

COUNCIL ACTION FORM

**SUBJECT: WHEELOCK CORNER SUBDIVISION, MAJOR FINAL PLAT FOR 1499
SOUTH DAYTON AVENUE**

BACKGROUND:

Wheelock Corner Subdivision is a proposed 16.47-acre development on the northwest corner of the intersection at SE 16th Street and S Dayton Avenue. See a location map in Attachment A. The property owner, DW Holdings, LLC., requests approval of a final plat creating 5 developable lots. The plat also includes proposed public-right-way, Isaac Newton Drive, that will provide access throughout the development. (Lot Layout-Attachment B). The proposed subdivision is a Major Subdivision due to the requirements to extend infrastructure. A preliminary plat was approved on April 14, 2020. The Final Plat includes a Conservation Easement (Attachment C), in conjunction with the Final Plat as required by City Council.

All five lots will exclusively have access from the newly extended Isaac Newton Drive. Direct access to SE 16th Street and S Dayton Avenue will be prohibited. Shared access to the Theisen's will also remain. Lots 4 and 5 were shown as three separate lots on the preliminary plat. Now only two lots will exist on the south side of Isaac Newton Drive, with Lot 5 being a larger lot than initially proposed. This is a minor amendment since Preliminary Plat approval and can be approved with the Final Plat.

The entire site is located within the floodplain and are subject to requirements of Chapter 9 of the Ames Municipal Code. At the western end of the site, a portion of Lots 2 and 3 (3.66 Acres) lie within the Floodway. No development is proposed in this area; however, storm water management features are located in this area. Development within the Fringe area is required to have a building's finished floor three feet above the base flood elevation. Grading and fill for the individual lots will occur at the time of their development. Any disturbance in the Floodway is required to meet a no-rise standard for the base flood elevation.

The floodway area of Lots 2 and 3 are located in the Environmentally Sensitive Overlay District, O-E. This site is the first project to request approval of grading or improvements that lie within the O-E District. The standards of *Ames Municipal Code*, Section 29.1103, intend to protect designated natural resource areas by using an environmental assessment and requiring mitigation of significant issues related to identified environmental conditions. Based upon the biological assessment and review of Chapter 9 Flood Plain regulations, the proposed storm water detention facilities do not cause and significant adverse impact on the identified resources. No changes are proposed in regards to O-E Overlay as it was reviewed during the Preliminary Plat. The applicant has provided a conservation easement to fulfill a City Council condition I to limit tree removal within the O-E Overlay, this applies to Lots 2 and 3.

Water, sanitary, and storm sewer are all proposed within the subdivision. Five-foot sidewalks are proposed on both sides of Isaac Newton Drive and along S Dayton Avenue. A shared use path already exists along SE 16th Street. Future street improvements are planned for S Dayton and SE 16th Street that are not related to the proposed subdivision.

The developer has provided a letter of credit in the amount of \$466,203 for the completion of public improvements as listed in Attachment D, including sidewalks, water lines, and sewer lines. The City Council is asked to accept the financial security for outstanding public improvements with approval of the Final Plat.

After reviewing the proposed Final Plat of Wheelock Corner Subdivision, staff finds that it 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.

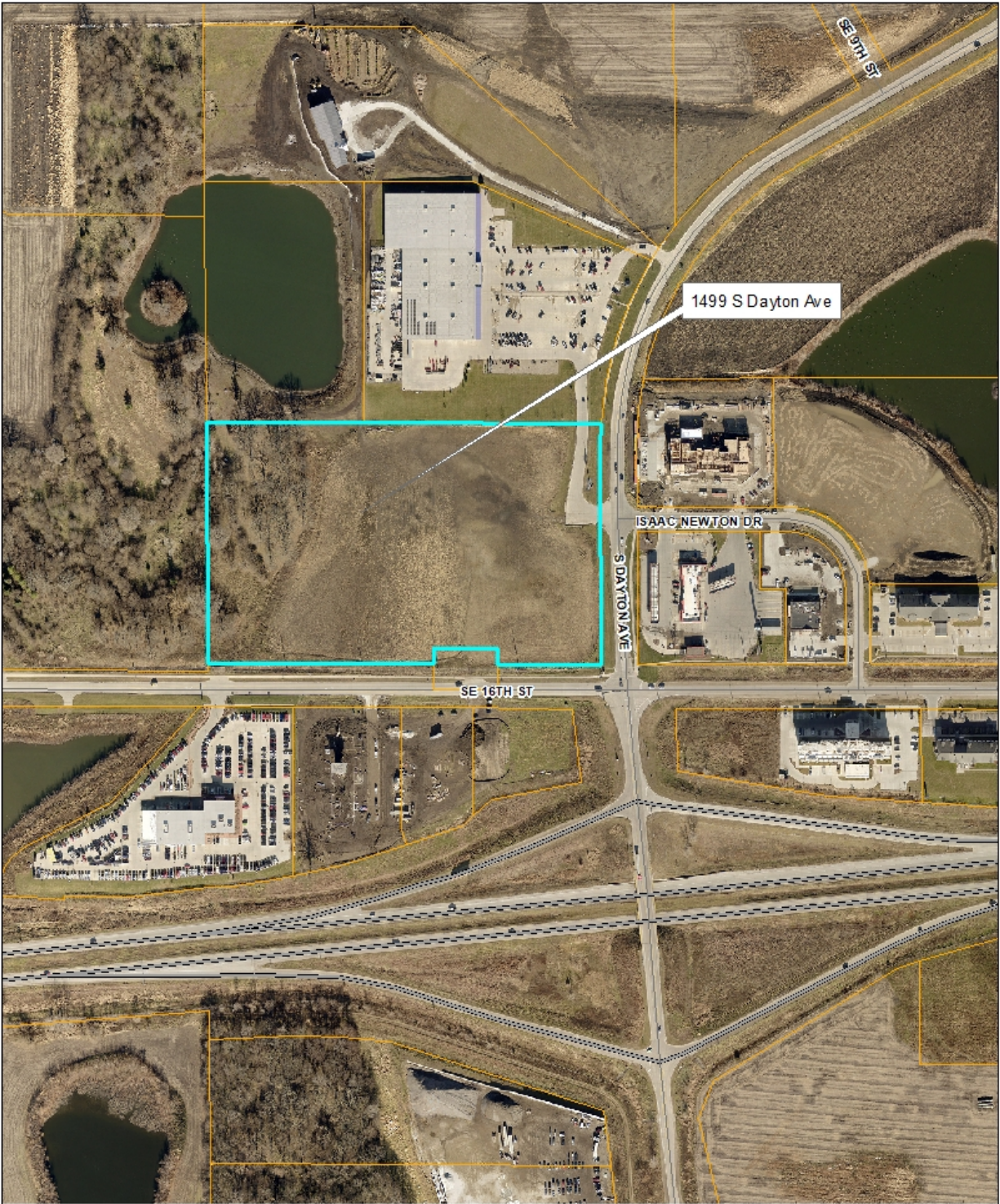
ALTERNATIVES:

1. Approve the Final Plat of The Wheelock Corner Subdivision based upon the findings that the final plat conforms to relevant and applicable design standards, ordinances, policies, plans with a Public Improvement Agreement and financial security, and acceptance of the proposed Conservation Easement.
2. Deny the Final Plat of Wheelock Corner Subdivision and find that the proposed subdivision does not comply with applicable ordinances, standards or plans.
3. Refer this request back to staff or the applicant for additional information.

CITY MANAGER’S RECOMMENDED ACTION:

City staff has evaluated the proposed Final Plat and determined that the proposal is consistent with the requirements of the Municipal Code. The applicant has provided an agreement for the installation of sidewalks, financial security for public improvements, and all necessary easement documents. **Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 as described above.**

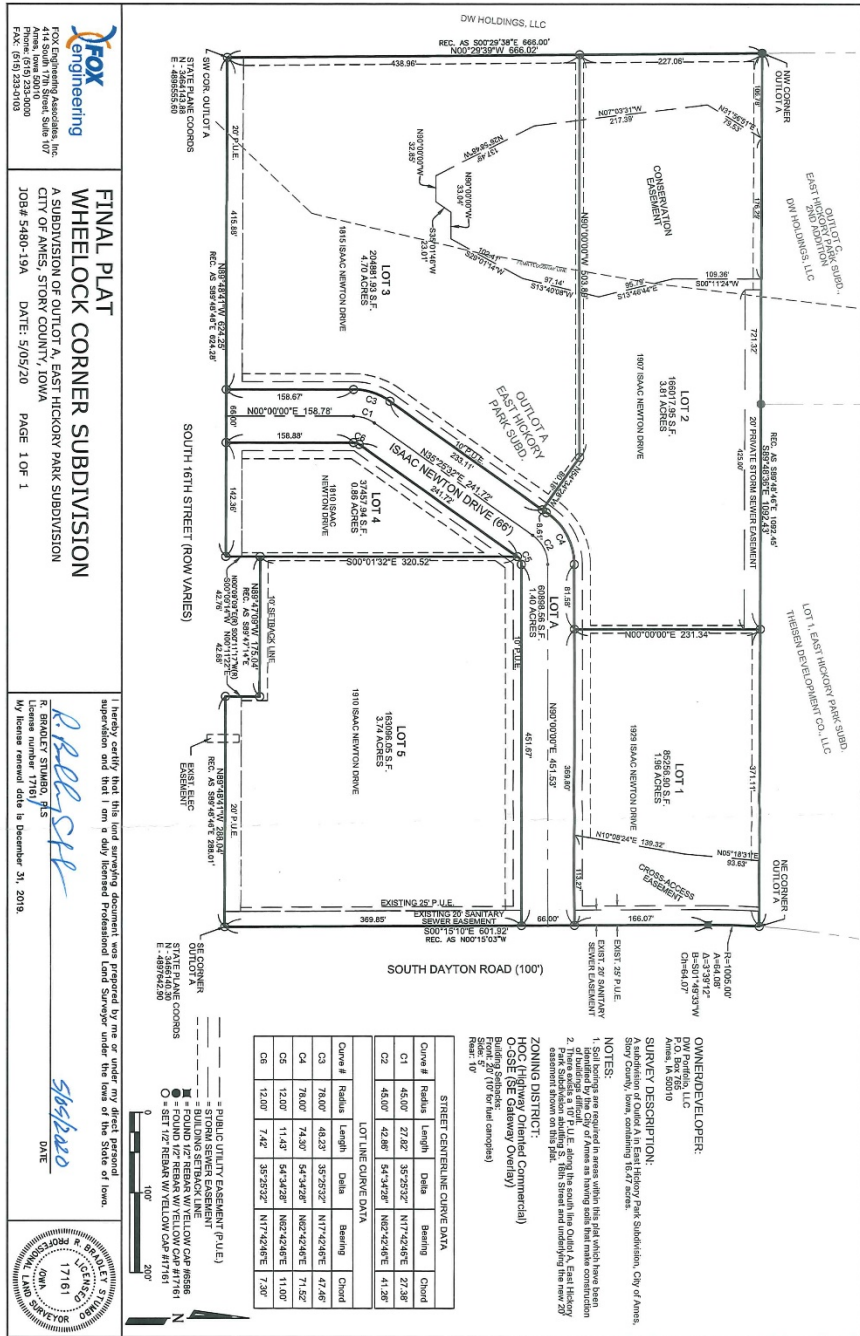
Attachment A – Location Map



Wheelock Corner Subdivision
Preliminary Plat



Attachment B – Final Plat of Wheelock Corner Subdivision



Attachment C – Conservation Easement

INSTRUMENT PREPARED BY:	Brian D. Torresi, 2605 Northridge Pkwy., Ames, IA 50010 (515) 288-2500
RETURN TO:	Brian D. Torresi, 2605 Northridge Pkwy., Ames, IA 50010

CONSERVATION EASEMENTS

KNOW ALL PERSONS BY THESE PRESENTS:

That **DW PORTFOLIO, LLC**, for good and valuable consideration, does hereby grant unto the **CITY OF AMES, IOWA**, and its successors and assigns, conservation easements (as situated on each referenced lot and the collective area thereof, the “Conservation Easement Areas”, and as shown on the Easement Exhibit attached hereto as Exhibit A and incorporated herein by this reference as if fully set forth) upon, underground, over or across the following-described real estate:

That part of Lot Two (2), being more particularly described as follows: Commencing at the Northwest Corner of said Lot Two (2); thence S89°48'36"E, 106.78 feet along the north line thereof to the point of beginning; thence continuing S89°48'36"E, 176.29 feet; thence S00°11'24"W, 109.36 feet; thence S13°46'44"E, 95.79 feet; thence S13°40'08"W, 24.42 feet; thence N90°00'00"W, 215.34 feet; thence N07°03'31"W, 160.43 feet; thence N31°56'51"E, 79.53 feet to the point of beginning; AND,

That part of Lot Three (3), being more particularly described as follows: Commencing at the Northwest Corner of said Lot Three (3); thence N90°00'00"E, 82.36 feet along the north line thereof to the point of beginning; thence continuing N90°00'00"E, 215.34 feet; thence S13°40'08"W, 72.72 feet; thence S29°01'14"W, 102.41 feet; thence N90°00'00"W, 33.04 feet; thence S35°01'46"W, 23.01 feet; thence N90°00'00"W, 32.85 feet; thence, N26°58'48"W, 137.49 feet; thence N07°03'31"W, 56.96 feet to the point of beginning, containing,

all of the foregoing in **WHEELLOCK CORNER SUBDIVISION, AMES, STORY COUNTY, IOWA** (the “Subdivision”).

The foregoing rights are granted upon the express condition that the undersigned shall not erect or place within the easement areas identified herein any building or other structure or improvement, including, but not limited to, a retaining wall or fence, or any trees, shrubs, or other landscape plantings other than grass or comparable ground cover except with the consent of the City of Ames, Iowa. The City of Ames, Iowa shall have the right to trim or remove trees and shrubs within the easement areas identified herein to prevent damage to utility service lines of the City of Ames, Iowa located within said easement areas. The Conservation Easement Areas shall be managed in such a manner as to preserve the oak woodlands thereon as identified in the natural resource inventory prepared with respect to the Subdivision, and further, no trees within the Conservation Easement Areas shall be removed, destroyed, or cut except as reasonably necessary to maintain the trees, to treat and prevent disease thereof, and in conformance with good husbandry practices.

The foregoing rights are granted upon the express condition that the users of the granted rights will assume liability for all damage to the real estate described herein and any adjacent real estate caused by the failure to use due care in the exercise of the granted rights.

Dated this ___ day of May, 2020.

(SIGNATURE PAGE FOLLOWS)

Attachment D – Public Improvement Easement

INSTRUMENT PREPARED BY:	Brian D. Torresi, 2605 Northridge Pkwy., Ames, IA 50010 (515) 288-2500
RETURN TO:	Brian D. Torresi, 2605 Northridge Pkwy., Ames, IA 50010

AGREEMENT FOR PUBLIC IMPROVEMENTS

The parties to this Agreement for Public Improvements are **DW PORTFOLIO, LLC** (the “Owner”) and the **CITY OF AMES, IOWA** (the “City”).

WHEREAS, the Owner is in the process of platting real estate to be known as **WHEELOCK CORNER SUBDIVISION, AMES, STORY COUNTY, IOWA**; and

WHEREAS, the Owner is required to construct certain improvements and utilities within the real estate (collectively, the “Improvements”) (an identification of the Improvements and a breakdown of the estimated cost of completion of each of the Improvements is attached hereto as Exhibit A and incorporated herein by this reference as if fully set forth).

NOW, THEREFORE, in consideration of the premises, it is hereby agreed that the Owner shall deposit with the City a surety bond, letter of credit, or certified check in the amount of **FOUR HUNDRED SIXTY-SIX THOUSAND TWO HUNDRED THREE DOLLARS and 00/100 (\$466,203.00)** conditioned upon the completion of the Improvements as required by the City for said subdivision on or before the 1st day of April, 2022

IT IS FURTHER AGREED that City reserves the right to construct said Improvements in the event Owner fails to do so as herein agreed, and to cover the costs thereof with the letter of credit.

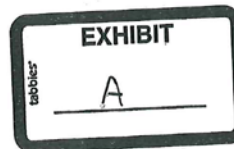
IT IS FURTHER AGREED that upon satisfactory completion of the said Improvements, including the paying of reasonable engineering and inspection fees therefore, the letter of credit shall be released.

Dated this 10 day of April, 2020.

(SIGNATURE PAGE FOLLOWS)

Wheelock Corner Subdivision Public Improvements & Storm Water Management (Financial Security)

Item	Quantity	Unit	Unit Price	Totals
Subgrade Preparation, 12"	3,510	SY	\$2.75	\$9,652.50
PCC Curb & Gutter, 30"	1,743	LF	\$16.00	\$27,888.00
Curb Backfill	1,797	LF	\$1.50	\$2,695.50
Pavement, HMA Base, 7"	2,395	SY	\$33.00	\$79,035.00
Pavement, HMA Surface, 2"	2,395	SY	\$10.00	\$23,950.00
Pavement, PCC, 8"	256	SY	\$75.00	\$19,200.00
Sidewalk Pavement, PCC, 4"	473	SY	\$35.00	\$16,555.00
Pedestrian Ramps, PCC, 6"	53	SY	\$75.00	\$3,975.00
Detectable Warning Panels	72	SY	\$25.00	\$1,800.00
Saw Cut PCC Pavement, Full Depth	171	LF	\$8.00	\$1,368.00
Pavement Removal	199	SY	\$10.00	\$1,990.00
Storm Sewer, Trenched, RCP Class III, 15"	62	LF	\$38.00	\$2,356.00
Storm Sewer, Trenched, RCP Class III, 18"	31	LF	\$44.00	\$1,364.00
Storm Sewer, Trenched, RCP Class III, 24"	722	LF	\$52.00	\$37,544.00
Storm Manhole, SW-401, 48"	1	EA	\$3,000.00	\$3,000.00
Single Grate Intake, SW-501	5	EA	\$2,200.00	\$11,000.00
Single Grate Intake with Manhole, SW-503	4	EA	\$4,000.00	\$16,000.00
Double Open Throat Curb Intake, Small Box, SW-509	1	EA	\$7,500.00	\$7,500.00
Water Main, Trenchless, PVC, 8"	50	LF	\$500.00	\$25,000.00
Water Main, Trenched, 8"	1,001	LF	\$30.00	\$30,030.00
Water Connection to Existing Main	1	EA	\$6,000.00	\$6,000.00
Fitting, MJ Bend, 8"	19	EA	\$500.00	\$9,500.00
Fitting, MJ Tee, 8"	3	EA	\$500.00	\$1,500.00
Sleeve, MJ, 8"	1	EA	\$750.00	\$750.00
Cap, MJ, 8"	3	EA	\$500.00	\$1,500.00
Valve, MJ Gate, 8"	10	EA	\$1,800.00	\$18,000.00
Fire Hydrant Assembly	5	EA	\$4,200.00	\$21,000.00
Sanitary Sewer Gravity Main, Trenched, 8"	526	LF	\$50.00	\$26,300.00
Sanitary Manhole, SW-301, 48"	3	EA	\$5,500.00	\$16,500.00
COSESCO (erosion control)	16.5	AC	\$500.00	\$8,250.00
Street Lights	1	LS	\$35,000.00	\$35,000.00
Financial Security for Public Improvements TOTAL:				\$466,203.00



Attachment E – 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 states as follows:

(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)