

COUNCIL ACTION FORM

SUBJECT: **MINOR SUBDIVISION FINAL PLAT FOR PRAIRIE VILLAGE
SUBDIVISION (RIVERSIDE MANOR SITE)**

BACKGROUND:

Property owner American Healthcare Investment, L.L.C. is requesting approval of a final plat for Prairie Village Subdivision, a minor subdivision, of the parcel addressed as 1204 S. 4th Street (see Attachment A). This existing single parcel is 11.23 acres and is the site of Riverside Manor, an existing skilled care facility. The site is zoned High-Density Residential (RH).

The proposed final plat (Attachment B) shows the subject site with the division of property as requested by the owner. Proposed Lot 1 is 2.30 acres and contains the existing Riverside Manor. Proposed Lot 2 is 8.93 acres and intended to be available for development under the current RH zoning. The proposed lot split is necessitated to allow for further development of the site with additional buildings as the Zoning Ordinance does not allow for multiple types of residential buildings on a lot. The applicant has a pending Minor Site Development Plan application for development of apartments. Minor Site Development Plans are an administrative approval. Multiple apartment buildings are allowed on an individual lot once the site is divided. (Attachment C is an informational exhibit of pending combined site plan for the lots)

The owner started grading and placing fill on the site in September based upon an approved grading plan and flood plain development permit. Fill is being placed within the Floodway Fringe and grading is taking place within the Floodway and Floodway Fringe in accordance with these approvals.

Compliance with Plans and Ordinances

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. Approval of the final plat is subject to the applicant completing the necessary requirements and a determination by the City Council that the proposed final plat meets the standards and requirements of the Chapter 23 Subdivision Code of the Ames Municipal Code. After City Council approval of the plat, it must then be recorded with the County Recorder to become an officially recognized subdivision plat.

The proposed final plat must comply with subdivision design and improvement requirements as well applicable City ordinances and duly adopted plans. Attachment D contains the appropriate section of the Code of Iowa and the Ames Subdivision Regulations regarding City Council consideration of a Minor Final Plat. The most relevant sections are Section 23.303 (3) (b) and Section 23.401 (4) and discussed general below.

The subject site has a Future Land Use Map designation of “Parks and Open Space.” The LUPP states,

This designation involves public-controlled areas for recreation. The term involves facilities and/or structured programs for a variety of recreational opportunities. The term “Open Space” refers to primarily undeveloped areas (maintained and natural) – for passive recreational opportunities.

Additionally, the site is identified as a Greenway on the Greenways and Environmentally Sensitive Lands Map. The two designations are related to the site’s proximity to Squaw Creek along the south boundary of the site.

The existing site is zoned Residential High density (RH). The site is also subject to the flood plain zoning regulations in relation to the floodway and floodway fringe of Squaw Creek. Lot 1 is within the floodway fringe, but has not part of the floodway on the site. Lot 2 is approximately 50% within the floodway fringe and the remainder within the floodway. The proposed lots have easements included for utility services and for shared access to both lots from S. 4th Street and S. Maple Avenue.

The proposed Lot 1 will contain the Riverside Manor as a permitted Group Living use on the lot. **The existing building is nonconforming in terms of its flood protection building elevation, as it is lower in building elevation than would be required of new structure within the floodway fringe. Since no improvements are proposed to the building with the proposed plat, there are no requirements to alter the flood protection measures for the existing building.** The proposed Lot 1 complies with RH development standards, including lot area, setbacks, site improvements, and access. Other than the location of the site within the flood plain, there are no substantial slopes, vegetation, or natural features on the site affected by the proposed subdivision.

The proposed Lot 2 will be available for development of RH uses, subject to zoning standards. Proposed Lot 2 complies with the RH development standards for lot area, frontage, and access. **Future development of the site also will be subject to requirements of the flood plain zoning regulations for both the area that is in the floodway fringe and the floodway. Principal buildings may be constructed within the floodway fringe area while no structures may be built within the floodway. Accessory uses such as parking may be allowed within the floodway area of Lot 2.** Natural features on the site include Squaw Creek and its top of bank, the floodway and flood plain, and riparian vegetation along Squaw Creek. Note that much of ground area of Lot 2 has been recently altered with grading, but disturbance may not encroach within 53 feet of the top of bank per the terms of the approved grading and stormwater management plan.

There are no existing sidewalks on this lot. The applicant proposes to construct a 4-foot sidewalk from the Maplewood Apartments from the east side of Lot 1 to about the middle of Lot 2, at which point the sidewalk will turn south to serve one of the two apartment buildings. From this point the sidewalk will be redirected back towards 4th street and extend along the back of curb to the west end of the property. This location along the back of curb of S. 4th Street will help avoid the existing drainage ditch and a vegetative area between the street and the site. Construction of the sidewalk adjacent

to the back of the curb will be separated from the road to extent practicable with a minimum expectation of a two-foot separation from the back of curb with a four-foot sidewalk or a six-foot wide sidewalk if it is unable to be separated from the curb. The developer must also provide a sidewalk crossing of S. 4th Street on the west side of S. Hazel Avenue at the future site driveway intersection.

Street trees will be required to be planted along S. 4th Street frontage of both proposed lots, except for the west extent of frontage for Lot 2 where existing vegetation in the right-of-way is undisturbed. **A sidewalk and street tree installation agreement has been submitted whereby the sidewalk, 4th street crossing, and the street trees for Lot 1 and Lot 2 will be installed prior to the occupancy of the first new building.**

In addition to the pending Minor Site Development Plan, the applicant is in the process of pursuing Flood Plain Conditional Use Permit for alternative means of flood protection within the floodway fringe for the proposed apartment buildings on Lot 2. The Zoning Board of Adjustment held a public hearing on November 19th and is scheduled to consider the item again on December 10th.

ALTERNATIVES:

1. The City Council may approve the proposed final plat with the following two actions:
 - A. Waive the subdivision code requirement for financial security for sidewalks and street trees in the Prairie Village Subdivision, 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. Adopt a resolution to approve the Final Plat of Prairie Village Subdivision, based upon findings that the Final Plat conforms to relevant and applicable design standards, ordinances, and policies referenced by Attachment D.
2. The City Council may approve the proposed final plat without accepting waiver of financial security and the “Agreement for Sidewalk and Street Trees” to require installation consistent with public improvements specifications of Chapter 23 Subdivision Code.
3. The City Council can condition or deny the Final Plat for Prairie Village Subdivision if it finds that the development creates a burden on existing public improvements, creates a need for new public improvements that have not yet been installed, or the proposed design and improvements are otherwise not consistent with the City’s adopted plans, policies, and regulations. The City Council will need to set forth its reasons for disapproving or for conditioning its approval in its motion (see Section 29.303 (4) in Attachment D.).
4. The City Council can refer this request back to staff or the applicant for additional information. The Subdivision Regulations require a final decision regarding final plat approval within 60 days of the complete application for Final Plat approval of a Minor

Subdivision. (This would be at the December 16, 2014 meeting unless the City Council had a special meeting prior to January 9, 2015.)

MANAGER'S RECOMMENDATION:

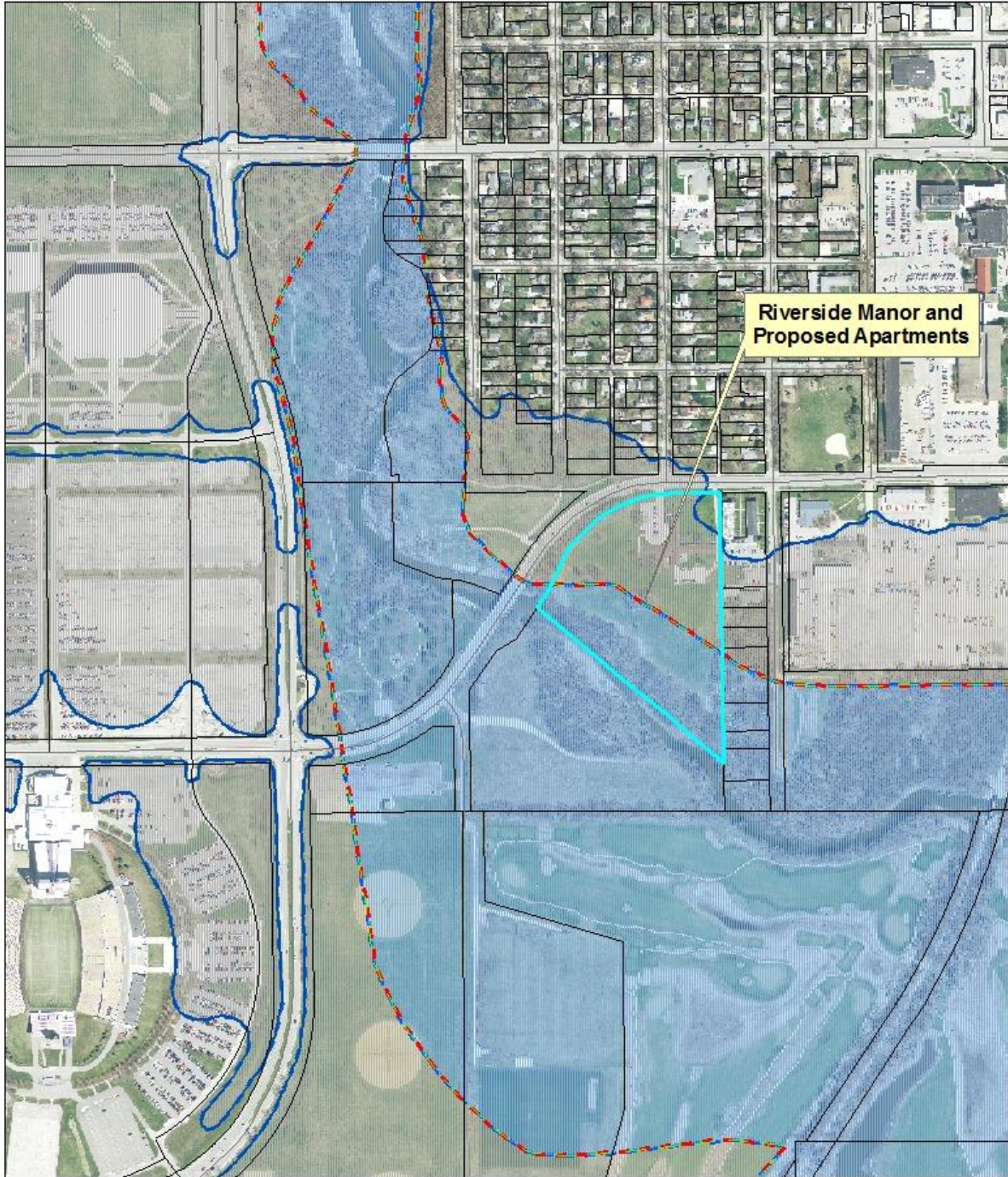
The subject site developed with an allowed Group Living use under the current RH zoning. The property owner desires to develop additional buildings on the site for Household Living and this requires division of the property to comply with Zoning Ordinance standards for multiple buildings on a site. Although the site has an underlying Future Land Use Map designation of Parks and Open Space and Greenway, the site is not under public control for public use as a park or greenway nor is it used as construed as an open space or recreational opportunity in its existing condition.

The project is consistent with the requirements for approval of a minor subdivision with a Final Plat. The site is served by adequate public facilities and no additional improvements are required except for sidewalks and street trees. The proposed street tree and sidewalk deferment agreement is standard practice for Ames and suitable for this site as the increased demand for facilities will correspond to its development.

The proposed lotting pattern is consistent with basic final plat approval criteria for consistency with subdivision, zoning, and other duly adopted plans and regulations. Lot 1 is intended to generally maintain its existing conditions while Lot 2 is intended for future development. Lot 2 is undeveloped at this time and includes natural features of riparian areas and is within a flood prone area. However, Lot 2 will have developable area for RH uses based upon its lot layout and shared facilities with Lot 1.



Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 thereby accepting a waiver of financial security for sidewalk and street trees with the installation agreement and approving the proposed Final Plat.

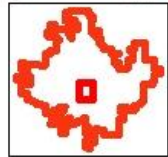
ATTACHMENT A: LOCATION MAP



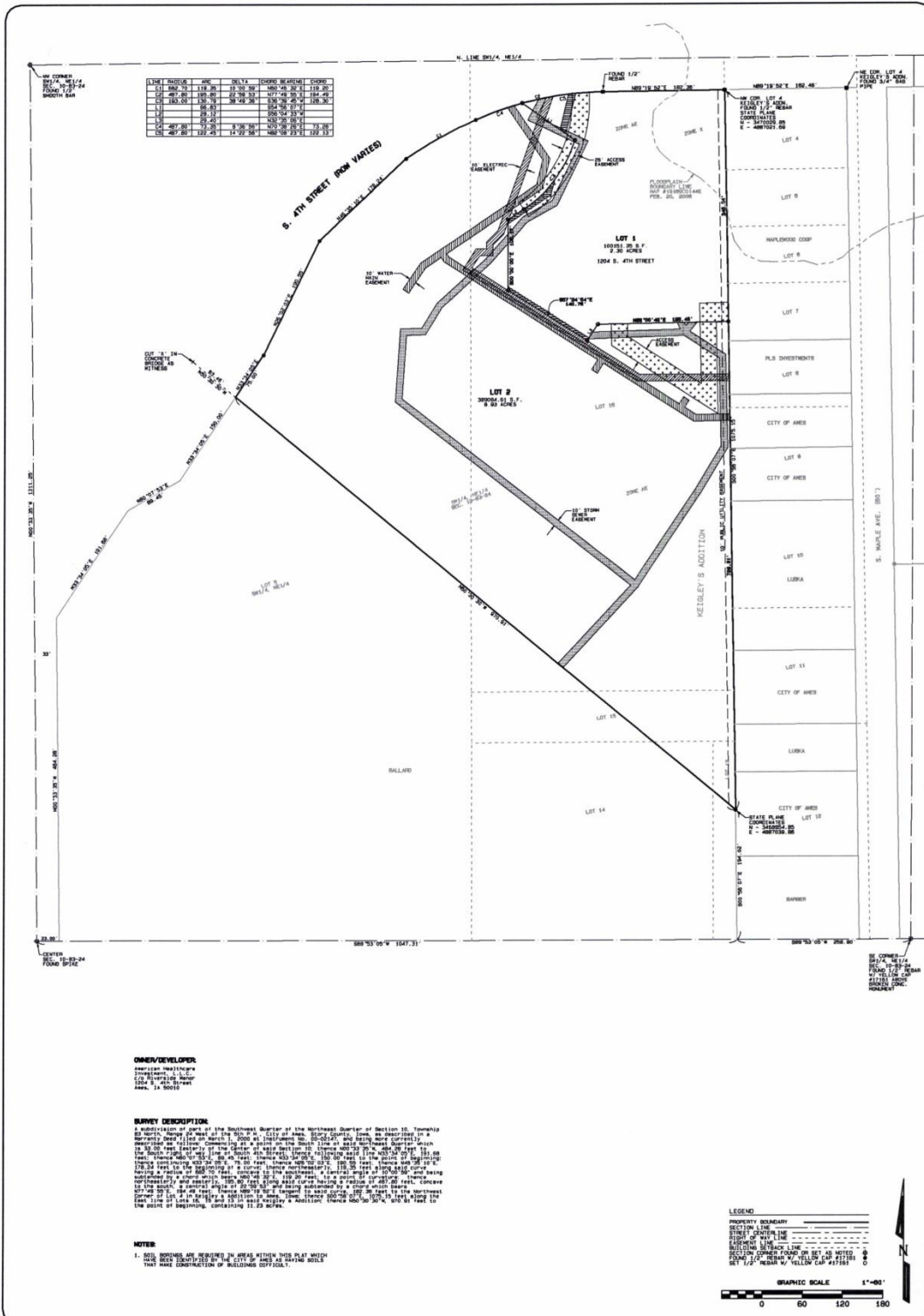
0 250 500
Feet

Legend

-  Floodway Overlay
-  Floodway Fringe Overlay



ATTACHMENT B: PROPOSED FINAL PLAT OF PRAIRIE VILLAGE



OWNER/DEVELOPER:
 American Healthcare
 Investment & LLC
 1504 S. Prairie Street
 Ames, IA 50010

SURVEY DESCRIPTION:
 A subdivision of part of the Southwest Quarter of the Northeast Quarter of Section 10, Township 33 North, Range 12 West, County of Story, Iowa. The land is bounded on the north by the center line of S. 4th Street, on the east by the center line of S. Maple Avenue, on the south by the center line of S. 11th Street, and on the west by the center line of S. 10th Street. The total area of the subdivision is 100,000 square feet, or 2.28 acres. The subdivision consists of 11 lots, each 100 feet wide and 100 feet deep. The lots are numbered 1 through 11, starting from the northwest corner and proceeding eastward, then southward. Lot 1 is the largest lot, measuring 1000 feet by 1000 feet. The remaining lots are 100 feet by 100 feet. The plat shows the boundaries of the lots, the center lines of the streets, and the locations of the water pump facility and electric facility on Lot 1. The plat also shows the bearings and distances for all boundaries. A legend in the lower right corner defines the symbols used on the plat. A graphic scale and north arrow are also included.

NOTES:
 1. ALL BOUNDARIES ARE SHOWN IN AREAS WITHIN THIS PLAT WHICH HAVE BEEN SURVEYED BY A LICENSED SURVEYOR AND ARE BEING OFFERED TO THE PUBLIC FOR RECORDATION.

LEGEND

- PROPERTY BOUNDARY
- SECTION LINE
- STREET CENTER LINE
- EASEMENT
- UTILITY LINE
- BUILDING SETBACK LINE
- WATER PUMP FACILITY
- ELECTRIC FACILITY
- STON FACILITY
- 1/2" REDUCED YELLOW CAP #17161

GRAPHIC SCALE 1"=60'

0 60 120 180

STUMBO & ASSOCIATES
 LAND SURVEYING
 510 S. 17th STREET, SUITE 102 AMES, IOWA 50010
 PHONE 515-233-3604 FAX 515-233-4403

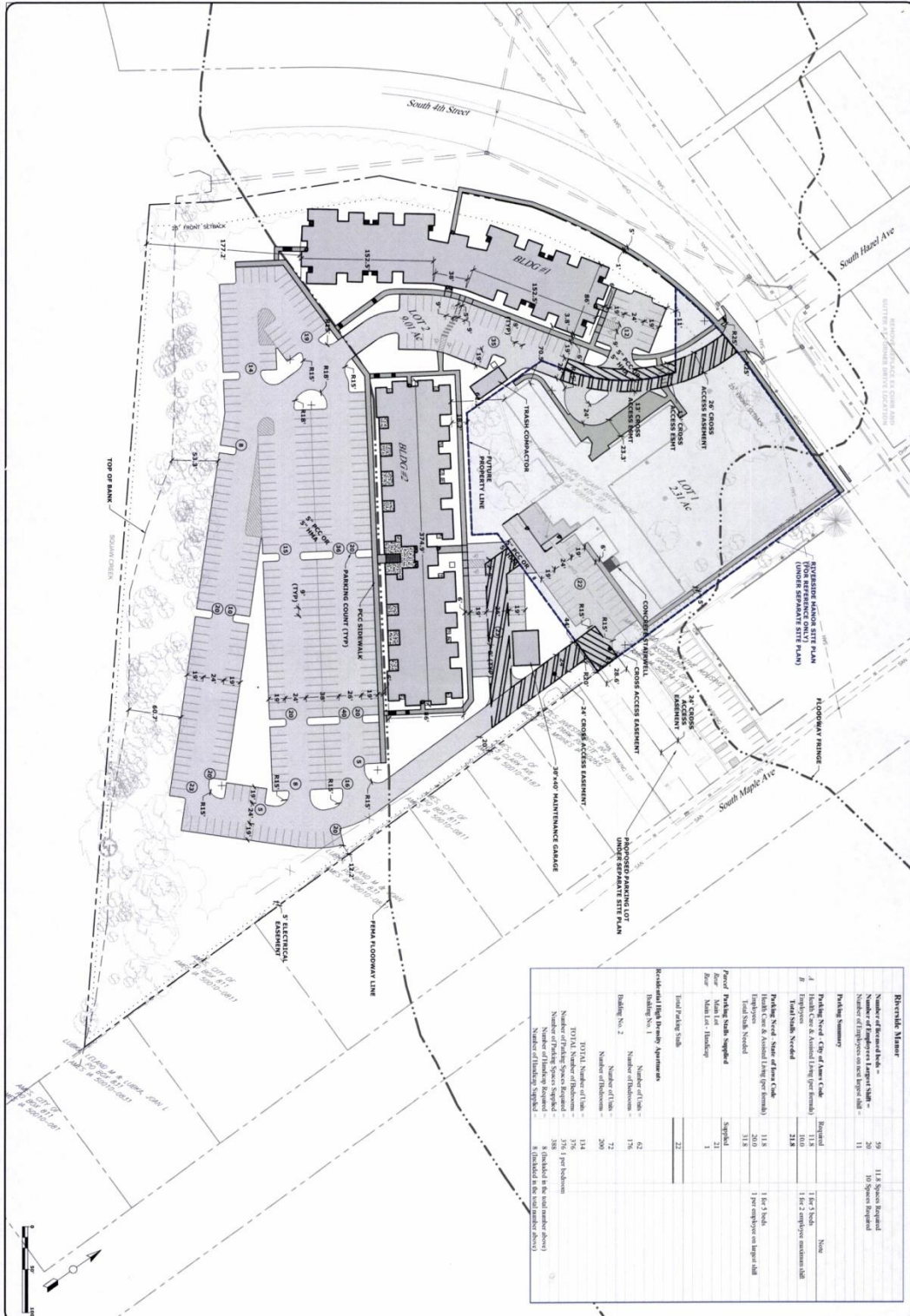
FINAL PLAT
PRAIRIE VILLAGE SUBDIVISION
 A SUBDIVISION OF PART OF THE SW1/4, SE1/4 OF
 SEC. 10-83-24, CITY OF AMES, STORY COUNTY, IOWA
 JOB #16817PP DATE: 12/02/14 PAGE 1 OF 1

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. S. Stumbo 12/2/14
 R. S. STUMBO - LICENSE #17161
 My license renewed date is December 31, 2018

17161
 R. S. STUMBO
 LICENSED LAND SURVEYOR

ATTACHMENT C: PROPOSED SITE PLAN

PROJECT NUMBER	PROJECT NAME
K:\proj\3889\3889-13A_1204.5_4thStreetAccess3889-13A_PDL_BUILD.dwg	
PROJECT STYLE TABLE	LAYER BRIDGE NAME
Fontstyle: Arial	CE 2.0



Riverview Midrise	
Number of proposed beds -	59
Number of employees Largest Shift -	20
Number of employees on site larger shift -	11
Parking Summary	
Parking Need - (by car class)	Required
Health Care & Assisted Living (per formula)	11.8
Employee, Non-sold	21.0
Employee, Sold	21.0
Parking Need - (by car class)	Required
Health Care & Assisted Living (per formula)	11.8
Employee, Non-sold (larger per formula)	20.0
Employee, Sold	31.8
Total Staff Needed	31.8
Prop'd Staff Let - Handicap	2.1
Prop'd Staff Let - Handicap	1
Total Parking stalls	22
Residential High Density Apartments	
Building No. 1	Number of Units -
	62
Building No. 2	Number of Units -
	176
	Number of Bedrooms -
	72
	Number of Bedrooms -
	200
	100% Number of Units -
	134
	Number of parking spaces Required -
	376 (1 per bedroom)
	Number of parking spaces Proposed -
	22
	Number of parking spaces Shortage -
	354 (Included in the total number shown)
	Number of Handicap Spaces -
	2 (Included in the total number shown)

PARKING LOT LAYOUT AND DIMENSIONING PRAIRIE VILLAGE APARTMENTS SITE DEVELOPMENT PLAN 1204 S 4TH STREET AMES, IA		FOX Engineering Associates, Inc. 414 South 17th Street, Suite 107 Ames, Iowa 50010 Phone: (515) 233-0000 FAX: (515) 233-0103	DATE	REVISION	BY	DATE
			07/17/14	AS PER DIS COMMENTS	DESIGNED	BLK
C2.0 SCALE: AS SHOWN SHEET NO.		LAST UPDATE: 07/17/14	CHECKED	DRN	07/14	
			DATE	REVISION	BY	DATE

ATTACHMENT D: APPLICABLE LAWS

The laws most applicable to this request 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.

Applicable portions Ames *Municipal Code* Section 23.303 and 23.401 state as follows:

23.301 (5) Classification or Divisions and Subdivisions:

(b) A subdivision may be classified as a Minor Subdivision only if both of the following conditions are met:

(i) the proposed subdivision will plat no more than three lots, including a Consolidation Plat each of which will be legally platted after the recording of the subdivision and each of which will front on an existing public way, not including alleys; and

(ii) the proposed subdivision will require no public improvements of any kind, except sidewalks and/or bicycle paths in compliance with the Bicycle Route Master Plan, to provide adequate facilities and services to any of the lots to be platted by the proposed subdivision or to maintain existing adequate facilities and services to any other lots, or areas of land.

(c) Any subdivision not meeting both conditions for classifications as a Minor Subdivision, or that does not conform to the definition of a Conveyance Division or Boundary line Adjustment, shall be classified as a Major Subdivision.

23.303 (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.

23.303 (4) Effect of City Council Action on Minor Subdivision: Following such examination, and within 60 days of the applicant's filing of the complete Application for Final Plat Approval of a Minor 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 Minor 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.

23.401 Site Design Standards

(1) General: The design standards contained in these Regulations are the minimum requirements applicable to a wide variety of circumstances for the general arrangement and layout of subdivisions. More stringent standards may be appropriate when the City Council finds and concludes that site conditions so require in order to ensure development of an economical, pleasant, and durable neighborhood. More stringent standards may be required so long as such findings and conclusions demonstrate the consistency and compatibility of the standards with applicable elements of the Land Use Policy Plan, the Urban Standard Specifications for Public Improvements, the City of Ames Supplemental Urban Design Standards Manual, and other City plans and with the following specific considerations:

- (a) safe and convenient pedestrian and vehicular access to the subdivision;
- (b) appropriate preservation and integration of natural features within the subdivision;
- (c) the capacity and capability of infrastructure facilities, utility service and community facility service; and
- (d) minimizing overall lengths of public ways and infrastructure facilities while limiting the use of dead-end streets and cul-de-sacs.

(4) Conformance to Natural Features: As a means to protect the health, safety and welfare, no land shall be subdivided into buildable lots which is unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, or other natural features. The developer may formulate adequate methods to avoid, minimize or mitigate any problems reasonably expected from subdivision or development of such land. Upon review of methods taken to avoid, mitigate or minimize any such problems the Planning and Zoning Commission may recommend and the City Council may approve of such subdivision.

23.403 Streets

(14) Sidewalks and Walkways:

- (a) Sidewalks and walkways shall be designed to provide convenient access to all properties and shall connect to the City-wide sidewalk system. A minimum of a four-foot wide concrete sidewalk shall be installed in the public right-of-way along each side of any street within residentially and commercially zoned areas and along at least one side of any street within industrially zoned areas. Such a sidewalk shall connect with any sidewalk within the area to be subdivided and with any existing or proposed sidewalk in any adjacent area. Any required sidewalk shall be constructed of concrete and be at least four feet wide.

(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 the 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.