

COUNCIL ACTION FORM

SUBJECT: FINAL PLAT FOR EAST HICKORY PARK SUBDIVISION SECOND ADDITION

BACKGROUND:

Hickory Park, Inc. is requesting approval of the Final Plat of East Hickory Park Subdivision Second Addition. The proposed subdivision contains one lot for residential development and two outlots. The subdivision is 44.50 acres and lies west and north of Theisen's, 1315 S. Dayton Avenue.

Submitted Documents

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

- Resolution Accepting the Final Plat of East Hickory Park Subdivision Second Addition;
- Consent to Plat by the Property Owner;
- Mortgagee's Consent to Platting;
- Attorney's Title Opinion, which states that fee simple title to this property known as East Hickory Park Subdivision Second Addition is held by Hickory Park, Inc., subject to the following:
 - Covenant for Assessment of Costs of Improvements, dated January 17, 2007, between Hickory park, Inc. and the City of Ames,
 - Mortgage to First American Bank, dated July 9, 2001,
 - Agreement for Sidewalk, Bicycle Path and Street Trees, dated July 21, 2005;
- Certificate of the Treasurer of Story County, Iowa, certifying that the subject property is free from certified taxes and special assessments;
- Easement Grant to the City of Ames for Public Utilities and Ingress/Egress across a portion of Lot 2;
- Easement Grant to Theisen's for Storm Water Detention over Outlot C;
- Easement Grant to Theisen's for Storm Water Flowage over a portion of Outlot C;
- Agreement for Sidewalk and/or Bicycle Path to be installed prior to occupation of any structures.

Staff Analysis and Findings

East Hickory Park Subdivision Second Addition creates one buildable lot and two outlots out of land that was previously platted as Outlot B of East Hickory Park Subdivision. East Hickory Park Subdivision was approved by the Ames City Council in August 2005. Theisen's now occupies Lot 1 of that subdivision.

All public utilities and infrastructure, except the sidewalks, have been installed. The Public Works Department has verified that all public improvements identified on the preliminary plat for East Hickory Park Subdivision have been installed in accordance with City standards and all are expected to provide adequate service for the proposed lot.

Sidewalks have not been installed. Pursuant to Section 23.304, the Council may require all improvements be installed prior to Final Plat approval. Alternatively, the Council may require the applicant to execute an Improvement Agreement and provide security in the form of an Improvement Guarantee. An agreement signed by the owner has been provided that obligates the installation of sidewalks or bike paths by the 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.

The southern portion of the area of the proposed plat is identified as Highway Oriented Commercial on the Land Use Policy Plan, the northern portion is identified as General Industrial, and the western portion is identified as Greenway. However, the area of the proposed plat is zoned Agriculture. The development of the lot is proposed for a residence. This use is consistent with the current zoning and the proposed lot meets the requirements of the zoning ordinance regarding street frontage and lot size. Residential uses, however, are not consistent with the either a General Industrial or Highway-Oriented Commercial designation on the Land Use Policy Plan map.

Proposed Outlot C is identified as reserved for storm drainage and easement. It currently serves as a drainage area for the Theisen's property to the west. Proposed Outlot D is identified as reserved for future platting. The future extension of Southeast 9th Street is anticipated to be located through this outlot.

The entire subdivision lies within the flood plain identified as having a 1 percent annual chance of flooding (one hundred-year flood plain). The western portion of the subdivision lies within the floodway. The floodway boundary is shown on the final plat.

The owner has provided a grant of easements for public utilities and ingress/egress across a portion of Lot 2. The City Council is asked to accept these easements. The grant of easements has been reviewed by the City Attorney and found to be acceptable as to form.

As part of this platting and in order to accommodate existing and anticipated storm water issues, the owner of the proposed subdivision is granting to Theisen's an easement to accommodate a storm water drainage pipe that drains water from the Theisen's site to Outlot C. The easement is not to the City but the easement may not be altered or released without the consent of the City. The owner also grants to Theisen's and to itself (and future property owners) a storm water drainage easement over all of Outlot C. This easement allows for the surface flow of storm water from Lot 1 of East Hickory Park Subdivision and Lot 2 and Outlot D of East Hickory Park Subdivision Second Edition to Outlot C. The easement is also not to the City but the easement may not be altered or released without the consent of the City. City staff will ensure that these easements are recorded following approval of the subdivision plat.

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.

The applicable law to the case is contained in an attachment. Of particular significance to the Council's level of review, is the following in the Ames Municipal Code Section 23.303(3):

(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.

Sections 23.303(3) and (4) are included in this report in their entirety. 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.

ALTERNATIVES:

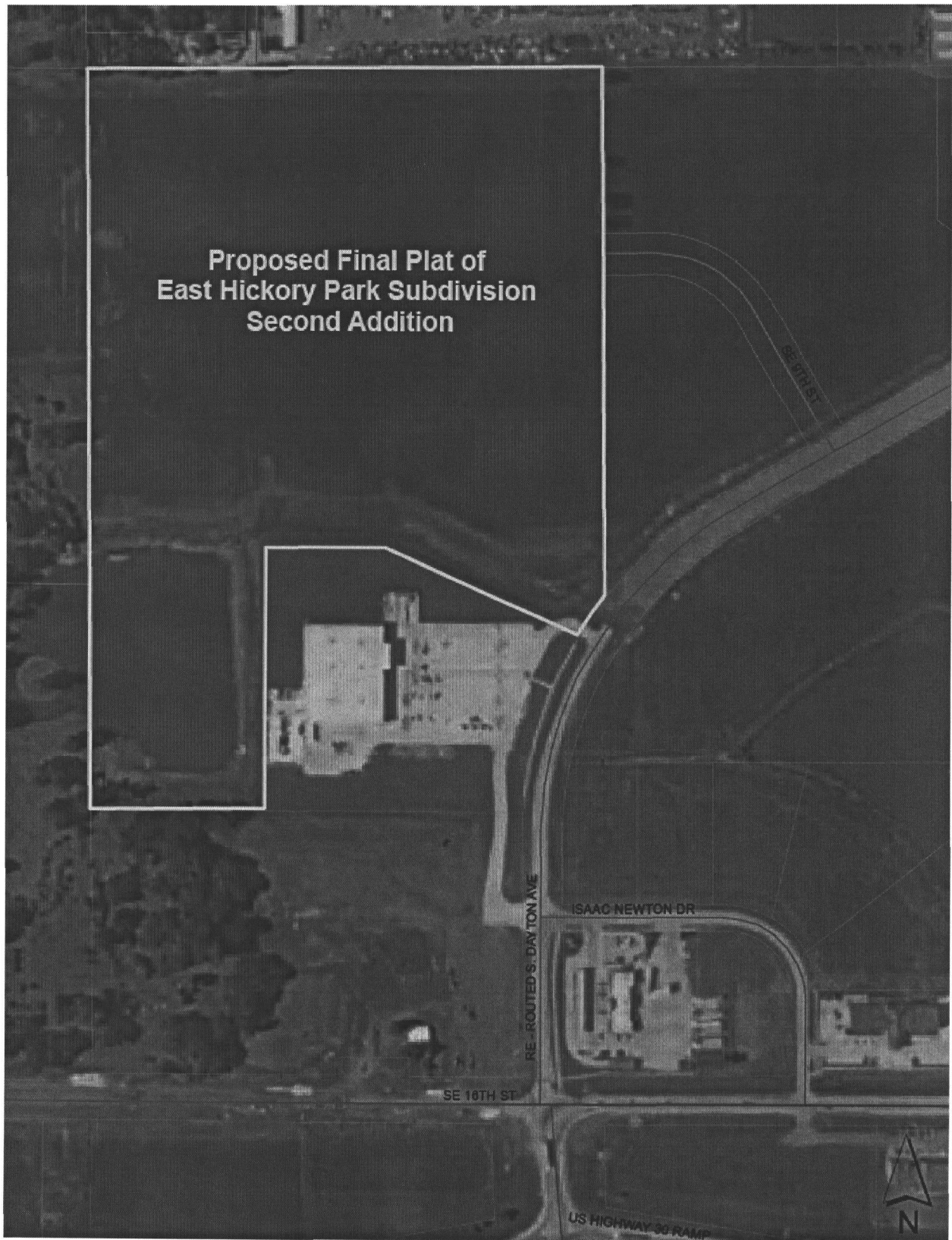
1. The City Council can approve the Final Plat of East Hickory Park Subdivision Second Addition, based upon staff's findings and conclusions. This approval would extend to the Resolution accepting the Final Plat, the Easement Grant to the City, and the Agreement for Sidewalk/Bike Path.
2. If the City Council finds that the conditions of approval for the Final Plat have not been adequately satisfied or that the Final Plat is intended for a use that is not consistent with the Land Use Policy Plan map, the City Council can deny approval of the Final Plat for East Hickory Park Subdivision Second Addition.
3. The City Council can refer this back to staff and/or the owner for additional information.

MANAGER'S RECOMMENDED ACTION:

Based upon the above facts and analysis, staff concludes that the proposed Minor Subdivision Plat conforms to the Ames Zoning Ordinance and other relevant and applicable design and improvement standards; that the subdivision conforms to minimum levels of service standards; and that the subdivision will have no detrimental burden on public improvements. Staff is unable to conclude that the proposed use is consistent with the Land Use Policy Plan map. This area of the map is somewhat ambiguous as the proposed subdivision plat comprises an area shown as commercial, industrial, and greenway. However, in instances where there is an inconsistency between the Zoning Ordinance and the Land Use Policy Plan, the Zoning Ordinance is the controlling standard in terms of subdivision approval.

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 East Hickory Park Subdivision Second Addition and accompanying documents to be recorded in the office of the County Recorder.

**Proposed Final Plat of
East Hickory Park Subdivision
Second Addition**

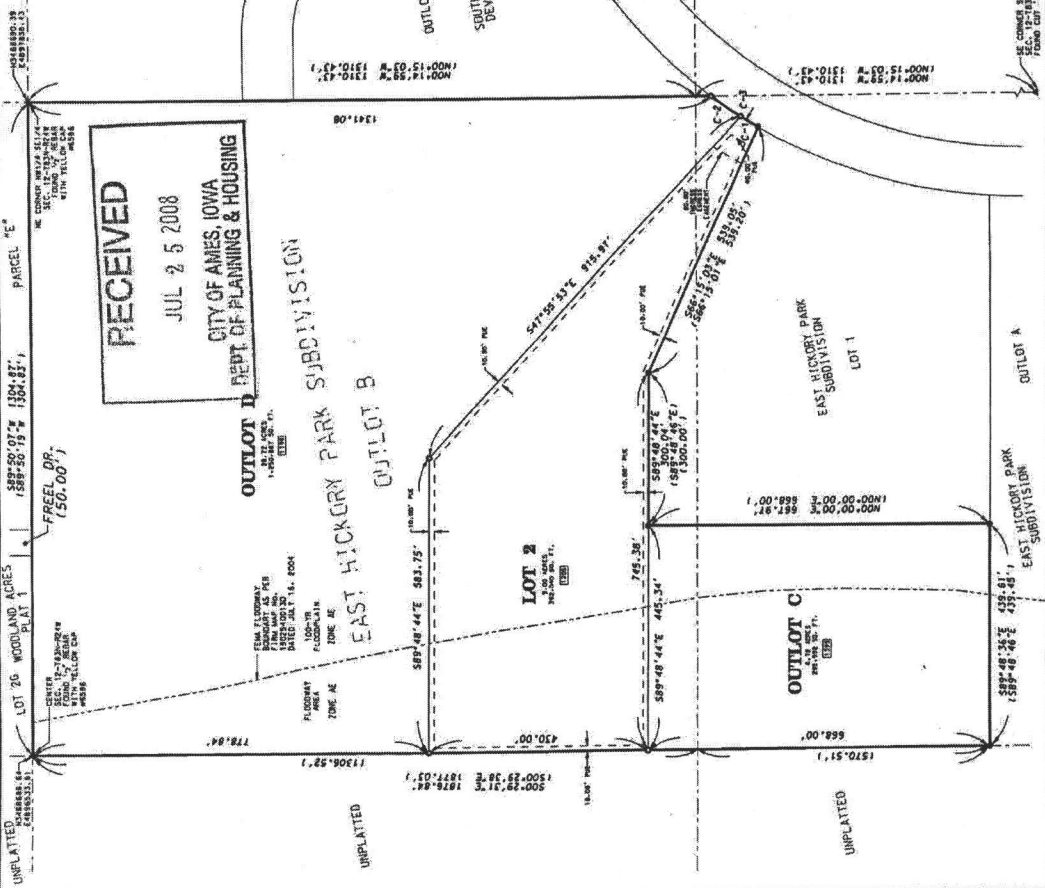


FINAL PLAT

EAST HICKORY PARK SUBDIVISION

SECOND ADDITION

CITY OF AMES, STORY COUNTY, IOWA.



LEGEND

Found Station Corner as shown.....A

Set or to be set by corner with.....B

Found Station Corner as shown.....C

Found Station Corner with pillar.....D

Found Station Corner with pillar.....E

Found Station Corner with pillar.....F

Found Station Corner with pillar.....G

Found Station Corner with pillar.....H

Found Station Corner with pillar.....I

Found Station Corner with pillar.....J

Found Station Corner with pillar.....K

Found Station Corner with pillar.....L

Found Station Corner with pillar.....M

Found Station Corner with pillar.....N

Found Station Corner with pillar.....O

Found Station Corner with pillar.....P

Found Station Corner with pillar.....Q

Found Station Corner with pillar.....R

Found Station Corner with pillar.....S

Found Station Corner with pillar.....T

Found Station Corner with pillar.....U

Found Station Corner with pillar.....V

Found Station Corner with pillar.....W

Found Station Corner with pillar.....X

Found Station Corner with pillar.....Y

Found Station Corner with pillar.....Z



NOTES

1. East Hickory Park Subdivision is located in the City of Ames, Story County, Iowa.
2. The plat is subject to the City of Ames, Iowa.
3. The plat is subject to the City of Ames, Iowa.
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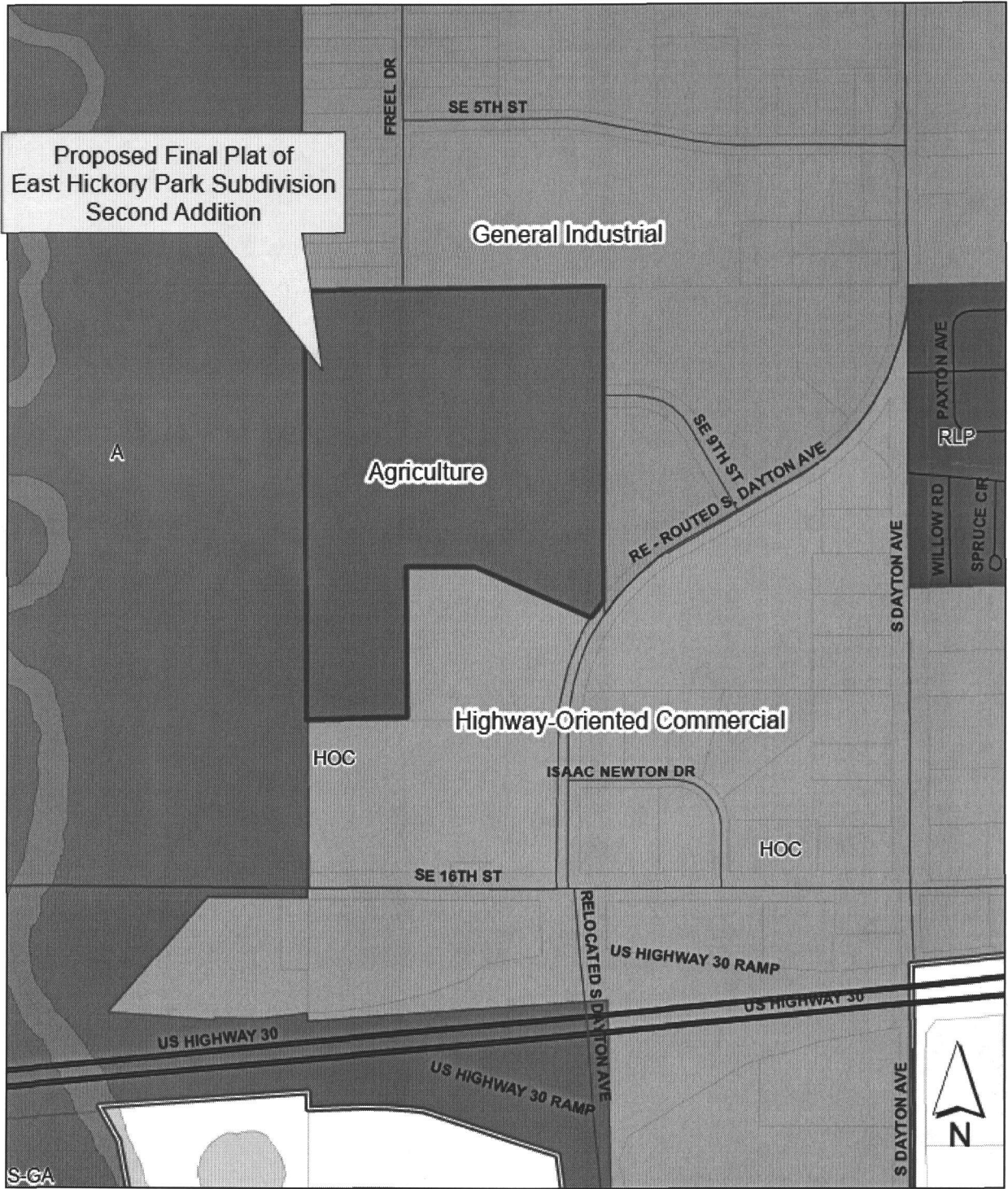
CURVE DATA

CURVE NO.	BEARING	LENGTH	TANGENT	CHORD	CHORD BEARING
1	S89°48'44"E	100.00'	100.00'	100.00'	100.00'
2	S89°48'44"E	100.00'	100.00'	100.00'	100.00'
3	S89°48'44"E	100.00'	100.00'	100.00'	100.00'
4	S89°48'44"E	100.00'	100.00'	100.00'	100.00'
5	S89°48'44"E	100.00'	100.00'	100.00'	100.00'
6	S89°48'44"E	100.00'	100.00'	100.00'	100.00'
7	S89°48'44"E	100.00'	100.00'	100.00'	100.00'
8	S89°48'44"E	100.00'	100.00'	100.00'	100.00'
9	S89°48'44"E	100.00'	100.00'	100.00'	100.00'
10	S89°48'44"E	100.00'	100.00'	100.00'	100.00'

RECEIVED

JUL 25 2008

CITY OF AMES, IOWA
 DEPT. OF PLANNING & HOUSING



Zoning Map Excerpt



Land Use Policy Plan Map Excerpt

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)