

**COUNCIL ACTION FORM**

**SUBJECT: MAJOR FINAL PLAT FOR IOWA STATE UNIVERSITY RESEARCH PARK, PHASE III, FIRST ADDITION**

**BACKGROUND:**

On July 14, 2015, the City Council approved the Preliminary Plat for the Iowa State University Research Park, Phase III. There are two land owners, each of which owns a portion of the 187.93 acres included in the proposed subdivision. Iowa State University Research Park is the owner of proposed Lots 1, 2, 3, 4, a portion of Lots 5 and 6, Lot 7, a portion of Lot A, Lot B, Lot C, Outlot A, and Outlot Y. Erben Hunziker and Margaret Hunziker Apartments, L.L.C., is the owner of a portion of proposed Lots 5 and 6, a portion of Lot A, and all of Outlot Z. The Final Plat includes seven (7) lots for industrial development in the "RI" (Research Park Innovation District). Lot A (Collaboration Place and University Boulevard/S. 530<sup>th</sup> Avenue), Lot B (Plaza Loop) and Lot C (S. Riverside Drive) are to be dedicated to the City as public street right-of-way. Outlot A is planned for use as a location for stormwater management, open space as a park, and future development, and Outlot Z is planned for future development.

**After reviewing the proposed Final Plat, staff believes it complies with the approved the Preliminary Plat, adopted plans, and all other relevant design and improvement standards required by the Municipal Code with a Council determination that adequate security has been provided for required improvements.**

The proposed Final Plat is unique in that the City is responsible for all of the public street and utility improvements as part of the Development Agreement with the ISU Research Park for the Tax Increment Financing (TIF) District. Therefore, no financial security is required from the developer of this subdivision, for those improvements we are responsible to complete in the development agreement. **However, the developer is responsible for the cost and installation of sidewalks in the First Addition, along the three public streets, part of University Boulevard, Collaboration Place, and Plaza Loop. Additionally, the developer is responsible for the cost of the maintenance of stormwater improvements for a period of four years after they have been accepted by the City as complete.**

Regarding sidewalks, the City recently established a 3 year horizon for the completion of all sidewalks within a final plat and to require security for their installation. Council may approve a deferral of sidewalk installation as specified in Chapter 23. The Research Park has requested Council deferral and signed an "Agreement for Sidewalks," that states sidewalks will be installed not later than occupancy of a building on a lot or within three years of the final plat approval, whichever occurs first.

**To meet the financial security requirement for completion of sidewalks within three years, the Research Park requests that Council accept the combination of the commitments of the current development agreement and the financial backing of Iowa State University as security in lieu of the typical letter of credit or bond.**

Warren Madden, Senior Vice President for Business and Finance at Iowa State University, has provided a letter, dated November 18, 2015, and on file in the City Clerk's Office, affirming the intent of Iowa State University to guarantee sidewalk installation and maintenance of the shared stormwater improvements anticipated for the Final Plat. This guarantee may be invoked by the City if the Research Park for any reason fails to construct the sidewalks within 3 years of the date of the guarantee, or if the Research Park for any reason fails to maintain the stormwater improvements. Sidewalk security is to cover the estimated cost of the improvements, which is \$77,625.

The same letter also includes a provision for the Stormwater maintenance security at \$7,500 per year for 4 years, for a total of \$30,000.

#### **ALTERNATIVES:**

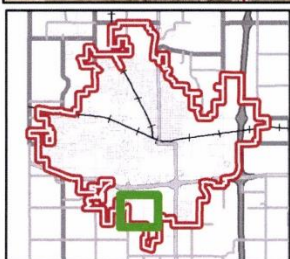
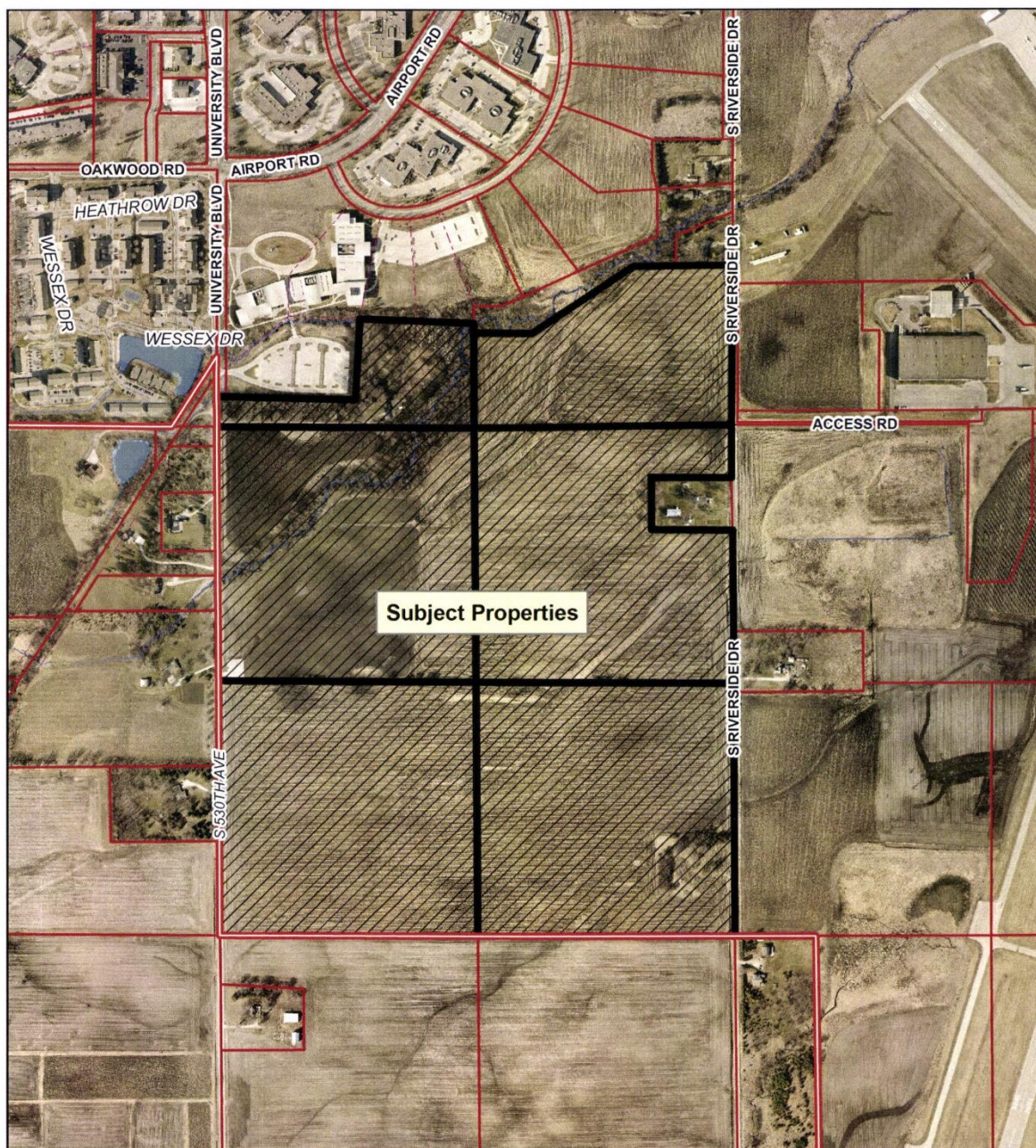
1. The City Council can approve the Major Final Plat for the Iowa State University Research Park, Phase III, First Addition, based upon findings that the Final Plat conforms to relevant and applicable design standards, ordinances, policies, and plans and also approve the sidewalk installation agreement and accept the commitment from ISU to financial secure the completion of sidewalk improvements and maintenance of stormwater facilities.
2. The City Council can approve the Major Final Plat for the Iowa State University Research Park, Phase III, First Addition, based upon findings that the Final Plat conforms to relevant and applicable design standards, ordinances, policies, and plans and also approve the sidewalk installation agreement, but require the developer to provide to the City either a letter of credit or bond to financially secure the completion of sidewalk improvements and maintenance of stormwater facilities.
3. The City Council can deny the Major Final Plat for the Iowa State University Research Park, Phase III, 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, or has not met the improvements requirement of the Subdivision Code.
4. The City Council can refer this request back to staff for additional information.

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

The Major Final Plat request is unique with no formal financial security in place with the City prior to this approval due to the unique partnership between ISU, the Research Park, and the City. Staff has evaluated the proposed final subdivision plat and

determined that the proposal is consistent with the Preliminary Plat approved by the City Council and that the plat conforms to the adopted ordinances and policies of the City of Ames as required by Code with approval of the proposed sidewalk agreement and ISU letter for financial security. **Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 as described above.**

## Attachment A – Location Map



**Location Map  
ISU Research Park**



## Attachment B – Final Plat



## **Attachment C**

### **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:

*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 23.302*

(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)*