

COUNCIL ACTION FORM

SUBJECT: MAJOR FINAL PLAT FOR SOUTH FORK SUBDIVISION EIGHTH 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.

Pinnacle Properties Ames LLC has submitted a final subdivision plat for South Fork Subdivision, Eight Addition to allow further residential development. This final plat is consistent with the approved preliminary plat and master plan. The South Fork development lies south of Lincoln Way and north of the Ames Middle School site. See Attachment 1 for a location map.

This proposed final plat of this Eighth Addition (attached) includes 16 residential lots. The plat also includes an extension of Coy Street and a short extension of Sunflower Drive. An outlot (2.625 acres) is reserved for future development, including the extension of Coy Street to the east connecting to the existing Coy Street in the Vivian G Coy Subdivision. Lot 5 is slightly larger than the other lots to accommodate an existing home. Density standards in this FS-RL zoning district are met.

All required improvements, including streets, sanitary sewer, public water, and storm sewer system, have been completed or financial security provided. The applicant has provided a letter of credit in the amount of \$31,450 for completion of the streets, utilities, and erosion controls. The City Council is asked to accept those improvements that are completed, and to accept the signed Improvement Agreement with financial security for those remaining improvements.

The applicant has also provided an agreement for the installation of street trees and sidewalks and 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.

Although the City Council recently amended the Subdivision Regulations to require the installation of all sidewalks and street trees within three years of plat approval, those changes apply only to preliminary plats approved after January 1, 2015. The South Fork preliminary plat was approved on June 11, 2013.

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:

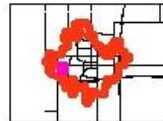
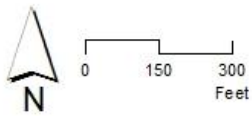
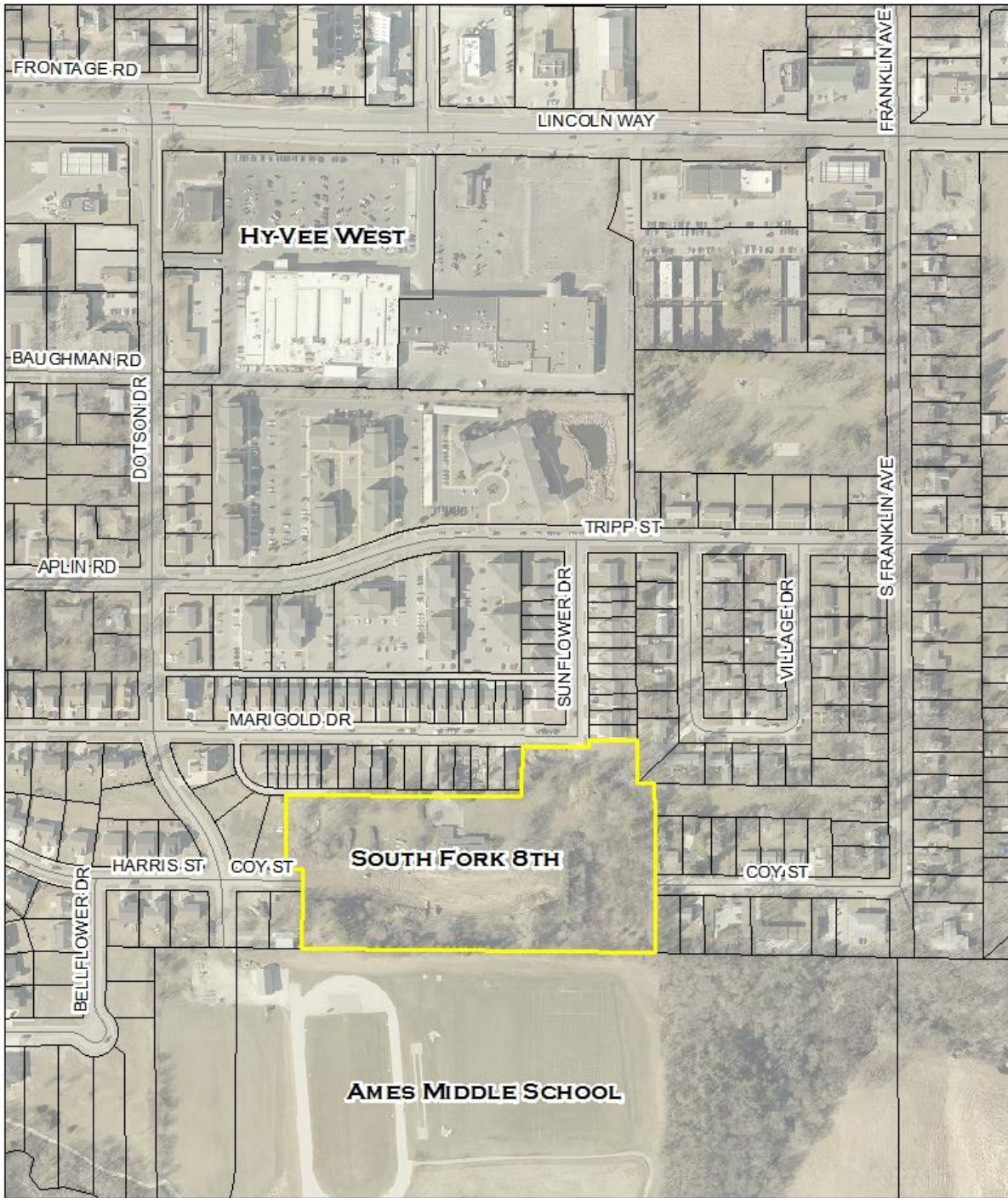
1. The City Council can take the following two actions:
 - A. Waive the subdivision code requirement for financial security for sidewalks and street trees in the South Fork Subdivision, Eighth Addition, since the Developer has signed the "Agreement for Sidewalk and Street Trees" requiring the installation 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 South Fork Subdivision, Eighth Addition, based upon the staff's findings that the Final Plat conforms to relevant and applicable design standards, ordinances, policies, and plans with an Improvement Agreement and financial security.
2. The City Council can deny the Final Plat for South Fork Subdivision, Eighth 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.

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.

ATTACHMENT 1: LOCATION MAP



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)