

**COUNCIL ACTION FORM**

**SUBJECT:** AMES MIDDLE SCHOOL, PLAT 3 – MINOR SUBDIVISION FINAL  
PLAT

**BACKGROUND:**

The Ames Community School District is requesting approval of a Final Plat for a Minor Subdivision for property located at 3915 Mortensen Road (See Attachment A). This approval would allow for creation of two new lots west of the new Dotson Drive extension. It is the intent of the School District to sell the two new lots (Lot 2 and 3) for future residential development.

The proposed Final Plat divides Lot 1 of Ames Middle School 2003, Plat 2 into three lots in the Special Government/Airport (S-GA) zoning district (See Attachment B). Lot 1 will include 81.52 acres and include the existing Ames Middle School. Lot 2 and Lot 3 (4.13 and 2.20 acres) will be vacant lots for future residential development west of the new Dotson Drive extension. Frontage improvements exist along Mortensen Road for Lot 1 and along Dotson Drive for new lots 2 and 3. Also as part of the plat, Lot A, Dotson Drive, once approved by City Council will be dedicated to the City for public right-of-way as noted on the Plat.

A Minor Subdivision allows for the filing of a Final Plat without the need of a Preliminary Plat. This is permitted when the subdivision does not require installation of public infrastructure, with exceptions of sidewalks which may be deferred, and when there are less than three lots created by the plat. In this case a Preliminary Plat was approved on February 10, 2004, Resolution #04-041, which already included the extension of Dotson Drive and the public improvements that would be capable of serving Lots 2 and 3 satisfying standards for a Minor Subdivision. In the original 2004 Plat, the area west of Dotson Drive was shown as an Outlot with a slightly different configuration of the Dotson Drive extension. A development agreement also had been approved for the timing of the Dotson Extension and other property and development related issues.

Dotson Drive Improvements are related to the original development agreement obligation to extend Dotson Drive, as well as to the new request of platting Lots 2 and 3 and the Minor Subdivision improvement criteria of the Chapter 23 Subdivision Code.

**Shared Use Path:**

The applicant and their engineering consultant met with City staff in August of 2013 (preliminary design meeting) and October of 2014 (sketch plan meeting) to receive direction on the final plat process and completion of Dotson Drive. **During both meetings, City staff advised the School District that an extension of the existing shared use path on Dotson to the College Creek/Cochrane Parkway trail was**

necessary with the platting of the property to connect the existing shared use path and trail. (See Attachment E) The key issue before the City Council, at this time, is whether or not an 8-foot shared use path will be required along the Dotson Drive extension.

The School District has not constructed an 8-foot path, but instead built a 6-foot sidewalk along the east side of Dotson Drive. The School District believes that staff approved not building the 8-foot path when a response to an email in November 2014 explained that certain infrastructure is “requested” versus “required”. (Attachment F). The context of the email for staff was that certain improvements are mandatory in the Subdivision Code while others are normal requests of developers related to approval of a subdivision. Even after the November 2014 email, staff believed that the School District had accepted constructing the construct the path.

Despite the District’s belief that the City approved preliminary public improvement plans for the project, staff only provided comments to the preliminary plans. **In fact, when the staff reviewed those preliminary public improvement plans, those plans did not include specifications or details for a shared use path or sidewalk along the east side of Dotson.** After the project was bid and prior to construction, the School District and City staff held a preconstruction meeting, as is normal for street projects. However, staff did not review the final bid plans put out by the School District prior to their bidding the project.

The School District then constructed Dotson Drive this past summer. Upon inspection for acceptance of the improvements, Public Works noted that a six-foot sidewalk had been constructed rather than an eight-foot shared use path. Staff then contacted the School District to discuss how to complete a shared use path. **The School District has reviewed options on the east and west sides of the street, but does not believe it is a requirement that must be done for approval of the Minor Subdivision request. The School District requests that City Council accept the six-foot sidewalk as built.**

#### **Relevant Code Requirements:**

Section 23.403(14) of the Municipal Code requires sidewalks on both sides of most streets at a minimum width of five feet. (See Attachment D) In addition, Section 23.403 (14) (d) allows the City Council to require an 8-foot wide sidewalk rather than a 5-foot sidewalk when serving a school site. **Therefore, it is ultimately the City Council’s prerogative to decide if a wider shared use path is required.**

In most situations, the School District’s installed improvements on the east side of Dotson would satisfy this section of the Municipal Code. **However, in this instance the installed sidewalk does not extend an 8-foot shared use path along the southern portion of Dotson Drive that was previously constructed by the District, and does not match the existing shared use path along the College Creek Trail that bisects this area.**

When it became evident that a sidewalk was constructed, rather than a shared use path, staff identified two options to widen the existing 6-foot walk. Due to issues of constructability and conflicts with other facilities, it may be easier to widen the 5-foot sidewalk on the west side of Dotson rather than widening the 6-foot sidewalk on the east side. A very rough estimate of costs for widening on the west side of the street is \$20,000, while widening on the east side is \$40,000 and potentially more due to additional grading needs.

#### **Sidewalk Westside of Dotson (north of College Creek)**

A five-foot sidewalk has been built on the west side of Dotson up to just beyond College Creek. However, the development agreement requires completion of the sidewalk to the north boundary of the school property by the School District. In addition, the development agreement requires the School District to install the remaining portion of the sidewalk within two years of the South Fork construction of Dotson to the north, which was completed in 2014.

In this circumstance, the subdivision standards allow for deferral of sidewalk construction with security for its installation. Therefore, completing the sidewalk consistent with the development agreement, which acts as the security, can be found consistent with the Minor Subdivision standards for sidewalk installation and can be approved as a final plat.

#### **Easements:**

A Conservation Easement boundary to protect the natural area surrounding College Creek was created for the Ames Middle School 2003 Plat and approved by City Council on March 23, 2004 (Resolution # 04-098). An easement document to identify the terms and allowances within the identified protected area of College Creek had never been created. Therefore, a formal easement document has been prepared to clarify the allowances and agreements for the easement area. Language for the easement was adapted from an existing conservation easement further west along the College Creek protection area. The signed Conservation Easement Agreement has been submitted for Council approval for all three of the proposed new lots.

As part of the new lot layout and Dotson Drive extension, a portion of the existing public trail will be vacated and a new easement extended over the newly constructed area of the trail provided by the School District. The plat notes the area that will be vacated and that a new signed public trail easement has been submitted for approval by the Council.

#### **ALTERNATIVES:**

1. The City Council can approve the Minor Final Plat for Ames Middle School, Plat 3, and accept the conservation easement and public trail easement with the Dotson Drive improvements as now constructed.

*This is the School District's requested action, which is based on their understanding that they would not be "required" to build a shared use path. This alternative would accept a 6-foot wide sidewalk as the connection between two trail segments. With this option the School District would still need to complete*

*the west side Dotson sidewalk consistent with the development agreement.*

2. The City Council can require the installation of an 8-foot wide sidewalk as provided under Section 23.403(14)(d) of the Municipal Code.

*To accomplish this alternative, the Council can delay approval of the Minor Final Plat for Ames Middle School, Plat 3, and direct the School District to either construct the widened 8-foot sidewalk on either side of Dotson, or enter into a sidewalk deferral agreement for the construction of the path on either side of the Dotson.*

*The Deferral Agreement would allow Council approval of the Minor Final Plat while awaiting completion of the path. The timeframe for installation of the sidewalk would need to be agreed upon between Council and the District.*

*In order to expedite this alternative, Council could hold a special meeting prior to its next regular meeting as soon as the deferral agreement is prepared and approved by the District. With this option the School District would still need to complete the west side Dotson sidewalk consistent with the development agreement.*

3. The City Council can approve the Minor Final Plat for Ames Middle School, Plat 3; accept the conservation easement and public trail easement with the Dotson Drive improvements as now constructed. However, rather than exercise its authority to require a shared use path serving the Middle School, the City Council could ask the School District to voluntarily install a shared use path on either side of Dotson.

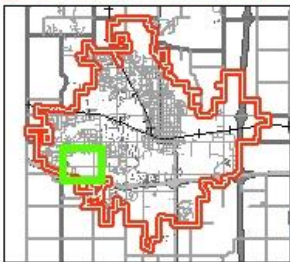
*Rather than exercise the Council's authority to mandate installation of a shared use path, under this alternative it is hoped that the District would recognize the importance of the shared use path connection to the middle school students, as well as to the broader community, and would construct the shared use path. With this option the School District would still need to complete the west side Dotson sidewalk consistent with the development agreement.*

#### **CITY MANAGER'S RECOMMENDED ACTION:**

It is unfortunate that there was a misunderstanding between the parties regarding the installation of a shared use path along Dotson Drive. Three alternatives have been identified to help Council deal with this final issue. If the Council is willing to accept the newly constructed 6-foot sidewalk in place of a wider, shared use path connection, then Alternative #1 should be supported. If the Council believes that a wider shared use path fulfills the Council's multi-modal goals and better serves the needs of the school and the community at large, then Alternatives #2 or #3 should be supported.

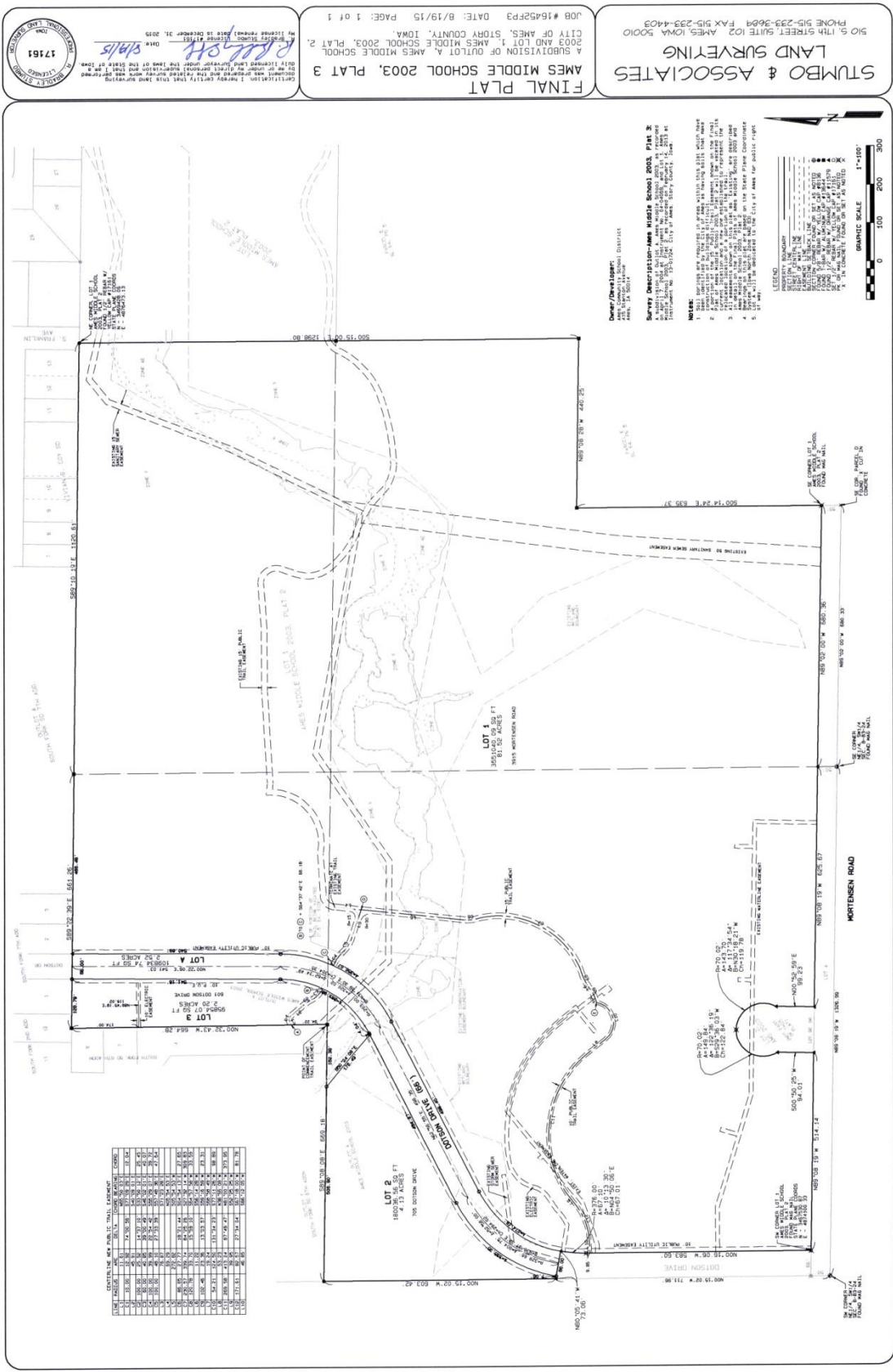


## ATTACHMENT A: LOCATION MAP



**Location Map**  
**3915 Mortensen Road**

# ATTACHMENT B PROPOSED SUBDIVISION





## ATTACHMENT C 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.

Attachment D  
Excerpt Subdivision Code 29.403 (emphasis added)

(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 five-foot wide concrete sidewalk shall be installed in the public right-of-way along each side of any street in all zoning districts except General Industrial and Planned Industrial. A minimum of a five-foot wide concrete sidewalk shall be installed in the public right-of-way along one side of any street in the General Industrial and Planned Industrial zoning districts. If sidewalks on adjacent property are greater than five feet, the subdivider shall install sidewalks to match. If constraints exist that preclude installation of a sidewalk within the public right-of-way, the subdivider shall install the required sidewalk on adjacent land within a sidewalk easement. All required sidewalks shall connect with any sidewalk within the area to be subdivided and with any existing or proposed sidewalk in any adjacent area.

b) Exception: For any final plat for which a preliminary plat has been approved prior to January 1, 2015, the following standard shall be met: Sidewalks and walkways shall be designed to provide convenient access to all properties and shall connect to the Citywide sidewalk system. A minimum of a four-foot wide concrete sidewalk shall be installed in the public right-of-way Sup #2015-3 23-23 Rev. 07-1-15 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.

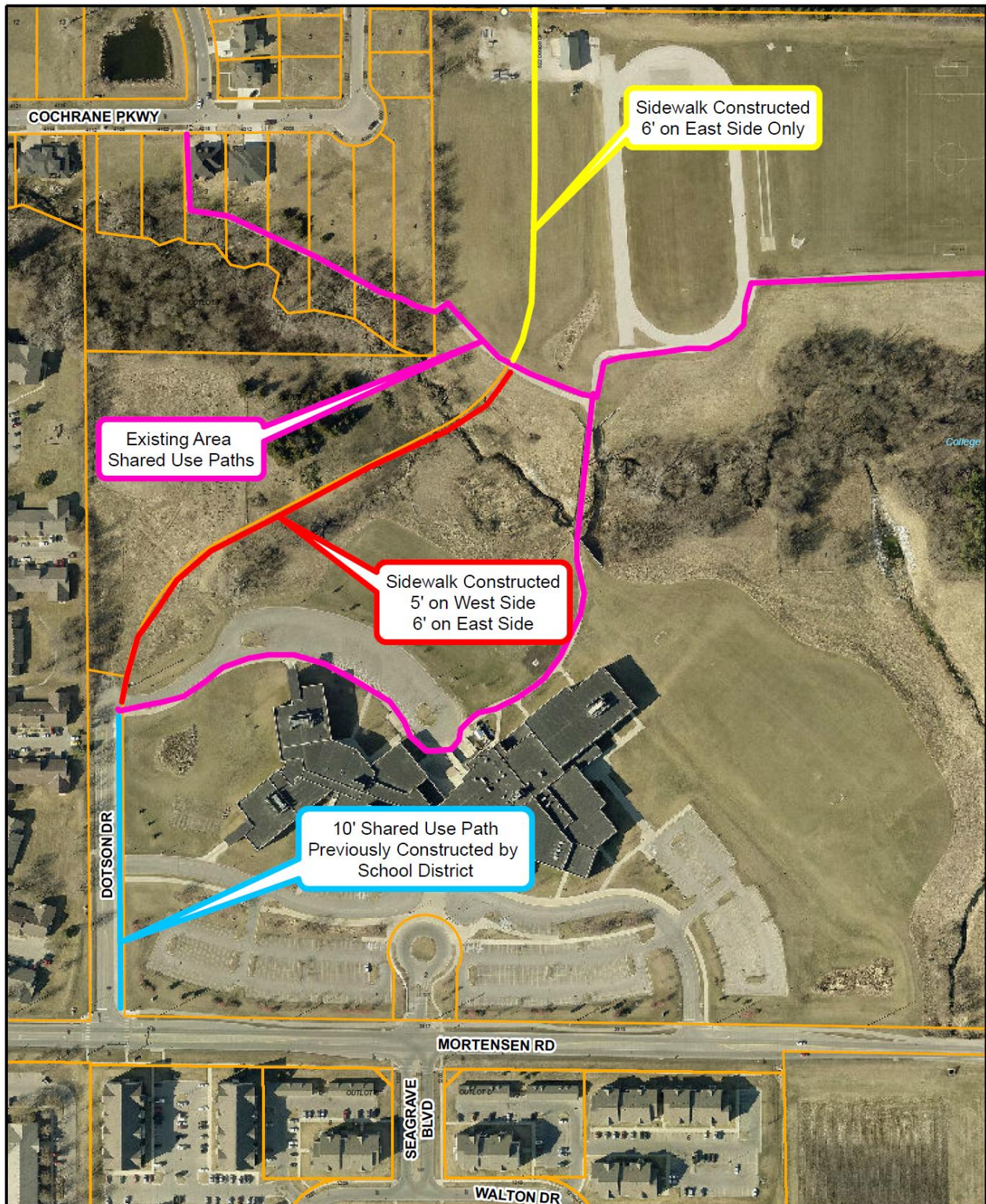
(c) A deferment for the installation of sidewalks may be granted by the City Council when topographic conditions exist that make the sidewalk installation difficult or when the installation of the sidewalk is premature. Where the installation of a sidewalk is deferred by the City Council, an agreement 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.

(d) A pedestrian walkway made of concrete may be required where deemed essential to provide access to schools, parks and playgrounds, commercial areas, transportation or community facilities. Any such walkway shall be not less than eight feet wide.

(15) Bikeways: A bicycle path shall be constructed in an area to be subdivided in order to conform with the Bicycle Route Master Plan adopted by the City Council. The dimensions and construction specifications of any such bicycle path shall be determined by the number and type of users and the location and purpose of the bicycle path.



## Attachment E



Geographic Information System (GIS) Product Disclaimer: City of Ames GIS map data does not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership & land use nor does it replace field surveys of utilities or other features contained in the data. All features represented in this product should be field verified. This Product is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the User.

Attachment E  
Ames Middle School



Scale: 1 in = 250 ft  
Date: 9/18/2015

## Attachment F



Gerry Peters <gerry.peters@ames.k12.ia.us>

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### Re: Dotson Drive connection and sanitary sewer service to the north

1 message

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**Eric Cowles** <ecowles@city.ames.ia.us>

Wed, Nov 26, 2014 at 8:57 AM

To: John Gade <jmg@foxeng.com>

Cc: Eric Thompson <elt@foxeng.com>, Gerry Peters <gerry.peters@ames.k12.ia.us>

John,

I have attached our comments, but I think most of them are already cleaned up with the QA/QC processes. I have also attached our clean out detail that we use for subdrains to be added to the plan as well as our supplemental specification, and water main testing, disinfection and notes. I have also added in our standard bid item descriptions in case you would prefer to use some of that since we will be meeting SUDAS and the supplemental specs. Might catch a couple of things in the field that would make cause for change orders.

Regarding the trail, I talked with Kelly and we are asking for the trail to be installed to complete the connection, but the requirement is only for sidewalk on both sides of the street. We still believe the trail on the east side is a good idea, but we have heard repeatedly what is "required" vs. what is "requested" and the trail on the east side appears to fall in to the requested side of the discussion. We still believe that the easement is a good idea since the general public is going over private property although it is school owned (public) property. We do require this when a development has to put sidewalk/paths on their property as a part of the development.

We will move forward with the 12" main as this will keep things consistent with the current model that we have.

Thanks!



**Eric D. Cowles, P.E.**  
*Civil Engineer II*

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