

ITEM #: 29
DATE: 05-12-20

COUNCIL ACTION FORM

SUBJECT: FINAL PLAT FOR KINGSBURY'S THIRD ADDITION AND WAIVER OF CERTAIN STREET IMPROVEMENTS

BACKGROUND:

The City's subdivision regulations are included in Chapter 23 of the *Ames Municipal Code*. Once the applicant has completed the necessary requirements, including provision of required public improvements or provision of financial security for their completion, a "final plat application" may then be submitted for City Council approval. After City Council approval of the final plat, it must then be recorded with the County Recorder to become an officially recognized subdivision plat. The final plat must be found to conform to the ordinances of the City and any conditions placed upon the preliminary plat approval.

Kingsbury's Third Addition Subdivision is a 6.91-acre site on SE 3rd Street, just north and east of Target. (Location map - Attachment A) The property owner, DET Land Company LC, is requesting approval of a Final Plat creating 2 lots, and one lot to be dedicated as right-of-way for the extension of SE 3rd Street. (Lot Layout-Attachment B). **The proposed subdivision is a Major Subdivision due to the requirements to extend infrastructure. A preliminary plat was approved on November 12, 2019. The property owner proposes a partial waiver of improvements, with a development agreement, in conjunction with the Final Plat.**

The largest lot is Lot 1 (5.61 acres) along the north side of SE 3rd Street with the smaller Lot 2 (1.07 acres) located directly east of Target. No immediate development is proposed for either of the two lots, however the property owner indicates that he has an immediate buyer for Lot 1 if the Final Plat and waiver are approved. The majority of both of the lots are located in the floodway fringe and any subsequent development will require adherence to floodplain development standards. The proposal for this subdivision requires the extension of infrastructure to fully serve both lots and extend to the east edge of the site. Appropriate easements for water, sewer, and public utilities are shown on the Final Plat.

DEVELOPMENT AGREEMENT:

The City plans for a future extension of Cherry Avenue to the east of this site that includes a future connection to SE 3rd Street as well as to SE 5th Street further to the south. In recognition of this planned City street project, the property owner proposes to waive the 152-foot SE 3rd Street extension requirement to facilitate dedication of right-of-way at this time and to plan for a coordinated connection to the eventual City extension of Cherry. Other infrastructure requirements for sidewalks, water, sewer, and electric are still required and included in the public improvement agreement with financial security

(Attachment D)

The proposed agreement is included as Attachment E. The agreement states the following:

1. The Developer dedicates right-of-way (Lot A) as part of the final plat at no cost to the City.
2. The City will complete the paving and storm sewer requirements for SE 3rd Street as part of a future Cherry Avenue extension project, but the timing of such an improvement is at the discretion of the City.
3. The Developer will complete all other necessary public infrastructure improvements as required by Chapter 23 subdivision standards.
4. Sidewalks will be installed by the Developer per Code; however, if within three years the road has not been built they may choose to provide cash in lieu to the City rather than install the sidewalks.
5. In the event the development of Lot 1 or Lot 2 necessitate paved street access and the City has not completed the Cherry Avenue extension, it is the obligation of the property owner to complete the street improvements to support the development.

Staff supports the proposed waiver of street paving in recognition that there are practical difficulties in completing the extension of SE 3rd Street without a final design for Cherry Avenue to match grades. Secondly, staff supports the partial waiver in order to facilitate dedication of the right-of-way at this time rather than pursue acquisition and purchase of right-of-way in the future, which is viewed as a cost savings for the project that is planned for this year. **This is an unusual circumstance where a developer is required to construct a partial street extension when a final plat is approved in the same year that the City included this street extension in the CIP.**

The developer has provided a letter of credit in the amount of \$64,655 for the completion of public improvements as listed in Attachment D, including sidewalks, water lines, and sewer lines which the City Council is asked to accept with approval of the Final Plat.

ALTERNATIVES:

1. The City Council can approve the waiver of the construction of SE 3rd Street paving and storm sewer improvements, accept the Development Agreement related to dedication of right-of-way and future street improvements, and approve the Final Plat for Kingsbury's Third Addition Subdivision with financial security in the amount of \$64,655. ***Note-the final signed development agreement must be received prior to City Council action under this alternative.***
2. The City Council can deny the Final Plat for Kingsbury's Third Addition Subdivision, by not approving the proposed waiver and development agreement or a finding that the Final Plat does not meet the requirements of Section 23.302(10).

3. The City Council can defer action on this request to the next regular meeting and refer it back to City staff and/or the applicant for additional information.

CITY MANAGER’S RECOMMENDED ACTION:

City staff has reviewed the proposed final plat and find it conforms to the requirements of the Ames Subdivision Regulations and to the other adopted policies and ordinances of the City. This final plat proposal includes two developable lots. The attached development agreement allows the city to obtain street right-of-way now at no cost with the final plat of these lots.

Obtaining the right-of-way in conjunction with a waiver at this time is more cost effective for the City compared to purchasing right-of-way for the future street extension project. Although the dedication of the right-of-way is a requirement of the Subdivision Code, the applicant indicates they would not proceed with the final plat at this time without waiver of the street paving requirements. This delay in platting will require that City to purchase the right-of-way as well as pay for the construction of the street extension on Lot A if the Capital Improvement project proceeds as scheduled. All other public improvements must otherwise be installed and paid for by the developer and according to City subdivision standards.

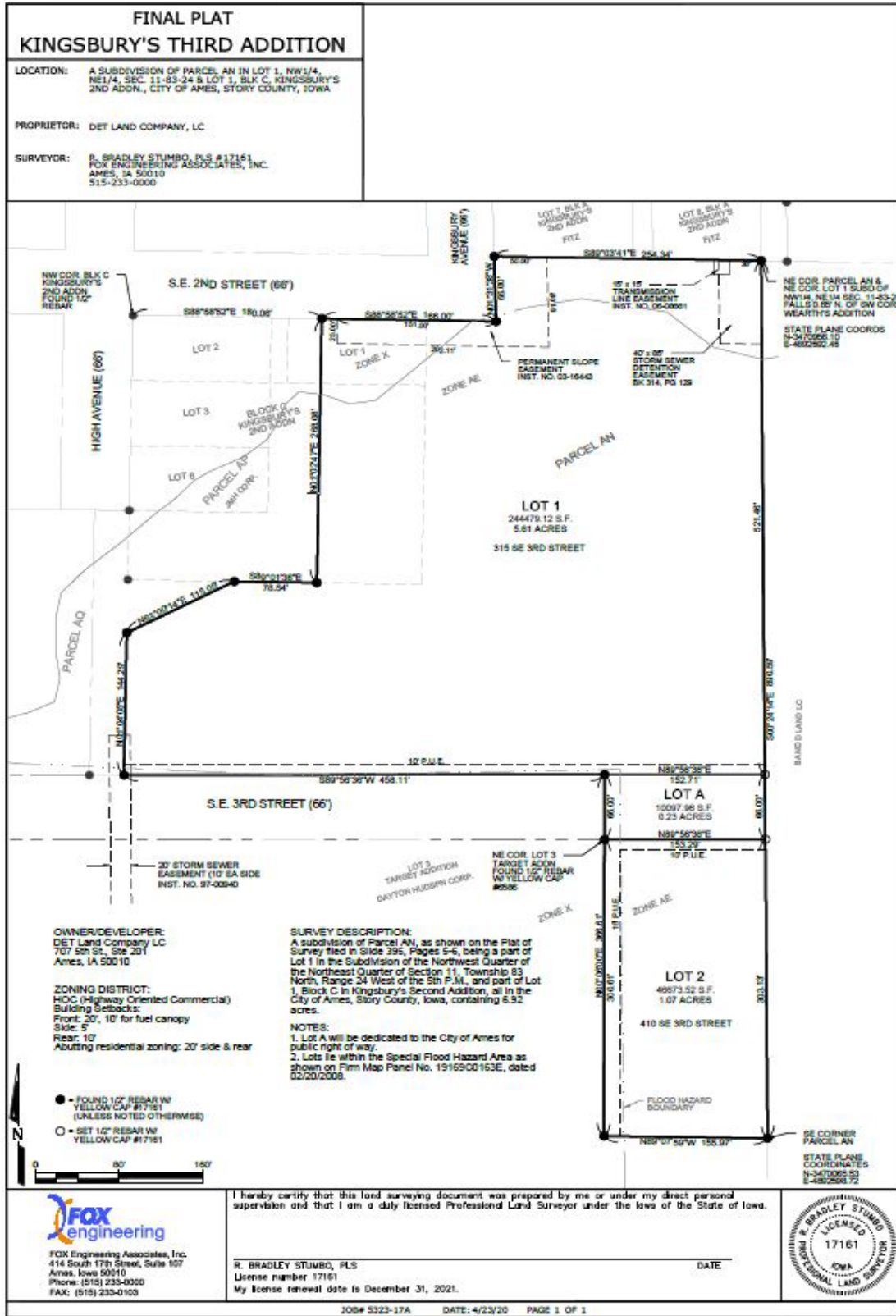
Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1 recommending approval of the Final Plat of Kingsbury’s Third Addition Subdivision.

Attachment A: Location Map



315 SE 3rd Street
Location Map

Attachment B: Proposed Final Plat



Attachment C – Applicable Laws & 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)

Attachment D- Improvement Agreement Financial Security Estimate

Kingsbury's 3rd Addition Financial Security Estimate

Item	Quantity	Unit	Unit Price	Totals
Sidewalk Pavement, PCC, 4" thick	431	SY	\$40.00	\$17,240.00
Sidewalk Pavement, PCC, 6" thick	7	SY	\$75.00	\$525.00
Detectable Warning Panels	10	SF	\$30.00	\$300.00
Sanitary Sewer Connection	1	EA	\$2,000.00	\$2,000.00
Sanitary Sewer Manhole, SW-301, 48"	1	EA	\$5,000.00	\$5,000.00
Sanitary Sewer Gravity Main, Trenched, 8"	152	LF	\$75.00	\$11,400.00
Water Main, Trenched, 8"	154	LF	\$60.00	\$9,240.00
Water Valve, 8"	1	EA	\$2,500.00	\$2,500.00
Water Main Connection	1	EA	\$3,000.00	\$3,000.00
Fire Hydrant Assembly	1	EA	\$5,000.00	\$5,000.00
COESCO (erosion control)	6.9	AC	\$500.00	\$3,450.00
Street Lighting	1	LS	\$5,000.00	\$5,000.00
TOTAL:				\$64,655.00