

**COUNCIL ACTION FORM**

**SUBJECT:** FINAL PLAT FOR 8<sup>th</sup> ADDITION, DAUNTLESS SUBDIVISION

**BACKGROUND:**

**Case File:** SUB-08-10

**Property Owner:** Kinneer Development, LLC  
865 Mapleleaf Lane  
Waukee, IA 50263

The property owner is requesting approval of the Final Plat of 8<sup>th</sup> Addition, Dauntless Subdivision. The proposed subdivision contains two lots of approximately 6.95 total acres and is located southeast of the intersection of Mortensen Road and Dickinson Avenue.

**Submitted Documents**

The following documents have been submitted, reviewed and approved by City staff:

- Resolution Accepting the Final Plat of 8<sup>th</sup> Addition, Dauntless Subdivision;
- Consent to Plat by the Property Owner;
- Attorney's Title Opinion, which states that title to this property known as 8<sup>th</sup> Addition, Dauntless Subdivision is vested in Kinneer Development, LLC, an Iowa limited liability company, subject to the following observations and comments:
  - Second half of real estate taxes are shown in the abstract but are known to be paid,
  - Attorney requires a Consent to Plat,
  - Attorney requires a Treasurer's statement;
- Certificate of the Treasurer of Story County, Iowa, certifying that the subject property is free from certified taxes, special assessments and special rates and charges;
- Easement Grant to the City of Ames for Public Utilities; Storm Sewer and Public Utility; Storm Sewer and Storm Water Detention Easement; and Ingress/Egress;
- Agreement for Sidewalk and/or Bicycle Path to be installed prior to occupation of any structures.

**Applicable Law**

Chapter 23 of the Ames Municipal Code describes the process and requirements for subdivision plat approval. Section 23.301(5)(b) defines what is classified as a minor subdivision.

(b) A subdivision may be classified as a Minor Subdivision only if both of the following conditions are met:

- (i) the proposed subdivision will plat no more than three lots, including a Consolidation Plat each of which will be legally platted after the recording of the subdivision and each of which will front on an existing public way, not including alleys; and

- (ii) the proposed subdivision will require no public improvements of any kind, except sidewalks and/or bicycle paths in compliance with the Bicycle Route Master Plan, to provide adequate facilities and services to any of the lots to be platted by the proposed subdivision or maintain existing adequate facilities and services to any other lots, or areas of land.

Sections 23.303 (3) and (4) are included in this report. They describe the review process; the duty of the City Council to ascertain whether the necessary infrastructure has been installed; and options to approve, approve subject to conditions, or disapprove the Final Plat.

#### Staff Analysis and Findings

Eighth Addition, Dauntless Subdivision creates two lots out of land that was previously platted as Seventh Addition of Dauntless Subdivision. This 8<sup>th</sup> Addition is a replat of a portion of Lot 1 of the Seventh Addition of Dauntless Subdivision. The Seventh Addition was approved in August 2002. Parcel D was created out of Lot 1 by recording a plat of survey on October 1, 2005. This subdivision further splits Parcel D into two lots. Lot 1 is 4.77 acres, Lot 2 is 2.18 acres.

All public utilities and infrastructure, except the sidewalks, have been installed. The Public Works Department has verified that all improvements have been installed in accordance with City standards and all are expected to provide adequate service for the proposed lots.

Sidewalks have not been installed. Pursuant to Section 23.304, the Council may require all improvement b installed prior to Final Plat approval. Alternatively, the Council shall require the applicant to execute an Improvement Agreement and provide security in the form of an Improvement Guarantee. An agreement has been provided that obligates the installation of sidewalks or bike paths to the property owner at the time a certificate of occupancy is requested for any new construction. The City Council is asked to approve the sidewalk installation agreement. The installation agreement has been reviewed by the City attorney and found to be acceptable as to form.

Street lights have not been installed along Dickinson Road, however the bonding for the street improvements also covers the installation of the street lights. Approval of the 8<sup>th</sup> Addition, Dauntless Subdivision does not abrogate the responsibilities of the developer to install the street lights under the terms of the improvement agreement executed previously.

The area of the proposed plat is identified as Community Commercial Node within a Gateway Protection Area on the Land Use Policy Plan. The area of the proposed plat is zoned Community Commercial Node with a Southwest Gateway overlay district, consistent with the LUPP. The two proposed lots meet the requirements of the zoning ordinance regarding street frontage and lot size.

The owner has provided a grant of easements for public utilities, storm sewers, storm water detention, and ingress/egress. The City Council is asked to accept these easements. The grant of easements has been reviewed by the City attorney and found to acceptable as to form.

### Conclusions

Staff concludes that the proposed 8<sup>th</sup> Addition, Dauntless Subdivision meets the requirements for submittal as a Minor Subdivision for which a preliminary plat was not required.

Staff further concludes that the necessary public improvements, including street paving, sanitary sewer, storm sewer, and water have been installed in previous plattings, meet the design standards of the City, and will provide adequate service for these commercially-zoned lots.

Staff further concludes that, although the sidewalks are not installed, adequate guarantees in the form of the sidewalk installation agreement will ensure that the sidewalks are installed prior to occupancy and use of any structure built on the lots.

Staff further concludes that, although the street lights are not yet installed along Dickinson Road, the improvement agreement already in place will ensure that they will be installed.

In addition, staff concludes that the proposed Final Plat complies with relevant and applicable design standards of Ames Municipal Code Chapter 23, Subdivisions, to other City ordinances and standards, to the City's Land Use Policy Plan, and to the City's other duly adopted plans. Staff further concludes that adequate financial and/or regulatory instruments are in place to ensure the completion of the sidewalks and street lights.

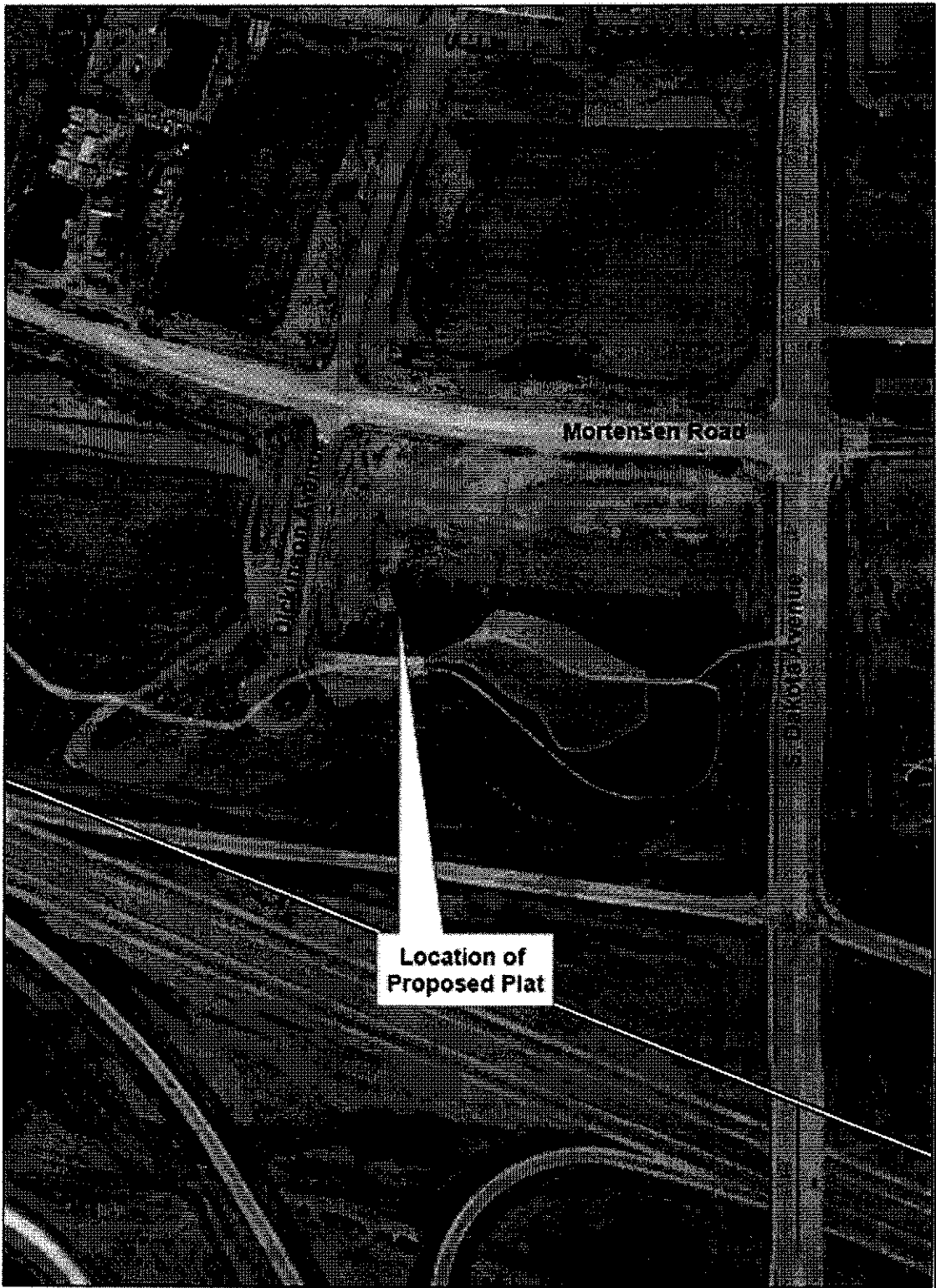
### ALTERNATIVES:

1. The City Council can approve the Final Plat of 8<sup>th</sup> Addition, Dauntless Subdivision, based upon staff's findings and conclusions. This approval would extend to the Resolution accepting the Final Plat, the Easement Grant to the City, and the Agreement for Sidewalk/Bike Path.
2. If the City Council finds that the conditions of approval for the Final Plat have not been adequately satisfied, the City Council can deny approval of the Final Plat for 8<sup>th</sup> Addition, Dauntless Subdivision and require the developer to submit a Preliminary Plat.
3. The City Council can refer this back to staff and/or the developer for additional information.

### MANAGER'S RECOMMENDED ACTION:

The proposed Final Plat for 8<sup>th</sup> Addition, Dauntless Subdivision is consistent with the requirements for final plat approval of a minor subdivision. The two lots that are created meet the zoning requirements for lots in the Community Commercial Node. The Developer has previously installed all public improvements, except for sidewalks and/or bike paths for which an agreement is place,

**Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1.** Approval of the resolution will allow the Final Plat for 8<sup>th</sup> Addition, Dauntless Subdivision to be recorded in the office of the County Recorder.



## 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 23.303

(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.

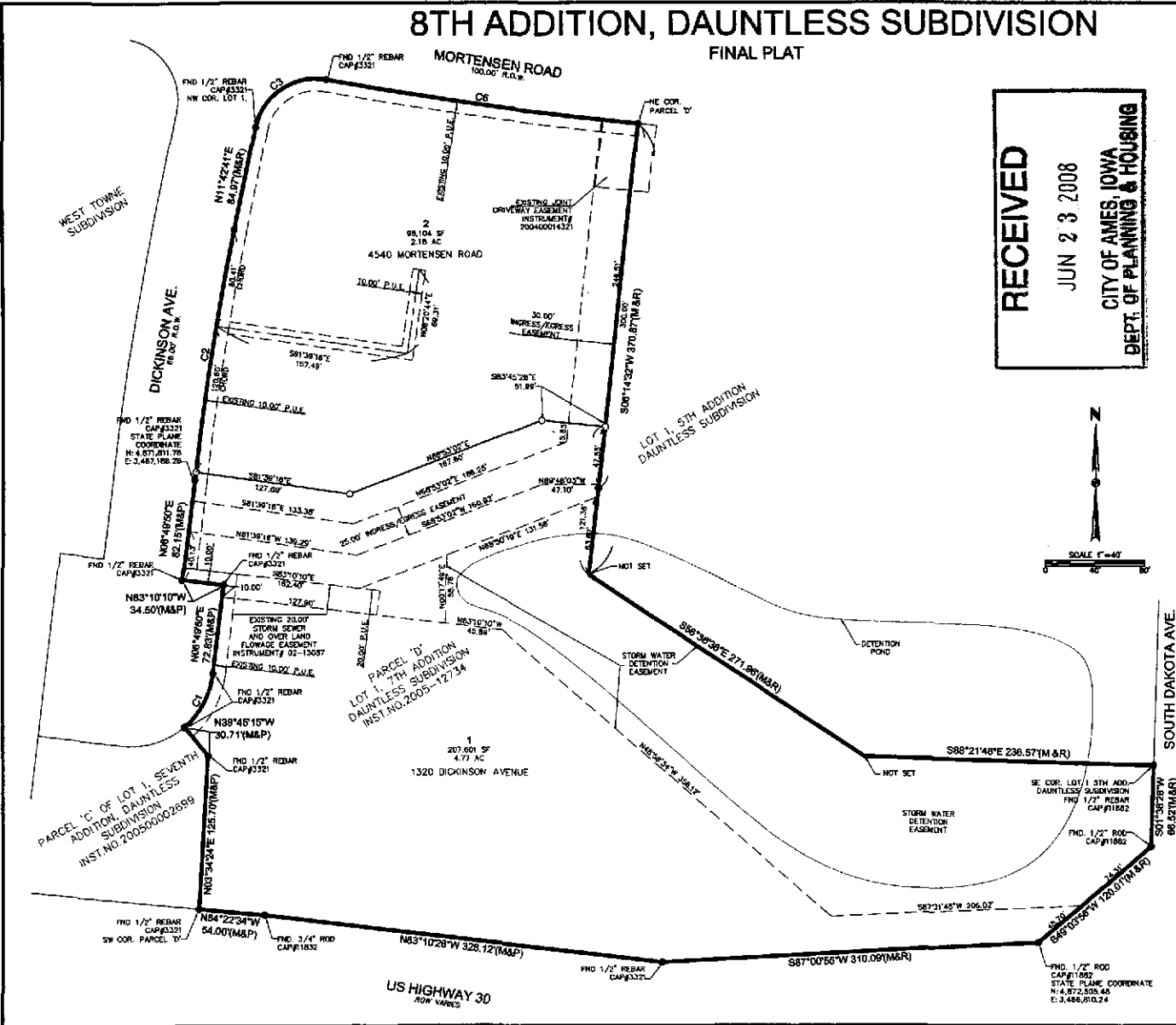
(4) Effect of City Council Action on Minor Subdivision: Following such examination, and within 60 days of the applicant's filing of the complete Application for Final Plat Approval of a Minor Subdivision with the Department of Planning and Housing, the City Council shall approve, approve subject to conditions, or disapprove the Application for Final Plat Approval of a Minor 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)*

# 8TH ADDITION, DAUNTLESS SUBDIVISION

FINAL PLAT

**RECEIVED**  
 JUN 23 2008  
 CITY OF AMES, IOWA  
 DEPT. OF PLANNING & HOUSING



**PLAT DESCRIPTION:**  
 PARCEL 'D', A PART OF LOT ONE (1), SEVENTH ADDITION, DAUNTLESS SUBDIVISION, AMES, IOWA, AS SHOWN ON THE 'PLAT OF SURVEY' FILED IN THE OFFICE OF THE RECORDER, STORY COUNTY, IOWA, ON OCTOBER 1, 2006, AS INST. NO. 05-12734 SLICE 25A, PAGE 4.

**BULK REGULATIONS:**  
 MINIMUM LOT AREA: 100,000 S.F. (SINGLE BUILDING)  
 MINIMUM LOT FRONTAGE: 60 FEET  
 MAXIMUM BUILDING HEIGHT: 30 FEET  
 FRONT YARD SETBACK: 0 FEET  
 SIDE YARD SETBACK: 0 FEET  
 REAR YARD SETBACK: 0 FEET  
 LOT LINE ADJUTING RESIDENTIAL: 10 FEET SIDE, 10 FEET REAR

**ZONING:**  
 LOCAL COMMUNITY COMMERCIAL NODE AND  
 O-60C SOUTHWEST GATEWAY OVERLAY DISTRICT

**OWNER:**  
 KORNBER DEVELOPMENT, LLC  
 800 MAPLELEAF LANE  
 WAUKESHA, IA 50083

**APPLICANT / DEVELOPER:**  
 KORNBER DEVELOPMENT, LLC  
 800 MAPLELEAF LANE  
 WAUKESHA, IA 50083

**ENGINEER/SURVEYOR:**  
 CIVIL DESIGN ADVANTAGE  
 8001 NW 112TH STREET, SUITE C  
 GRIMES, IOWA 50111

**DATE OF SURVEY:**  
 JANUARY, 2008

**NOTES:**  
 SOIL BORINGS ARE REQUIRED IN AREAS WITHIN THIS PLAT WHICH HAVE BEEN IDENTIFIED BY THE CITY OF AMES AS HAVING SOILS THAT MAKE CONSTRUCTION OF BUILDINGS DIFFICULT.

**CURVE DATA:**

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1(M&P)	87.50	31.14	43°24'24"	R80°17'20"E	49.82
C2(M&P)	2467.15	205.02	4°49'51"	S0°14'48"W	207.98
C3(M&P)	50.00	77.68	88°00'52"	S25°26'47"W	70.10
C4	2471.15	69.50	1°26'54"	S77°37'54"W	69.00
C5	2497.59	136.02	3°15'41"	S102°02'01"W	136.00
C6(M&P)	3390.00	286.29	4°23'00"	S81°47'50"E	258.22

**LEGEND:**

	FOUND	SET
SECTION CORNER AS NOTED	▲	△
1/2" REBAR YELLOW CAP#3321 UNLESS OTHERWISE NOTED	●	○
PLATTED BEARING & DISTANCE	P	
MEASURED BEARING & DISTANCE	M	
REDUCED BEARING & DISTANCE	R	
ORDERED BEARING & DISTANCE	D	
MINIMUM PROTECTION ELEVATION	MPE	
PUBLIC UTILITY EASEMENT	UPE	
CENTERLINE	— — — — —	
SECTION LINE	— — — — —	
EASEMENT LINE	- - - - -	



I HEREBY CERTIFY THAT THE LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEYING WORK WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.  
 Michael A. Brooker 6-23-08  
 MICHAEL A. BROOKER, P.L.L.C. DATE  
 LICENSE NUMBER 12861  
 BY JUDITH KEMPER, DATE IS DECEMBER 31, 2008  
 PAGES OR SHEETS COVERED BY THIS SEAL:  
 THIS SHEET

DATE: \_\_\_\_\_  
 REVISIONS: \_\_\_\_\_  
 5501 NW 112th SUITE G GRIMES, IOWA 50111  
 PH: (515) 363-4400 Fax: (515) 363-4410  
 TECH: \_\_\_\_\_  
 ENGINEER: \_\_\_\_\_  
 CIVIL DESIGN ADVANTAGE  
 AMES, IOWA  
**8TH ADDITION, DAUNTLESS SUBDIVISION**  
**FINAL PLAT**  
 1/1  
 0503.078

CAF APPROVAL

SS \_\_\_\_\_ BK JK SL \_\_\_\_\_

DM JK JP JK

To be sent to:

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