

**COUNCIL ACTION FORM**

**SUBJECT:**       **MINOR SUBDIVISION FINAL PLAT FOR WESTAR SUBDIVISION**

**BACKGROUND:**

Property owner, E. A. Hunziker Development, L.L.C, is requesting approval of a final plat for a minor subdivision of 6.02 acres of land within the Westar Subdivision located on Todd Drive in west Ames (Attachment A). **A minor subdivision includes three or fewer lots and does not require additional public improvements, except sidewalk and street trees.** 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.

The proposed plat (Attachment B) divides an existing 5.8 acre lot, Lot 2 of QuikTrip Subdivision, into two lots. The property is currently under construction with three of the five apartment buildings that were approved in December of 2014 through a Minor Site Development Plan. Attachment C shows the approved layout of the buildings on the property with the proposed new lot line identified. This minor subdivision does not modify the approved Minor Site Development Plan for property.

No public improvements are required for this subdivision as the site is bounded on four sides by improved public streets and has utility services to the site. The applicant plans to install the required 4-foot sidewalk along Todd Drive and Alcott Avenue and has requested a sidewalk deferral agreement for their installation until construction of the first building on each lot.

Included on the plat are easements for existing and recently completed public utility improvements. Both lots within the proposed plat have access to Todd Drive and an existing easement provides for secondary access for Lot 2 north out to Lincoln Way.

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. Staff notes that on this same agenda are proposed Subdivision Code text amendments regarding sidewalks specifications. These amendments would not apply to this project as the final plat would be approved prior to ordinance being approved and published.

**ALTERNATIVES:**

1. The City Council can take two actions to approve the Final Plat:

A. Waive the subdivision code requirement for financial security for sidewalks and street trees in the Westar Subdivision, since the Developer has signed the "Agreement for Sidewalk and Street Trees" requiring the installation of these

improvements prior to occupancy of a building or within 24 months of issuance of a building permit, whichever occurs first; and,

B. Approve the Final Plat of Westar Subdivision, based upon findings that the Final Plat conforms to relevant and applicable design standards, ordinances, policies, and plans.

2. The City Council can decline to waive the financial security and installation requirement for sidewalks and refer this request back to the applicant to provide the financial security prior to approval of the final plat.

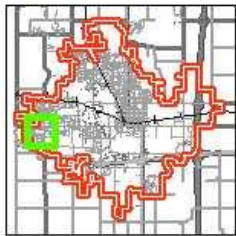
3. The City Council can deny the final plat for Westar Subdivision if the Council finds that the proposed subdivision does not comply with applicable ordinances, standards or plans.

**MANAGER'S RECOMMENDED ACTION:**

The proposed final plat for Westar Subdivision 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. No public improvements are required beyond sidewalks and street trees.

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

# Attachment A Location Map



**Location Map  
4721 Todd Drive**

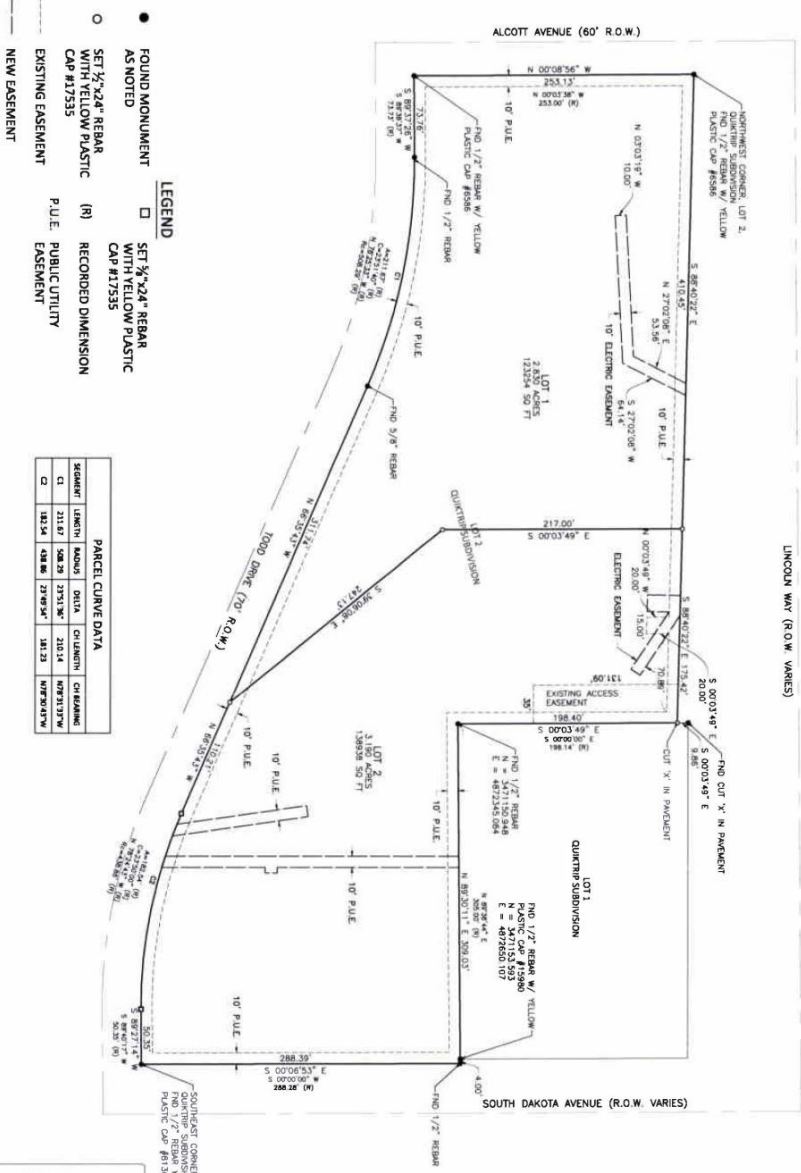
# Attachment B Proposed Final Plat

PREPARED BY: EUGENE DREYER BOLTON & MENK, INC. 2730 FORD PO BOX 668 STREET AMES, IA (515) 233-6100

**RECEIVED**  
MAR 25 2015  
CITY OF AMES, IOWA  
DEPT. OF PLANNING & HOUSING

## FINAL PLAT WESTAR SUBDIVISION

LINCOLN WAY (R.O.W. VARIES)



- LEGEND**
- FOUND MONUMENT AS NOTED
  - SET 1/2" x 24" REBAR WITH YELLOW PLASTIC CAP #17535
  - EXISTING EASEMENT
  - NEW EASEMENT
  - SET 1/2" x 24" REBAR WITH YELLOW PLASTIC CAP #17535
  - (R) RECORDED DIMENSION
  - P.U.E. PUBLIC UTILITY EASEMENT

SEGMENT	LENGTH	AREA	AREA	AREA	CHANGING
CL	211.67	508.29	2791.96'	212.14	18779.17'
CL	182.14	438.86	2749.54'	181.23	18779.47'



**BOLTON & MENK, INC.**  
Professional Surveyors  
Iowa License No. 17535  
Eugene R. Bolton, Surveyor  
Menk, Inc. Surveyors  
2730 Ford Street, Ames, IA 50010

I, Eugene R. Bolton, State of Iowa Licensed Professional Surveyor, No. 17535, do hereby certify that the plat shown hereon was prepared by me or under my direct personal supervision and was performed in accordance with the laws and rules of the State of Iowa. I am a duly licensed and qualified surveyor in the State of Iowa. My license expires on December 31, 2016.

EUGENE R. BOLTON  
17535  
DATE: 3/25/15

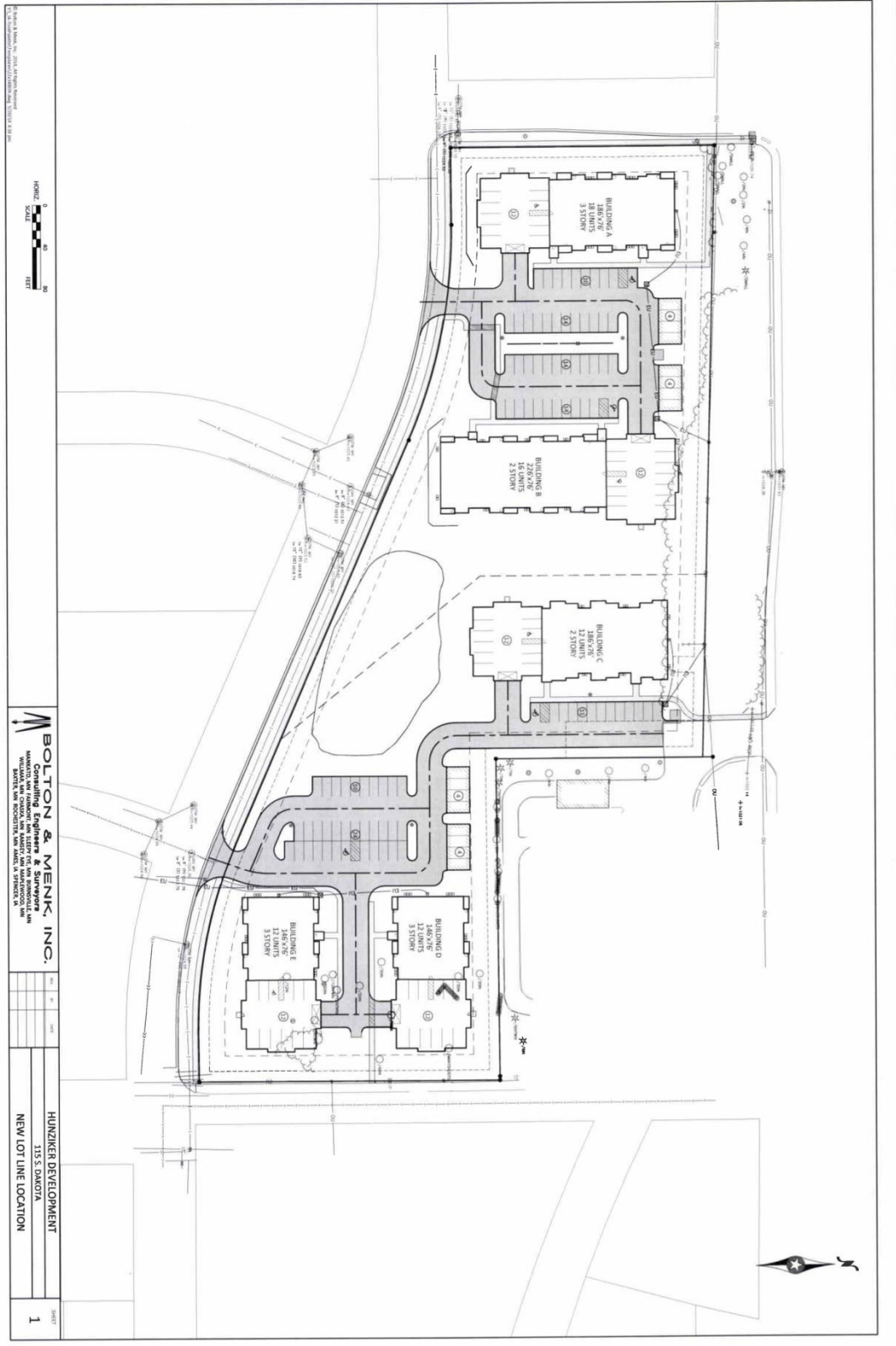
- LEGAL DESCRIPTION**  
ALL OF LOT 2, QUAKTRIP SUBDIVISION TO THE CITY OF AMES, STORY COUNTY, IOWA.
- NOTES:**
1. WESTAR SUBDIVISION IS LOCATED IN THE NORTH HALF OF SECTION 7-78N-R24W OF THE 5TH P.M., CITY OF AMES, STORY COUNTY, IOWA.
  2. TOTAL AREA OF THE WESTAR SUBDIVISION IS 6,019 ACRES, OR 262,192 SQUARE FEET.
  3. SOIL BORINGS ARE REQUIRED IN AREAS WITHIN THIS PLAT WHICH HAVE BEEN IDENTIFIED BY THE CITY OF AMES AS HAVING SOILS THAT MAKE CONSTRUCTION OF BUILDINGS DIFFICULT.
  4. DIMENSIONS SHOWN ON THE SOUTH LINE OF QUAKTRIP SUBDIVISION LOT 1 ARE ON IOWA STATE BE ANCH 83 COORDINATE SYSTEM, IOWA NORTH ZONE, NAD 83.
  5. THIS SURVEY MEETS OR EXCEEDS IOWA CODE 335.8 (15) EASEMENTS AS SHOWN.
  6. EASEMENTS AS SHOWN.
  7. EXISTING EASEMENTS ARE FROM BOOK 304, PAGES 224 THROUGH 231.

**OWNER:**  
E. A. HUNZIKER DEVELOPMENT, L.L.C. AND  
D. & R. FURMAN, L.L.C.  
105 S. 16TH STREET  
AMES, IA 50010

**REQUESTED BY:**  
E. A. HUNZIKER DEVELOPMENT, L.L.C. AND  
D. & R. FURMAN, L.L.C.  
105 S. 16TH STREET  
AMES, IA 50010

WESTAR SUBDIVISION  
4721 TODD DRIVE  
FINAL PLAT

# Attachment C Approved Minor Site Development Plan



## **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.