the City of Ames, Iowa concurs with a report from a certified arborist with respect to the need for a large clearing of trees in support of the aforementioned purpose;
- d. Gazebos and other non-habitable structures are permitted within Outlot F, subject to the requirements of the flood plain zoning regulations;
- e. Non-habitable structures are permitted within the Greenbelt Easement Areas, other than Outlot F, when such non-habitable structures are placed or constructed in a manner that does not cause erosion or the degradation of the sloped terrain;
- f. Walking paths are permitted within the Greenbelt Easement Areas when such walking paths are constructed in a manner that does not cause erosion or the degradation of the sloped terrain; and
- g. Representatives of the City of Ames, Iowa may access the Greenbelt Easement Areas, with reasonable notice, for purposes of reviewing the condition of the land and vegetation within the Greenbelt Easement Areas and consistency with the purpose of the Greenbelt Easements; however, the City of Ames, Iowa has no obligation for maintenance or improvement of the land or vegetation within the Greenbelt Easement Areas.

The foregoing rights are granted upon the express condition that the users of the granted rights will assume liability for all damage to the real estate described herein and any adjacent real estate caused by the failure to use due care in the exercise of the granted rights.

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

ALTERNATIVES:

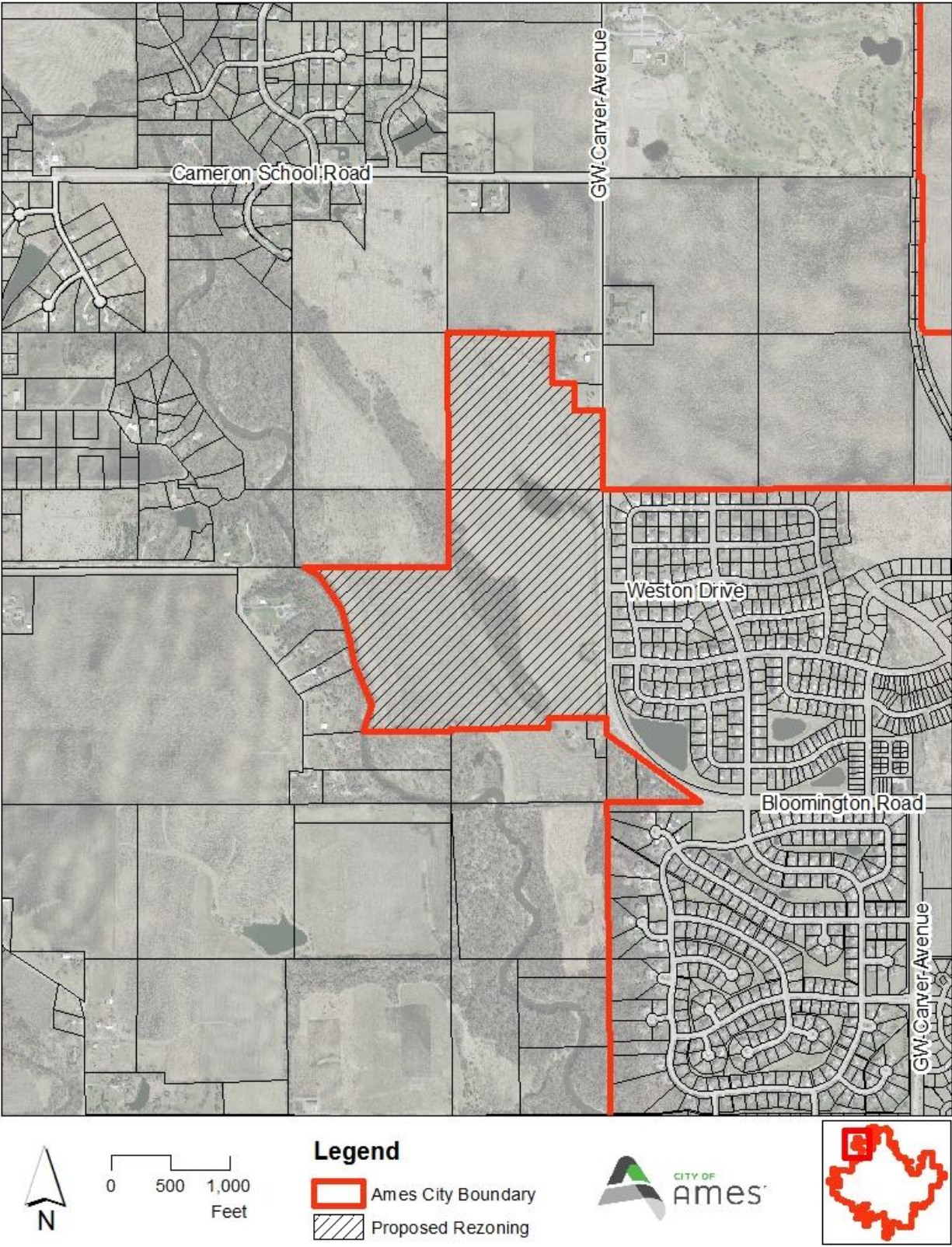
1. The City Council can take the following two actions:
 - A. Waive the subdivision code requirement for financial security for sidewalks and street trees in the Scenic Valley Subdivision, First Addition, since the Developer has signed the “Agreement for Sidewalk and Street Trees” requiring the installation of these improvements prior to occupancy or within 24 months of issuance of a building permit, whichever occurs first; and,
 - B. Approve the Final Plat of Scenic Valley Subdivision, First Addition, based upon findings that the Final Plat conforms to relevant and applicable design standards, ordinances, policies, and plans with an Improvement Agreement and financial security and approve the financial security in lieu of the installation of the required improvements.
2. The City Council can deny the Final Plat for Scenic Valley Subdivision, First 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. (The *Municipal Code* requires a final decision regarding final plat approval be rendered by the City Council within 60 days of the complete application for Final Plat approval of a Major Subdivision. (City Council must approve, approve subject to conditions, or disapprove this Final Plat application no later than November 25, 2014, to meet the 60 day deadline.)

CITY MANAGER’S RECOMMENDED ACTION:

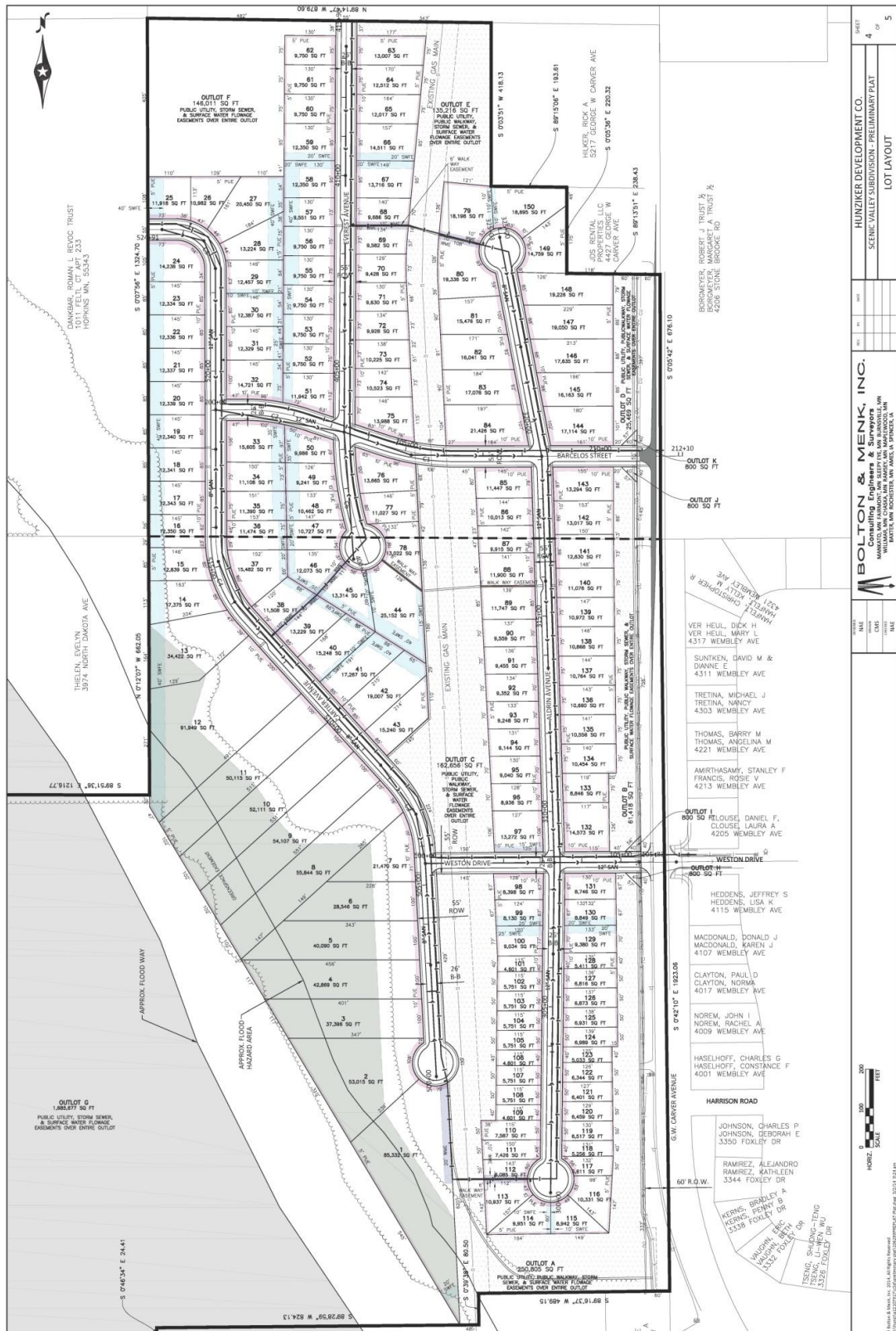
City staff has evaluated the proposed final subdivision plat and determined that the proposal is consistent with the preliminary plat approved by City Council and that the plat conforms to the adopted ordinances and policies of the City as required by Code.

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

Location Map



Approved Preliminary Plat



Scenic Valley Subdivision, First Addition

FINAL PLAT SCENIC VALLEY SUBDIVISION FIRST ADDITION

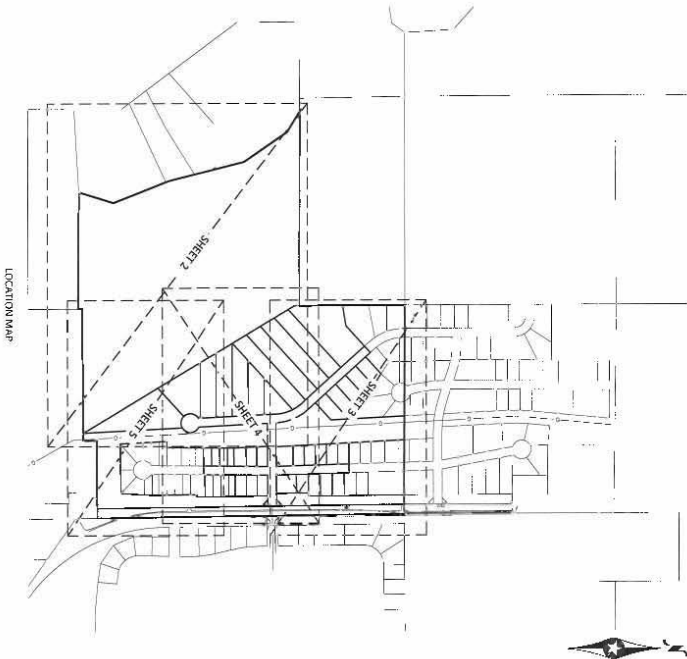


OWNER:
HUNZIKER DEVELOPMENT COMPANY LLC,
JAMES, IA 50010
REQUESTED BY:
HUNZIKER DEVELOPMENT COMPANY LLC,
1005 S. 10TH STREET
AMES, IA 50010

LEGAL DESCRIPTION
SUBDIVISION OF THE EAST QUARTER IN 1/4 OF
SECTION 28, TOWNSHIP 84 NORTH, RANGE 24 WEST OF
THE 5TH P.M., STORY COUNTY, IOWA, AS SHOWN ON THE
PLAT OF SURVEY FILED IN THE OFFICE OF THE RECORDER
OF STORY COUNTY, IOWA, ON MAY 8TH, 2012, AS PAGES
812 OF 814, AND ON PAGE 423, PAGE 6.

LEGEND

- FOUND 5/4" REBAR WITH
PLASTIC YELLOW
CAP #17358, UNLESS
OTHERWISE NOTED.
- ▲ FOUND SECTION
CORNER
- SET 5/4" REBAR WITH
YELLOW PLASTIC CAP
#17358
- SET 3/4" REBAR
WITH YELLOW PLASTIC
CAP #17358
- (R) RECORDED DIMENSION
- PILE PUBLIC UTILITY
FASWENT
- S.W.F.E. STORM WATER
FLOWAGE EASEMENT



LOCATION MAP

BOLTON & MENK, INC.
Consulting Engineers & Surveyors
AMES, IOWA 50010
TEL: 562-3333

- NOTES:
1. SCENIC VALLEY SUBDIVISION, FIRST ADDITION IS LOCATED IN THE
N.E.1/4 OF SECTION 29 OF TOWNSHIP 84 NORTH, RANGE 24 WEST
OF THE 5TH P.M., CITY OF AMES, STORY COUNTY, IOWA.
 2. THE EAST LINE OF THE N.E.1/4 OF SEC. 29-84-24 IS ASSUMED TO
BE THE EAST LINE OF THE N.E.1/4 OF SEC. 29-84-24.
 3. TOTAL AREA OF THE FIRST ADDITION IS 86.67 ACRES, OR
3,775,709 SQUARE FEET.
 4. SOIL BORINGS ARE REQUIRED IN AREAS WITHIN THIS PLAT WHICH
HAVE BEEN IDENTIFIED BY THE CITY OF AMES AS HAVING SOILS
COORDINATES SHOWN ARE ON IOWA STATE PLANT COORDINATE
SYSTEM, IOWA NORTH ZONE, NAD 83.
 5. THIS SURVEY MEETS OR EXCEEDS IOWA CODE 353.8 (23)
 6. TOTAL AREA OF THE FIRST ADDITION IS 86.67 ACRES, OR
3,775,709 SQUARE FEET.
 7. CONVEYANCE OF 3,775,709 SQUARE FEET TO BE DEDICATED TO THE CITY
OF AMES FOR STREET PURPOSES.
 8. EASEMENTS AS SHOWN.
 9. OUTLOT F1 IS SUBJECT TO, AND IN ACCORDANCE WITH THE
SUBDIVISION FIRST ADDITION, JAMES, STORY COUNTY, IOWA.



I hereby certify that this plat and accompanying documents were prepared by me or under my direct supervision and that I am a duly licensed and qualified professional engineer or surveyor in the State of Iowa.
DATE OF RECORDING: 10/24/14
FILE NO. 10/24/14
HUNZIKER & ASSOCIATES, REALTORS
JAMES, IOWA 50010

PROJECT NAME	HUNZIKER DEVELOPMENT CO.
PROJECT NO.	SCENIC VALLEY SUBDIVISION - FIRST ADDITION
DATE	10/24/14
BY	1
CHECKED BY	5

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:

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)