

COUNCIL ACTION FORM

**SUBJECT: FINAL PLAT AND DEVELOPMENT AGREEMENT APPROVAL
RELATED TO THE DOMANI SUBDIVISION, FIRST ADDITION**

BACKGROUND:

The City’s subdivision regulations are included in Chapter 23 of the *Municipal Code*. The Subdivision Code includes the process for creating or modifying property boundaries and specifies whether any improvements are required in conjunction with the platting of property. The creation of new lots is classified as either a major or minor subdivision, with a major subdivision requiring a two-step platting process to finalize the creation of new lots. The “Preliminary Plat” is first approved by the City Council and identifies the layout of the subdivision and any necessary or required public improvements.

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.

FINAL PLAT:

Pinnacle Properties Ames, LLC is requesting approval of a Major Final Plat for Domani Subdivision, First Addition. The Domani Subdivision is located on the south side of Oakwood Road between the Christofferson Park to the east and the Suncrest Subdivision to the west (*Attachment 1– Location Map*). The First Addition is at the north end of the development; two more later additions are planned as part of its phasing. The Domani Subdivision is also a Planned Residence District (PRD) authorizing certain deviations from zoning standards that would normally apply, such as lot size and setbacks.

The proposed 1st Addition includes 27 single-family lots, one outlot for drainage (Outlot A – 1.578 acres), one lot for the future clubhouse (Lot 19, Clubhouse – 0.257 acres) and the remainder of the property, Outlot ZZ (16.183 acres). The right-of-way (Lot A) occupies 1.663 acres. The entire Domani Subdivision is 23.784 gross acres.

Street extensions connect with existing streets and will *not* require additional temporary access and turnaround areas on the end of the streets during the construction phase of the development.

The Public Works Department confirms that existing public utilities, including water, sanitary sewer, and storm water are currently being installed in the proposed subdivision

in compliance with the approved preliminary plat. Easements are provided with the final plat for stormwater.

An Agreement for Public Improvements, and an Agreement for Sidewalk and Street Trees have been prepared for City Council approval with the Final Plat. The *Agreement for Public Improvements* identifies the need for financial security for the completion of certain improvements and utilities including: erosion control (COSESCO), water mains, sanitary sewers and drains, storm sewers and drains, manhole adjustments, pavement, pedestrian ramps, street lights, landscaping, and subgrade preparation. Financial security, in the form of a Letter of Credit, has been submitted to the City in the amount of \$903,629.50, which covers the cost of the remaining improvements, in the event the developer does not install the required improvements. Sidewalks and street trees must be installed prior to the issuance of a Certificate of Occupancy for an individual lot; however, within three years after final plat approval, all sidewalks within the addition must be installed. Financial security can be reduced by the City Council as the required infrastructure is installed, inspected, and accepted by the City. The proposed letter of credit also includes financial security related to the improvements proposed within Christofferson Park that are discussed below.

DEVELOPMENT AGREEMENT:

Prior to approval of the Final Plat there is condition for the developer to enter into a development agreement concerning two issues: 1) subdivision improvements within the City's Christofferson Park and 2) the phasing of the PRD. (Attachment 5)

Improvements within the City's park include changes to the parking lot and driveway accessing the park due to the extension of Green Hills Drive, grading and revegetation within the south quarter of the park to improve storm water drainage, and the construction of eight-foot walkways in lieu of sidewalks. The developer has provided financial security for these improvements as part of the Letter of Credit included for the 1st Addition. The developer is subject to indemnity and insurance requirements as well as providing for a two-year warranty on the work completed within the Park. The financial security can be released upon completion of the improvements to the City's satisfaction.

The phasing of the PRD addresses the timing of development in regards to a temporary sales office and a model home. Importantly, the agreement identifies when the proposed clubhouse, temporarily used as a sales office, and swimming pool amenities are required to be completed. The improvements are required prior to starting development the 3rd phase of the project. In the event the developer does not complete the amenities and improvements as described, the City may withhold future permits and approvals.

ALTERNATIVES:

1. Approve:
 - a. Development Agreement as satisfying the condition of approval of the Domani PRD and Preliminary Plat.

- b. Final Plat of Domani Subdivision, First Addition based upon the findings that the Final Plat conforms to relevant and applicable design standards, ordinances, policies, and plans with a signed *Agreement for Public Improvements* and *Agreement for Sidewalk and Street Trees*.

Note: The signed development agreement must be returned to the City Clerk prior City Council approval of the Final Plat on Tuesday night.

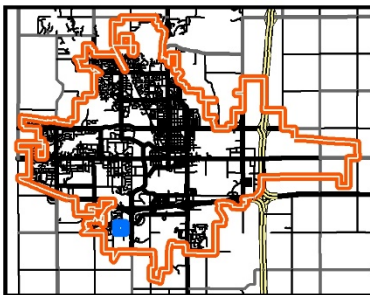
2. Defer action on the Final Plat and direct staff to modify the Development Agreement prior to approval of the Final Plat.
3. Deny the Final Plat for Domani Subdivision, First Addition if the City Council finds that the development creates a burden on existing public improvements or creates a need for new public improvements that have not yet been installed.

CITY MANAGER’S RECOMMENDED ACTION:

City staff has evaluated the proposed final subdivision plat and determined that the Final Plat for Domani Subdivision, First Addition conforms to the adopted ordinances and policies of the City as required by Chapter 23 of the *Ames Municipal Code*. The proposed development agreement provides assurances to the City for the completion of improvements affecting Christofferson Park. Additionally, the proposed agreement addresses the phasing of the PRD development and providing the planned amenities commensurate with development.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the Development Agreement and the Final Plat for Domani Subdivision, First Addition.

ATTACHMENT 1: LOCATION MAP

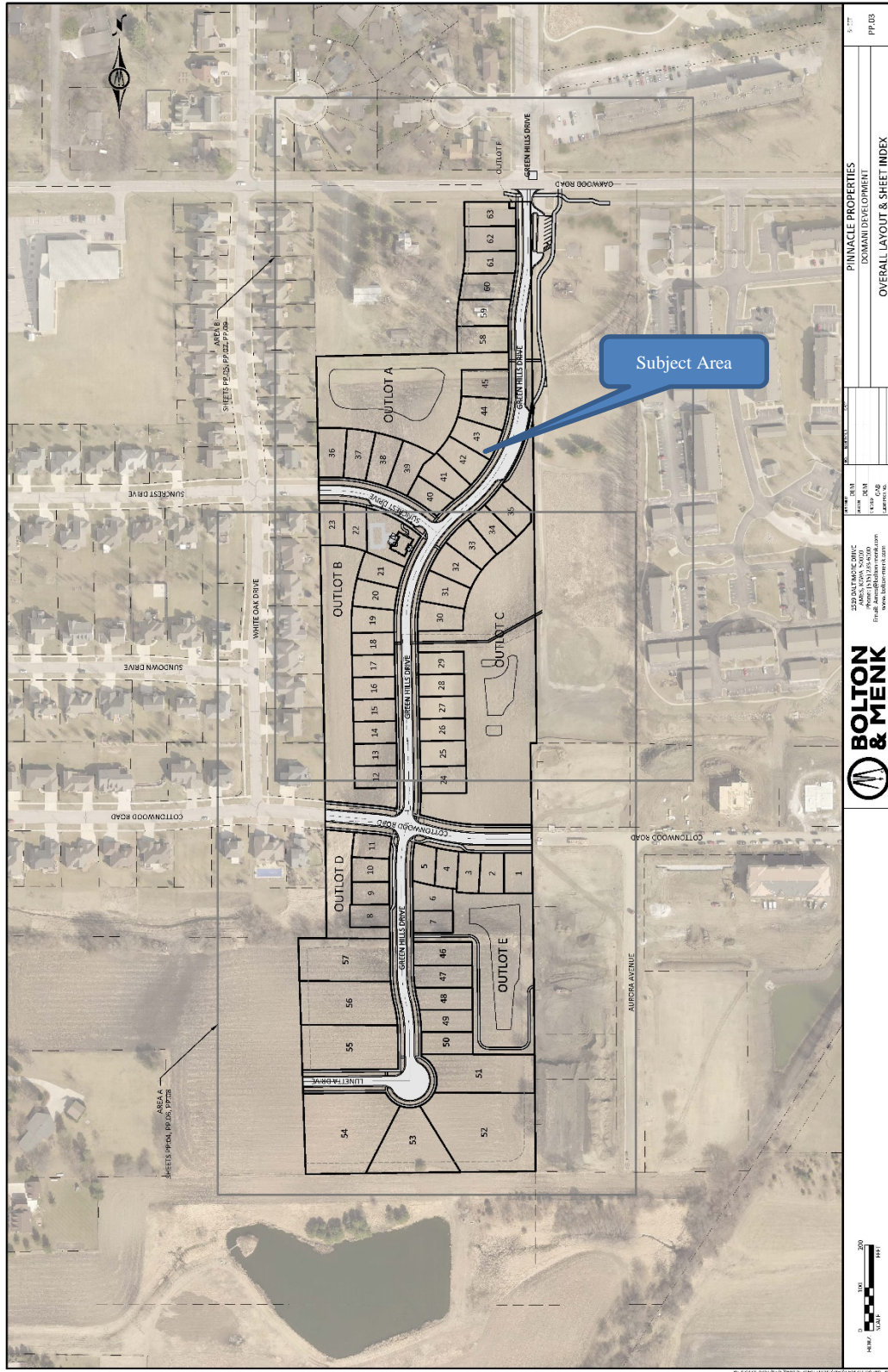


**Location Map
2200 Oakwood Road
Domani, 1st Add.**

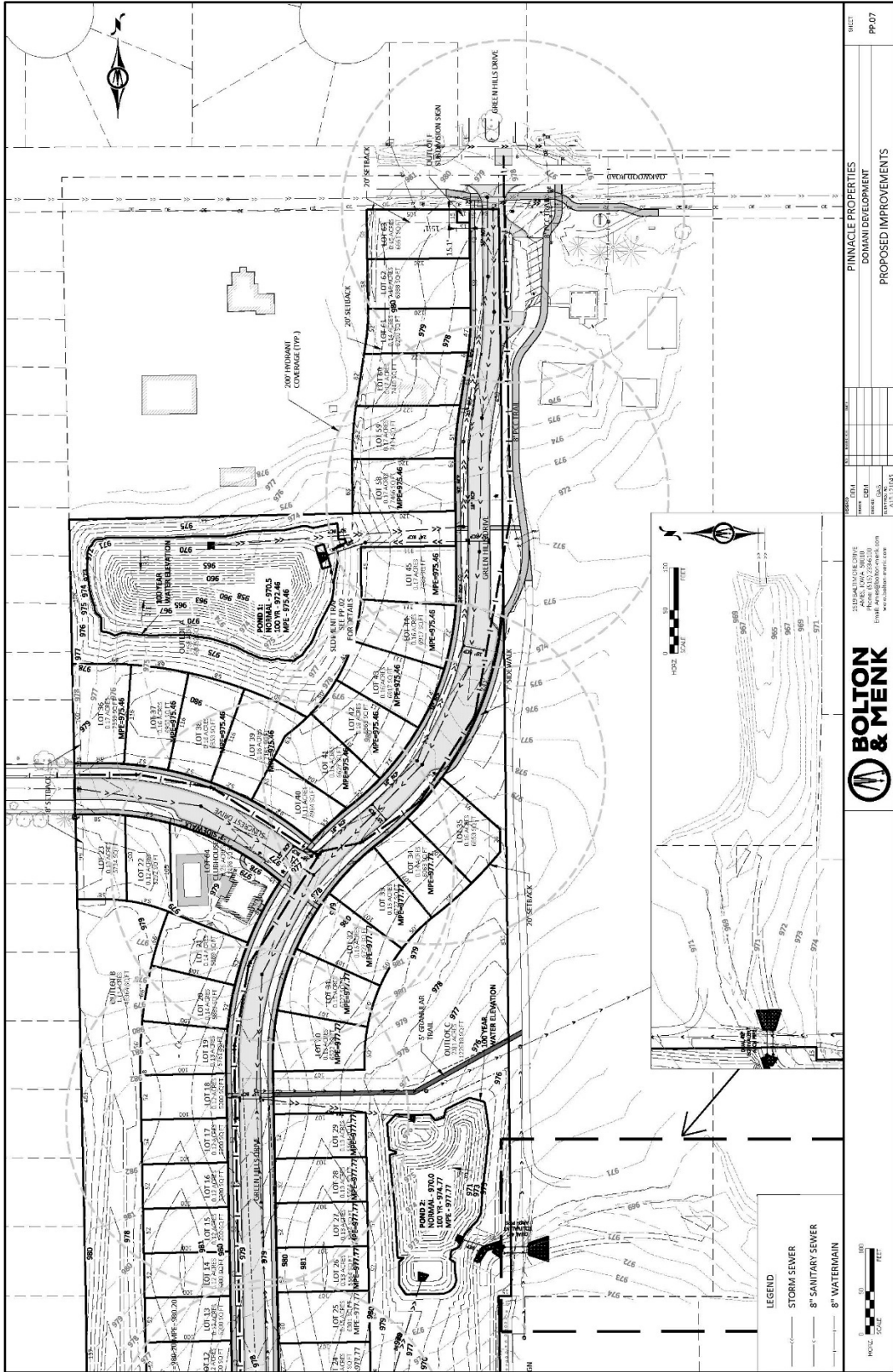
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Feet

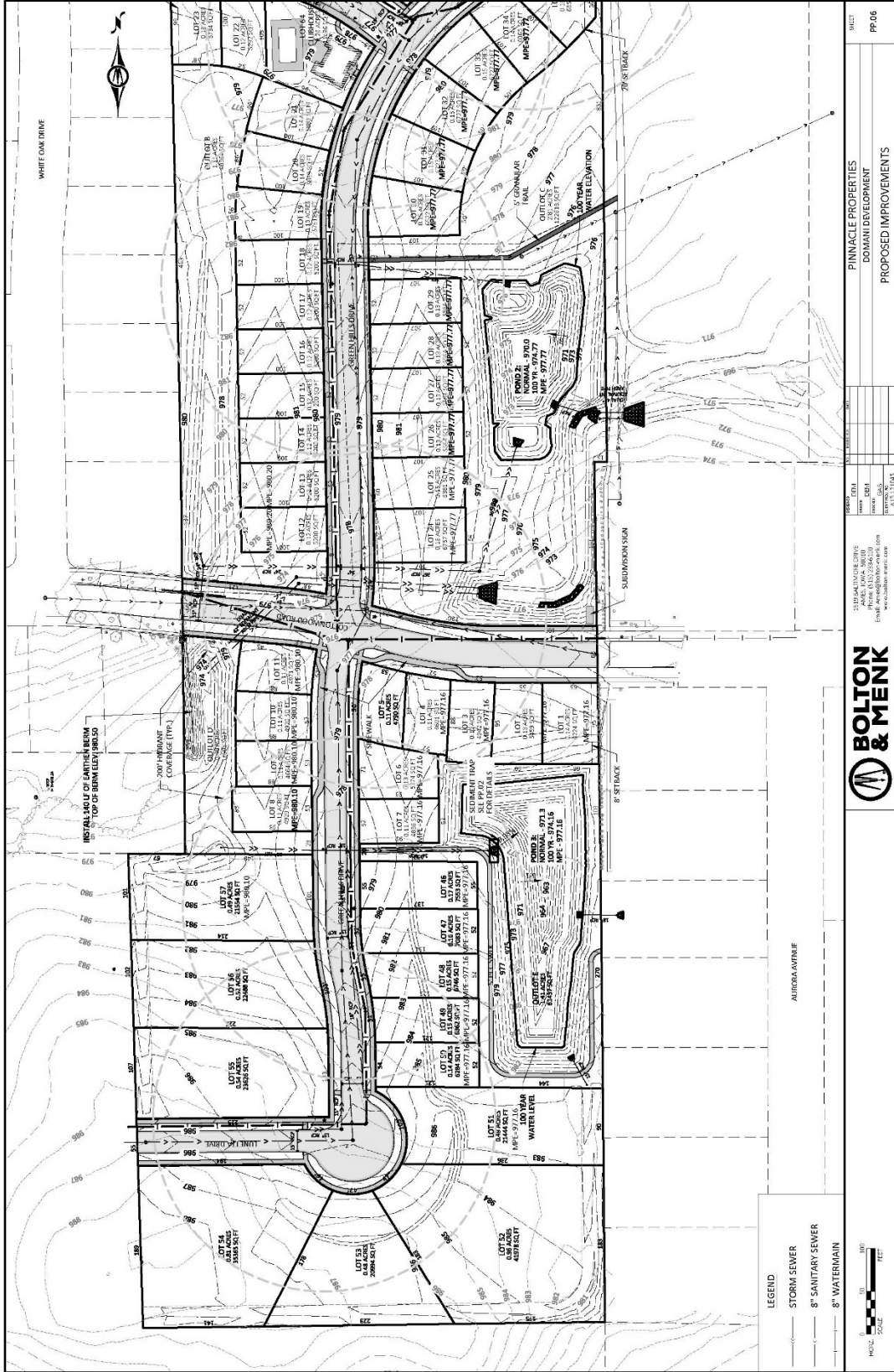


ATTACHMENT 2: DOMANI PRELIMINARY PLAT (OVERALL SUBDIVISION PLAN)



 BOLTON & MENK 2220 SALT LAKE BLVD. DR. #100 HOUSTON, TX 77058-0100 TEL: 281.440.0000 WWW.BOLTONMENK.COM	SHEET NO. 01 DATE 08/11/2010 DRAWN BY J. GARDNER CHECKED BY J. GARDNER
	PINNACLE PROPERTIES DOMANI DEVELOPMENT OVERALL LAYOUT & SHEET INDEX





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PROJECT: Pinnacle Properties
Domain Development
PROPOSED IMPROVEMENTS

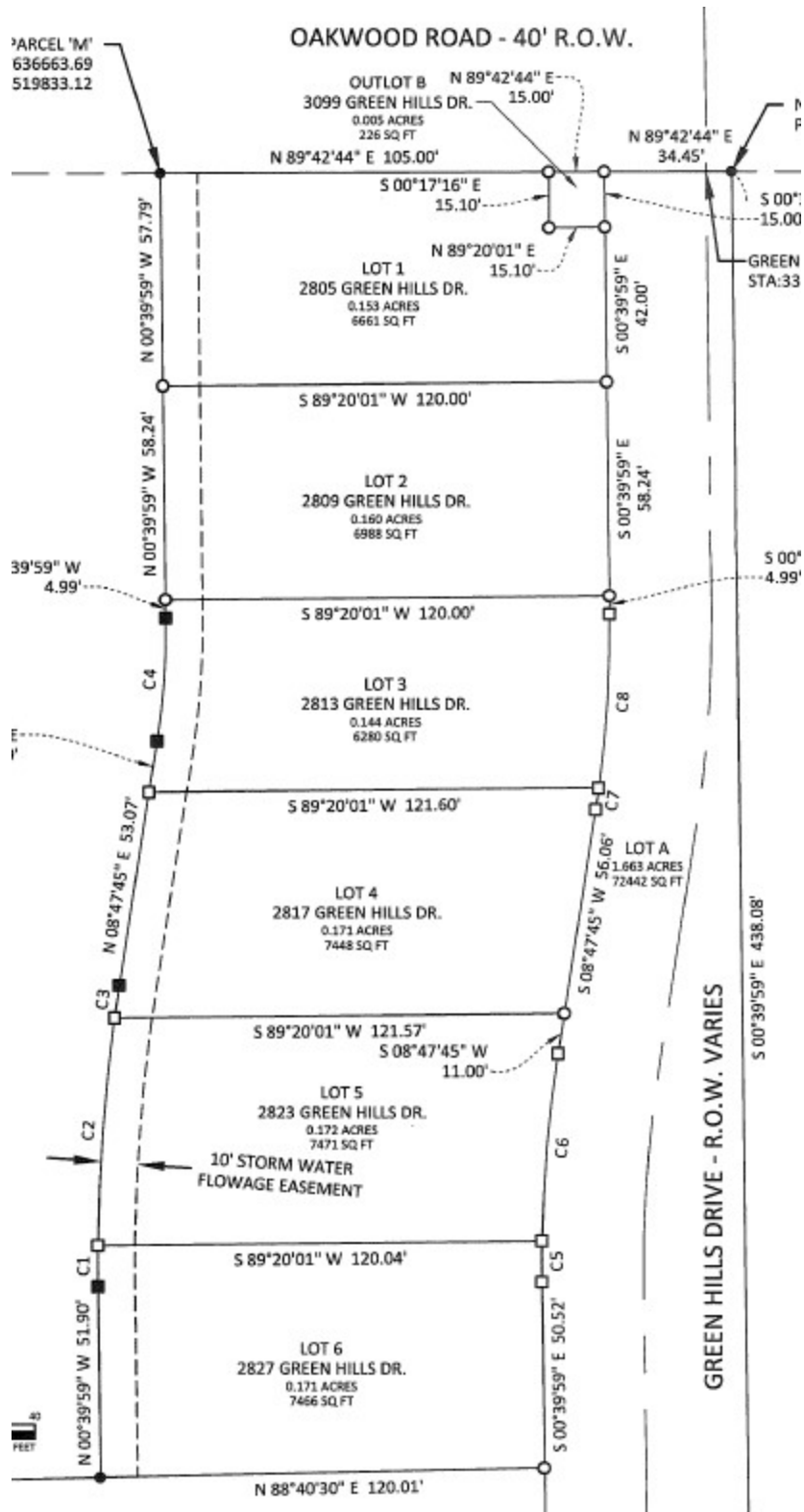
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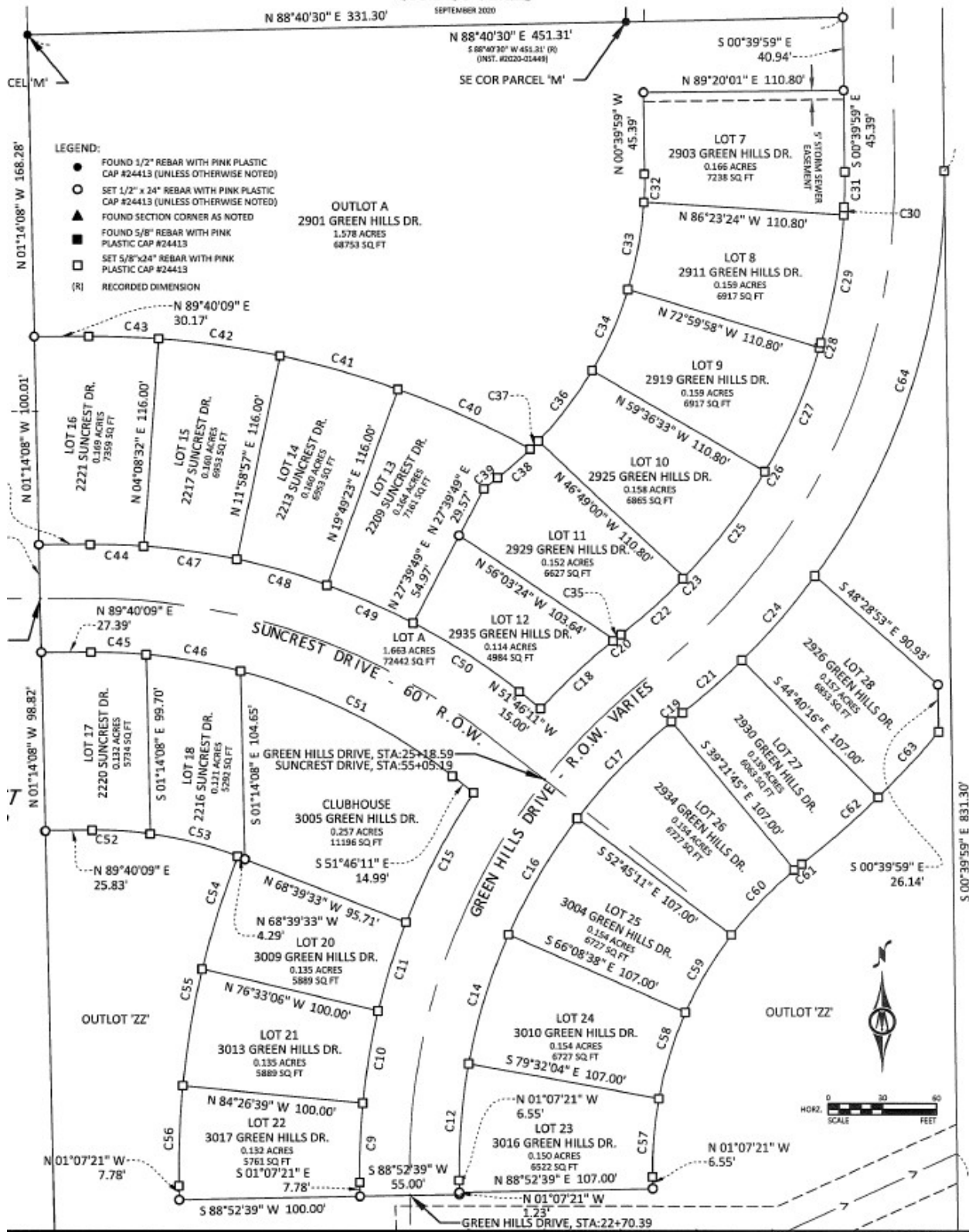
SCALE: 1" = 40' FEET

LEGEND:
 --- STORM SEWER
 --- 8" SANITARY SEWER
 --- 8" WATERMAIN

ATTACHMENT 3: DOMANI SUBDIVISION, 1ST ADDITION







ATTACHMENT 4: 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:

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*)