

COUNCIL ACTION FORM

SUBJECT: MINOR SUBDIVISION FINAL PLAT FOR AMES COMMUNITY DEVELOPMENT PARK SUBDIVISION, FIFTH ADDITION

BACKGROUND:

The property owner, Dayton Park LLC, is requesting approval of a Final Plat for Ames Community Development Park Subdivision, Fifth Addition, which is a Minor Subdivision of 6.63 acres of land, at 810 Bell Avenue (*see Attachment A – Location & Zoning Map*). 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 only, subject to the applicant completing the necessary requirements. The subject site is also within the Ames Community Development Park TIF Area which has certain obligations related to the development of and disposition of lots in this area. Specifically, the Agreement requires that lots less than 1.5 acres be part of the requirement for construction of speculative buildings on the prescribed timeline of the agreement. Larger lots are not subject to the speculative building requirement.

A Plat of Survey was approved, by the City Council, on October 28, 2014, to consolidate Lots 8 and 13, in the Ames Community Development Park, Fourth Addition into Parcel 'A'. Lot 8, 2810 Wakefield Circle, included 1.35 acres, and Lot 13, 2824 Wakefield Circle, included 5.27 acres. The Plat of Survey established the two combined lots as Parcel 'A' at 810 S. Bell Avenue (*see Attachment C – Approved Plat of Survey for Parcel 'A', 810 S. Bell Avenue*). **The lots were combined due to the developer's belief that a single large tenant would develop the larger site. The intended project has fallen through and the developer now seeks to re-subdivide the lots to a configuration that is similar to the originally platted lot sizes.**

The proposed Final Plat of Ames Community Development Park Subdivision, Fifth Addition, divides Parcel 'A' into Lots 1 and 2. Lot 1, 2810 Wakefield Circle, includes 1.896 acres, and Lot 2, 2824 Wakefield Circle, includes 4.732 acres (*see Attachment B – Proposed Final Plat of Ames Community Development Park, Fifth Addition*). With the proposed lots both exceeding 1.5 acres in size, neither of the lots will be subject to the TIF Area development agreements provisions for construction of speculative buildings. This is the same circumstance that occurred when the lots were combined in 2014.

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 when the subdivision was originally approved it included providing for sidewalks along the east side of Bell Avenue and the south side of Wakefield Circle. The installation of sidewalks was granted a deferral at the time of the

previous final plat approval to not occur until time of building construction.

ALTERNATIVES:

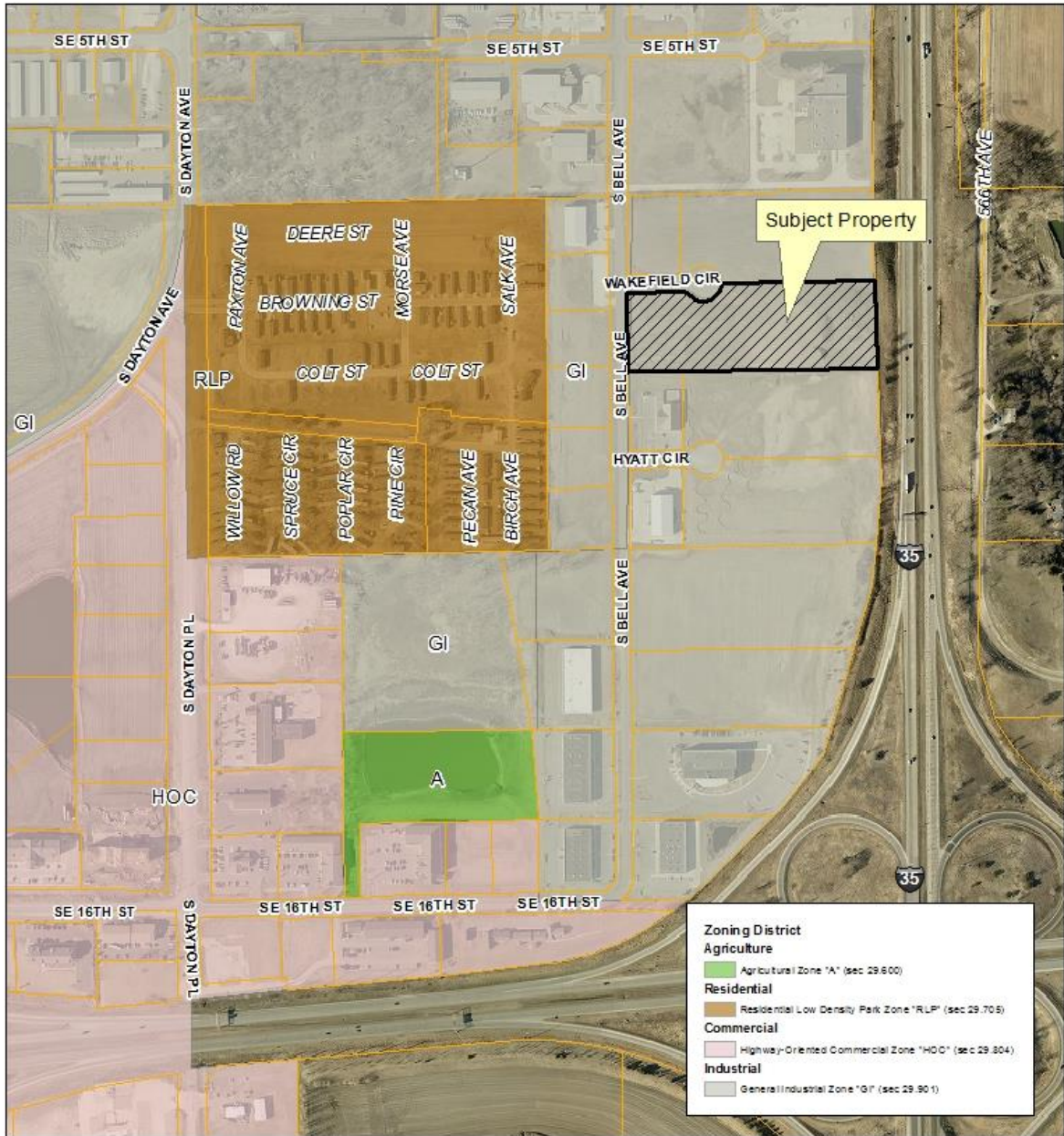
1. The City Council can approve the Final Plat for Ames Community Development Park, Fifth Addition, based upon the findings and conclusions stated above.
2. The City Council can deny the Final Plat for Ames Community Development Park, Fifth Addition, if the Council finds that the proposed subdivision does not comply with applicable ordinances, standards or plans.
3. The City Council can refer this request back to staff or the applicant for additional information.

MANAGER'S RECOMMENDATION:

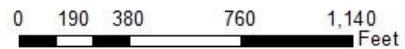
The proposed Final Plat for Ames Community Development Park, Fifth Addition, is consistent with the City's existing subdivision and zoning regulations, other City ordinances and standards, the City's Land Use Policy Plan, and the City's other duly adopted plans. No public improvements are required in conjunction with this Subdivision consistent with the previous sidewalk deferral that was granted. All other public improvements required by the prior subdivision plat have been completed.

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

Attachment A Location & Zoning Map

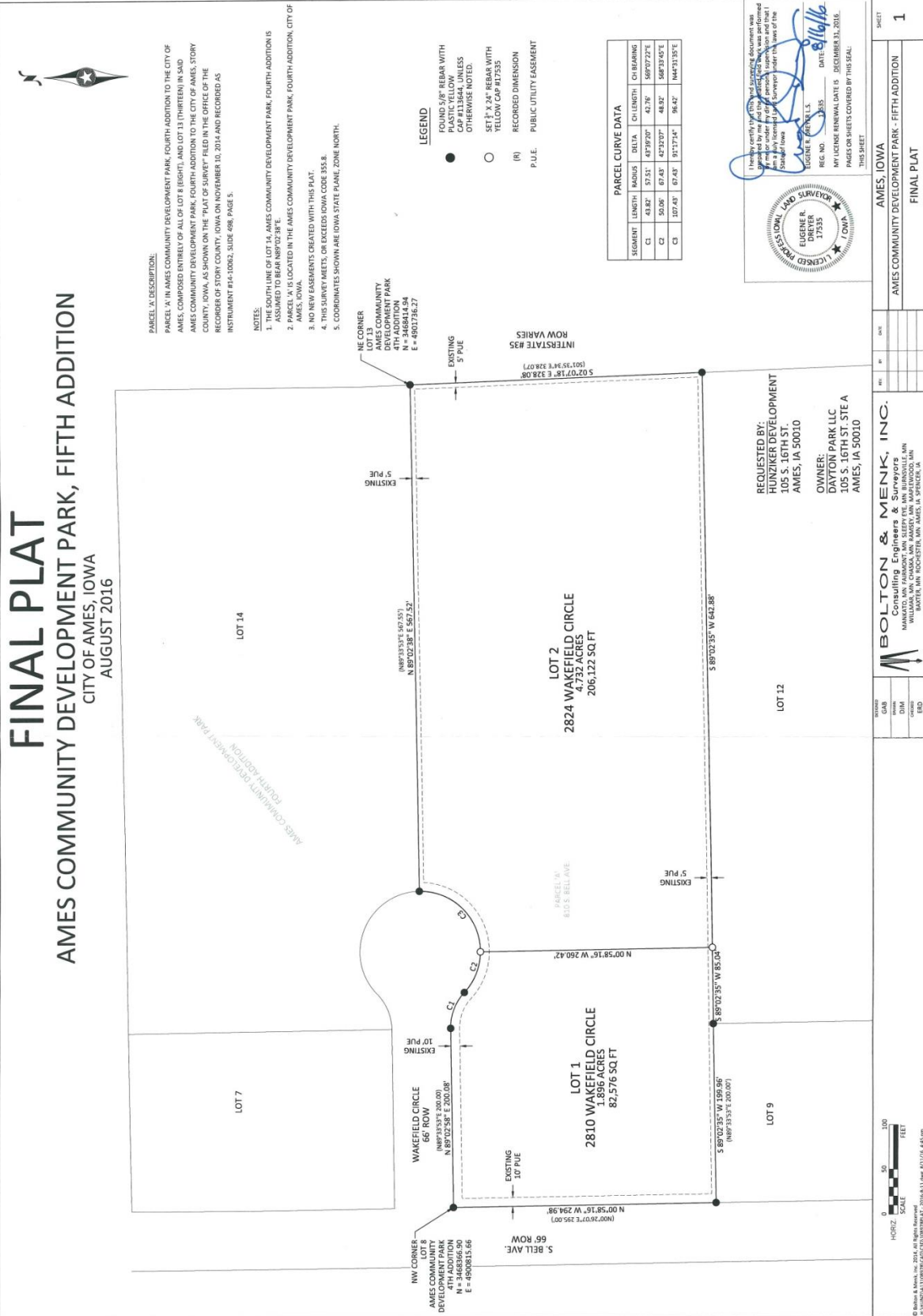


Location & Zoning Map Ames Community Development Park 5th Add.



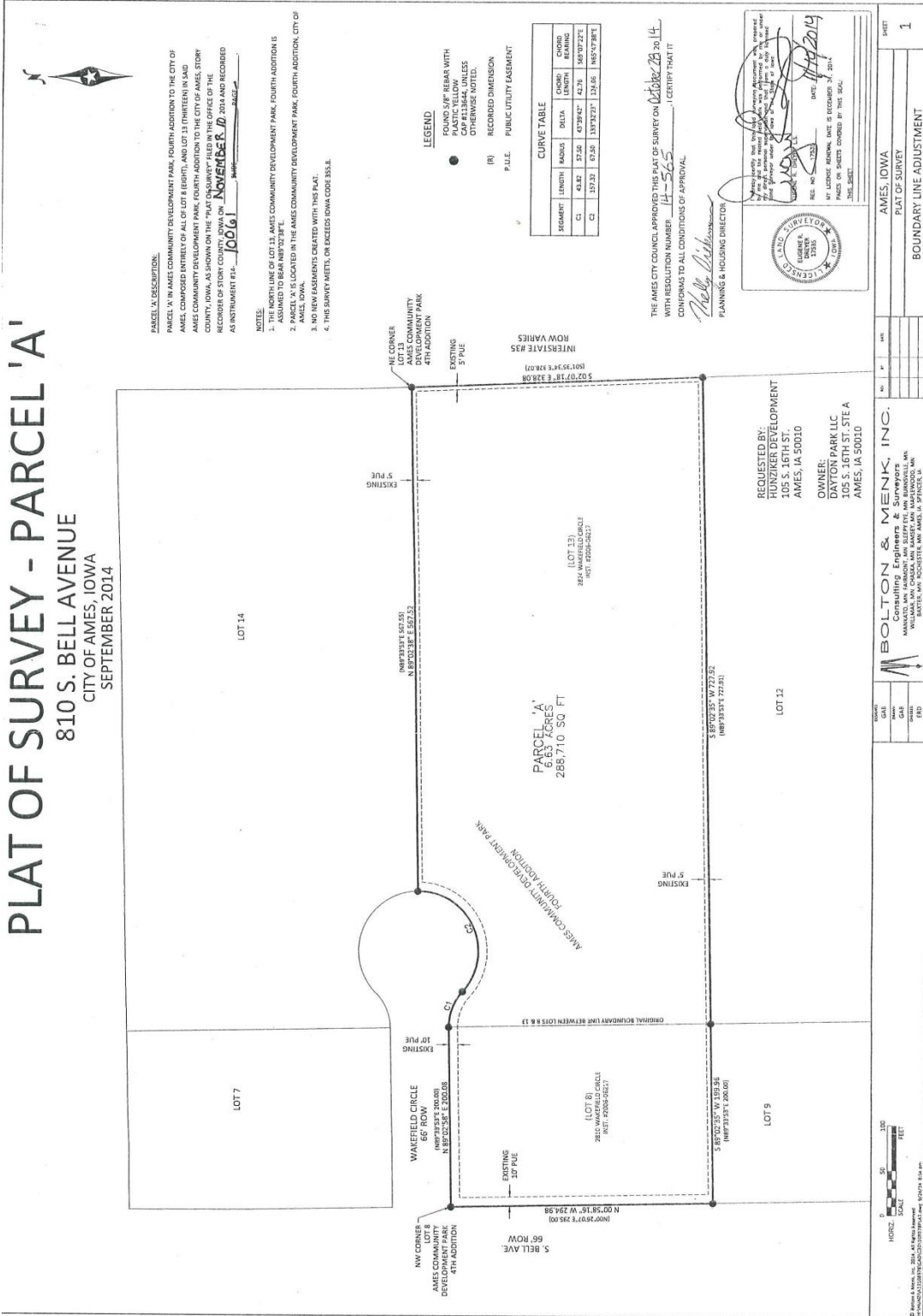
Attachment B

Proposed Final Plat of Ames Community Development Park, Fifth Addition



Attachment C

Approved Plat of Survey for Parcel 'A', 810 S. Bell Avenue



Instrument: 2014-0001062
 Date: Nov 10 2014 10:34:57A
 Rec Fee: 5.00
 E-Com Fee: .00
 Trans Tax: .00
 Rec Fee: .00
 Rec Fee: 1.00
 Non-Standard Fee: .00
 Rec Management Fee: 1.00
 Filed for record in Story County, Iowa
 Susan L. Wende Kemp, County Recorder

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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.