

COUNCIL ACTION FORM

SUBJECT: WEST TOWNE SUBDIVISION PRELIMINARY PLAT

BACKGROUND:

Property Owner: Chelan Daybreak, LLC
 4720 Mortensen Road
 Ames, Iowa 50014

Location: 4610 Mortensen Road

Zoning: Community Commercial/Residential (CCR)

This is a proposal to subdivide one property, Parcel 'B', of Lot 2, of the 7th Addition of Dauntless Subdivision, containing approximately 5.22 acres, into three lots for commercial development. The name of the proposed subdivision is: "West Towne Subdivision." Parcel 'B' is presently addressed as 4610 Mortensen Road. The property is vacant; however, City staff approved a Minor Site Development Plan administratively on September 25, 2007, for the construction of a hotel (Hilton Garden Inn) on proposed "Lot 1." The site is located southwest of the intersection of Mortensen Road and Dickinson Avenue.

Lot 1 abuts the cul-de-sac for Dickinson Avenue and U.S. Highway 30. Lot 2 abuts Dickinson Avenue. Lot 3 abuts both Dickinson Avenue and Mortensen Road. The size of each proposed lot is as follows:

- Lot 1: 3.07 acres;
- Lot 2: 1.00 acres; and
- Lot 3: 1.15 acres.

The following table identifies the existing land use, existing zoning, and LUPP designation of the properties surrounding the subject site.

Area	LUPP Designation	Zoning Designation	Land Use
North	Village/Suburban Res.	Community Commercial/Res. (CCR)	Mixed Use w/ Comm. on 1 st floor & Res. above
South	Urban Residential	Story County Zoning	Vacant Land
East	Village/Suburban Res.	Community Commercial Node (CCN)	Veterinary Clinic & Vacant Land
West	Village/Suburban Res.	Community Commercial/Res. (CCR)	Mixed Use w/Comm. on 1 st floor & Res. above

Public improvements and easements planned to serve the proposed subdivision are describes as follows:

Water. An existing 12-inch water main is located in the right-of-way for Dickinson Avenue. Another existing 8-inch water main is located in a public utility easement (10 feet wide) along the west boundary of the proposed subdivision. These water mains will provide service to each lot in the proposed subdivision.

Sanitary Sewer. An existing 8-inch sanitary sewer main in the right-of-way for Dickinson Avenue will provide sanitary sewer service to each lot in the proposed subdivision.

Storm Sewer. An existing 36-inch storm sewer main is along the west boundary of the proposed subdivision in a public easement (15 feet wide). This storm sewer will be extended into the subdivision at two locations to accommodate storm water drainage on the site. One main extension of a 42-inch public storm sewer will be constructed in an existing 30-foot wide public easement, on the lot line dividing Lots 1 and 2. The other main extension will be constructed as a 15-inch public storm sewer in an existing 15-foot wide public easement, at the northwest corner of Lot 1.

Electric. Electric service will be provided to the subdivision by the City of Ames. Public utility easements (10 feet wide) will accommodate the electric service along the west property line of the proposed subdivision, along the lot lines separating Lots 1 and 2 and Lots 2 and 3, and in the public street right-of-way for Mortensen Road and Dickinson Avenue.

Access Easements. Access easements for ingress and egress are shown on Lot 1 of the Preliminary Plat as a means of public access on Lot 1 and extending to the commercial/residential development abutting the west property line of the proposed subdivision. These access easements have been recorded with the Story County Recorder as part of the approval of the Minor Site Development Plan approved for Parcel 'B'.

Public Sidewalk. The installation of a 4-foot wide public sidewalk is required along the west edge of the street right-of-way for Dickinson Avenue. An 8-foot wide public sidewalk and bike path exists in the street right-of-way for Mortensen Road along the north boundary of the proposed subdivision.

Recommendation of the Planning & Zoning Commission. At its meeting of December 5, 2007, with a vote of 7-0, the Planning and Zoning Commission recommended approval of the Preliminary Plat subject to the following conditions:

- a) Civil drawings of all public improvements shall be submitted to the Public Works Department for review and approval prior to installation and prior to final plat approval.

- b) All public improvements shall be installed prior to final plat approval unless deferment of installation is approved by the City Council, in which case the Council shall require the applicant to execute an Improvement Agreement and provide security in the form of an Improvement Guarantee as set forth in Section 23.409 of the Ames Municipal Code.
- c) Prior to Final Plat approval, the applicant shall submit for City staff review and approval, a revised Minor Site Development Plan for the Hilton Garden Inn, to be constructed on proposed Lot 1. The revised Minor Site Development Plan shall include property boundaries and all site improvements consistent with the Preliminary Plat and the Final Plat for West Towne Subdivision.

ALTERNATIVES:

1. The City Council can approve the Preliminary Plat for West Towne Subdivision, located at 4610 Mortensen Road subject to the following conditions:
 - a) Civil drawings of all public improvements shall be submitted to the Public Works Department for review and approval prior to installation and prior to final plat approval.
 - b) All public improvements shall be installed prior to final plat approval unless deferment of installation is approved by the City Council, in which case the Council shall require the applicant to execute an Improvement Agreement and provide security in the form of an Improvement Guarantee as set forth in Section 23.409 of the Ames Municipal Code.
 - c) Prior to Final Plat approval, the applicant shall submit for City staff review and approval, a revised Minor Site Development Plan for the Hilton Garden Inn, to be constructed on proposed Lot 1. The revised Minor Site Development Plan shall include property boundaries and all site improvements consistent with the Preliminary Plat and the Final Plat for West Towne Subdivision. After the recording of the Final Plat by the Story County Records Office, the revised Minor Site Development Plan will be approved with the boundaries for Lot 1.
2. The City Council can deny the Preliminary Plat for West Towne Subdivision if it finds that 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 as described in Section 29.302(10)(c)(i) of the Municipal Code.
3. Action on this request can be postponed and referred back to City staff and/or the applicant for additional information, provided that the applicant provide a written waiver of their rights to have their application processed within 30 days as specified in Ames Municipal Code Section 23.302(4).

MANAGER'S RECOMMENDED ACTION:

It is the recommendation of the City Manager that the City Council approve the Preliminary Plat for West Towne Subdivision, as depicted on the attached map titled "West Towne Subdivision Preliminary Plat" dated November 19, 2007 and received November 19, 2007, based upon the findings of fact and conclusions in Appendix B and subject to the following conditions:

1. Civil drawings of all public improvements shall be submitted to the Public Works Department for review and approval prior to installation and prior to final plat approval.
2. All public improvements shall be installed prior to final plat approval unless deferment of installation is approved by the City Council, in which case the Council shall require the applicant to execute an Improvement Agreement and provide security in the form of an Improvement Guarantee as set forth in Section 23.409 of the Ames Municipal Code.
3. Prior to Final Plat approval, the applicant shall submit for City staff review and approval, a revised Minor Site Development Plan for the Hilton Garden Inn, to be constructed on proposed Lot 1. The revised Minor Site Development Plan shall include property boundaries and all site improvements consistent with the Preliminary Plat and the Final Plat for West Towne Subdivision. After the recording of the Final Plat by the Story County Records Office, the revised Minor Site Development Plan will be approved with the boundaries for Lot 1.

Attachment A Applicable Law

The laws applicable to this case file include, but are not limited to, the following: (verbatim language is shown in *italics*, other references are paraphrased):

Code of Iowa Chapter 354, Section 8 requires that the governing body shall determine whether the subdivision conforms to its Land Use Policy Plan.

Ames Municipal Code Chapter 23, Subdivisions, Division I, outlines the general provisions for subdivisions within the City limits and within two miles of the City limits of Ames.

Ames Municipal Code Section 23.302(3):

(3) *Planning and Zoning Commission Review:*

- (a) *The Planning and Zoning Commission shall examine the Preliminary Plat, any comments, recommendations or reports assembled or made by the Department of Planning and Housing, and such other information as it deems necessary or desirable to consider.*
- (b) *Based upon such examination, the Planning and Zoning Commission shall ascertain whether the Preliminary 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.*

Ames Municipal Code Section 23.302(4):

- (4) *Planning and Zoning Commission Recommendation: Following such examination and within 30 days of the regular meeting of the Planning and Zoning Commission at which a complete Application is first formally received for consideration, the Planning and Zoning Commission shall forward a report including its recommendation to the City Council. The Planning and Zoning Commission shall set forth its reasons for any recommendation to disapprove or to modify any Preliminary Plat in its report to the City Council and shall provide a written copy of such reasons to the developer.*

Ames Municipal Code Section 23.302(5):

- (5) *City Council Review of Preliminary Plat: All proposed subdivision plats shall be submitted to the City Council for review and approval in accordance with these Regulations. The City Council shall examine the Preliminary Plat, any comments, recommendations or reports examined or made by the Planning and Zoning Commission, and such other information as it deems necessary and reasonable to consider.*

Ames Municipal Code Section 23.302(6):

(6) *City Council Action on Preliminary Plat:*

- (a) *Based upon such examination, the City Council shall determine whether the Preliminary 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. In particular, the City Council shall determine whether the subdivision conforms to minimum levels of service standards set forth in the Land Use Policy Plan for public infrastructure and shall give due consideration to the possible burden of the proposed subdivision on public improvements in determining whether to require the installation of additional public improvements as a condition for approval.*
- (b) *Following such examination and within 30 days of the referral of the Preliminary Plat and report of recommendations to the City Council by the Planning and Zoning Commission, the City Council shall approve, approve subject to conditions, or disapprove the Preliminary Plat. The City Council shall set forth its reasons for disapproving any Preliminary Plat or for conditioning its approval of any Preliminary Plat in its official records and shall provide a written copy of such reasons to the developer.*

Ames Municipal Code Chapter 23, Subdivisions, Division III, provides the procedures for the subdivision of property; specifically Section 23.302 discusses Major Subdivisions.

Ames Municipal Code Section 23.403(14)(a) requires installation of four-foot wide sidewalks within the right-of-way on both sides of a public street.

Ames Municipal Code Chapter 23, Subdivisions, Division IV, identifies design and improvement standards for subdivisions.

Ames Municipal Code Chapter 29, Zoning, Section 29.806, includes standards for the Community Commercial/Residential (CCR) zone.

Ames Municipal Code Section 23.107 reads as follows:

In addition to the requirements of the Regulations, all plats of land must comply with all other applicable City, county, state and federal statutes or regulations. All references in the Regulations to other City, county, state or federal statutes or regulations are for informational purposes only, and do not constitute a complete list of such statutes or regulations. The Regulations are expressly designed to supplement and be compatible with, without limitation, the following City plans, regulations or ordinances:

- (1) *Land Use Policy Plan*
- (2) *Zoning Ordinance*
- (3) *Historic Preservation Ordinance*

- (4) Flood Plain Ordinance*
- (5) Building, Sign and House Moving Code*
- (6) Rental Housing Code*
- (7) Transportation Plan*
- (8) Parks Master Plan*
- (9) Bicycle Route Master Plan*

Plats may be disapproved on the basis of the above, and other City Council approved plans and policies that may be adopted from time to time.

Attachment B

Findings of Fact & Conclusions

Staff makes the following findings of facts and conclusions pertaining to the Preliminary Plat for West Towne Subdivision:

Finding 1: The properties are designated as Village/Suburban Residential on the Land Use Policy Plan (LUPP) Map.

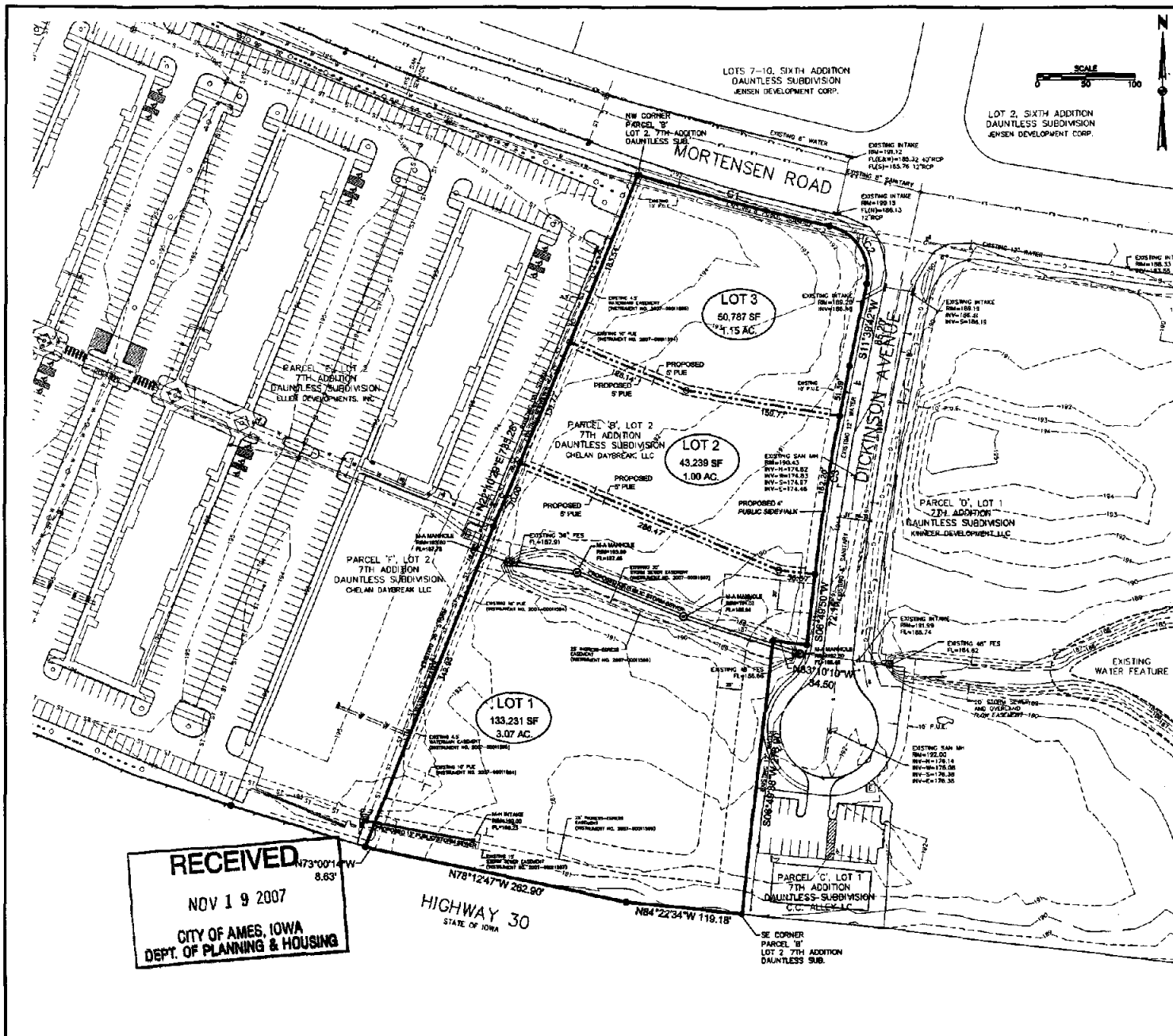
Finding 2: All required infrastructure and improvements are in place except for a 4-foot wide public sidewalk along the west edge of the Dickinson Avenue right-of-way. Section 23.409 of the Ames Municipal Code allows the City Council to either require installation of this sidewalk prior to final plat approval or to defer installation subject to execution of an Improvement Guarantee.

Finding 3. The Maximum FAR within the "CCR" Community Commercial/Residential Node zone is 0.75. The hotel proposed for Lot 1 includes 86,733 gross square feet of floor area. The hotel will be constructed on Lot 1, which includes 133,231 gross square feet of land area. The FAR for the proposed hotel on Lot 1 will therefore be 0.65, which is less than the maximum FAR of 0.75 for the CCR zone.

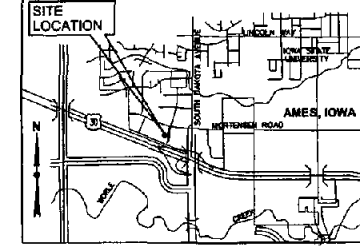
Finding 4. All lots within the plat will have frontage on and access to public rights of way.

Conclusions:

The proposed plat is consistent with the City's Land Use Policy Plan, meets all adopted development standards applicable to subdivision plats in this district and satisfies all requirements of the Code of Iowa Chapter 354, Section 8, all as described in Attachment A, provided that (a) the required sidewalks are installed either prior to final plat approval, or a deferral is granted subject to execution of an Improvement Guarantee, and (b), a revised site plan is submitted for the approved Hilton Garden Inn for reflecting the proposed Lot 1 of the subdivision.



VICINITY MAP



OWNER OF RECORD

CHELAN DAYBREAK LLC
4720 MORTENSEN ROAD, SUITE 103
AMES, IOWA 50014

APPLICANT / DEVELOPER

ELLER DEVELOPMENTS INC
4720 MORTENSEN ROAD, SUITE 103
AMES, IOWA 50014
515-233-0000

ENGINEER / SURVEYOR

CIVIL DESIGN ADVANTAGE
5001 NW 112TH STREET, SUITE C
GRIMES, IOWA 50111
515-369-4400

ZONING / BULK STANDARDS

CCR: COMMUNITY COMMERCIAL/RESIDENTIAL NODE

MINIMUM LOT AREA:	35,000 S.F. (SINGLE BUILDING)
MAXIMUM BUILDING AREA:	150,000 S.F. (SINGLE BUILDING)
MINIMUM LOT FRONTAGE:	60 FEET
MAXIMUM BUILDING HEIGHT:	35 FEET
FRONT YARD SETBACK:	0 FEET
SIDE YARD SETBACK:	0 FEET
REAR YARD SETBACK:	0 FEET

PROPOSED USE

COMMERCIAL

LEGAL DESCRIPTION

ALL OF PARCEL 'B', LOT 2, 7TH
ADDITION, DAUNTLESS SUBDIVISION,
AMES, STORY COUNTY, IOWA,
CONTAINING 5.22 ACRES.

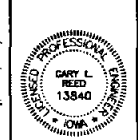
CURVE TABLE

CURVE DELTA	RADIUS	LENGTH	TANGENT	BEARING	CHORD
C1 378°42'	3550.00	203.12	101.59	S73°21'32"E	203.09
C2 88°30'35"	50.00	77.38	48.85	N32°40'15"W	89.88
C3 448°53'	2533.00	213.39	108.86	S09°44'46"W	213.53

SUBMITTAL

FIRST: JULY 24, 2007
SECOND: NOVEMBER 6, 2007
THIRD: NOVEMBER 19, 2007

RECEIVED
NOV 19 2007
CITY OF AMES, IOWA
DEPT. OF PLANNING & HOUSING



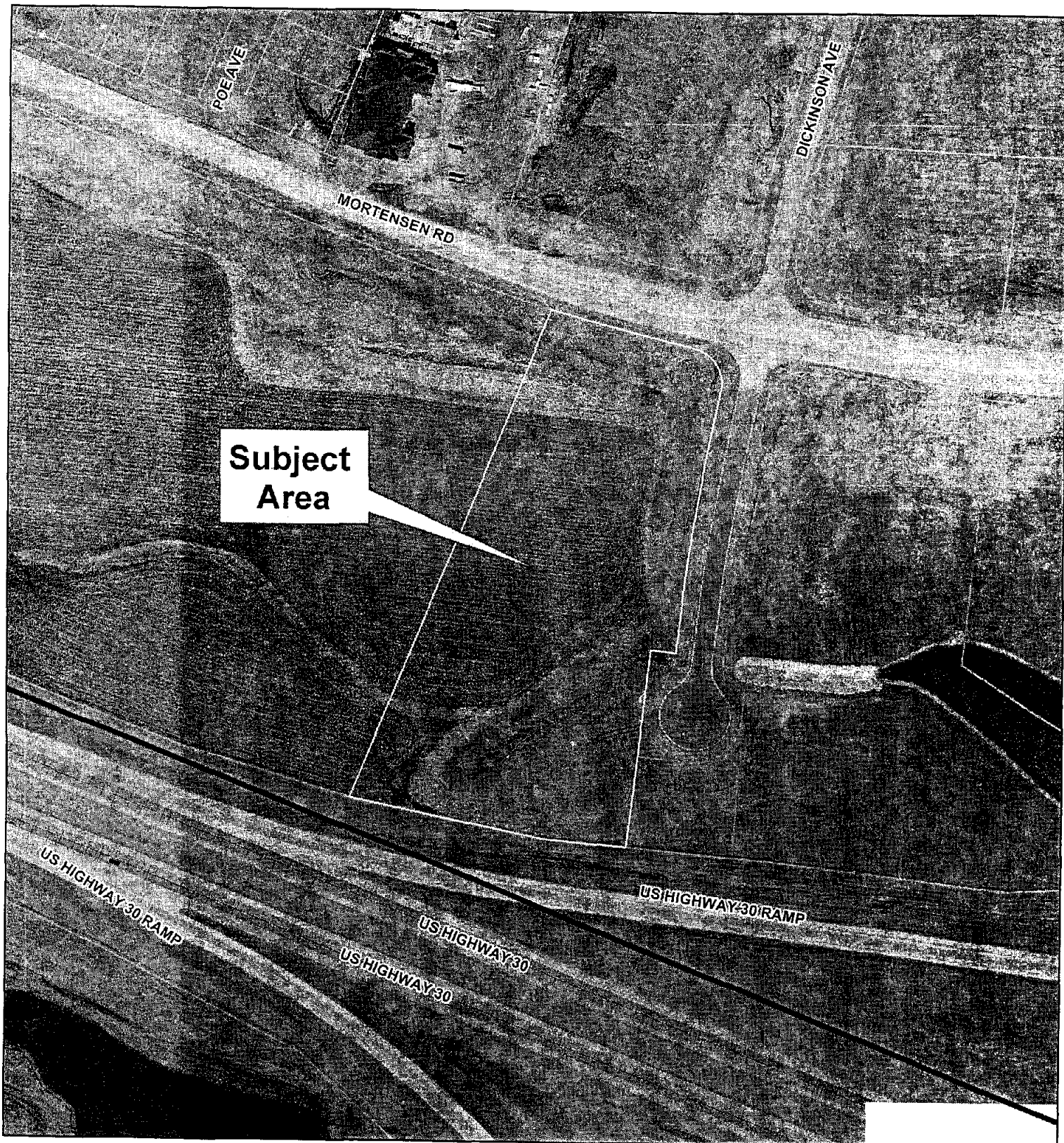
I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS
PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION
AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER
UNDER THE LAWS OF THE STATE OF IOWA.

GARY L. REED, P.E. DATE
MY LICENSE NUMBER, DATE IS DECEMBER 31, 2008
PAGES OR SHEETS COVERED BY THIS SEAL:
ALL SHEETS

5001 NW 112th SUITE G GRIMES, IOWA 50111
PH: (515) 369-4400 FAX: (515) 369-4410
TECH: BGBK ENGINEER: RDR

WEST TOWNE SUBDIVISION
PRELIMINARY PLAT

1/2
0701018

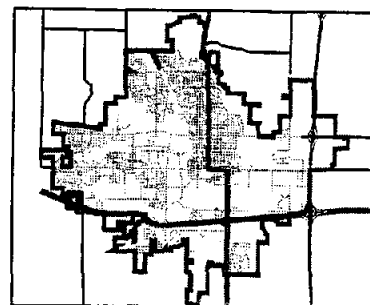


**Subject
Area**

Location Map 4610 Mortensen Rd



0 100 200 400 Feet



CAF APPROVAL

SS JK BK _____ SL _____

DM _____ JP JK

To be sent to:

Brad Kuehl
Civil Design Advantage
5501 NW 112th Street, Suite G
Grimes, Iowa 50111