

COUNCIL ACTION FORM

SUBJECT: MINOR FINAL PLAT FOR WALNUT RIDGE SUBDIVISION, FIRST ADDITION

BACKGROUND:

William Fedeler and Chuck Winkleblack, representing C & B Lincoln Way, LLC, are requesting approval of the Minor Final Plat for Walnut Ridge Subdivision, First Addition. The site of Walnut Ridge Subdivision was previously the location of a manufactured home park on the proposed Lots 1 and 2, zoned as Highway-Oriented Commercial (HOC). Outlot 'AA' of the proposed subdivision, zoned as Residential Low Density (RL), is a wooded area that has not been developed. The entire proposed subdivision includes approximately 5.32 acres. Story Street and Crane Avenue presently dead end into the subdivision boundary and are planned for future extension through the Outlot 'AA' of the subdivision to provide one continuous street for access to each of the residential lots. At this time, the developer proposes to divide the HOC portion of the subdivision into two lots for commercial development with access provided from Lincoln Way. The RL portion of the subdivision is not proposed for lot division and development at this time.

The Final Plat will replat Parcel 'H'. The new subdivision divides the land into three lots, two of which are proposed for development (Lots 1 and 2), and one to be designated as an outlot, which is unbuildable without further subdivision into buildable lots. See the attached Final Plat for Walnut Ridge Subdivision, First Addition.

The following documents have been submitted and are associated with this Final Plat application:

- Resolution Accepting the Final Plat of Walnut Ridge Subdivision, First Addition;
- Consent to Plat by the Property Owners;
- Mortgagee's Consent to Platting;
- Attorney's Opinion, which states that fee simple title to the real estate is in C&B Lincoln Way, L.L.C., subject to a mortgage in favor of First National Bank;
- Certificate of the Treasurer of Story County, Iowa, certifying that the subject property is free from certified taxes and special assessments;
- Easements to be granted to the City of Ames for Public Utilities and Electric;
- Agreement for Sidewalk and Street Trees.

The Preliminary Plat for Walnut Ridge Subdivision was approved by the City Council on September 9, 2008. The resolution approving the Preliminary Plat included the following stipulations for approval:

- That the developer will construct and dedicate all public improvements within the development to City of Ames Urban Standards, as required, including: dedication of public right-of-way, street paving, curb, gutter, sidewalks, street lights, water main, sanitary sewer main, and storm sewer improvements, prior to approval of the final plat,

or execute an Improvement Agreement to guarantee the completion of all public improvements and provide security in the form of an Improvement Guarantee, as set forth in Section 23.409 of the Ames Municipal Code.

- 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.
- 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.

The first condition of approval was based upon Section 23.403(14)(a)(i) pertaining to deferral of sidewalks and the requirement for financial securities to guarantee installation of said improvements. **There is no financial security on file with the City Clerk's office for sidewalks or street trees as required by said condition of approval. The Preliminary Plat shows sidewalks and street trees to be installed as Crane Avenue and Story Street are extended through the subdivision. This Final Plat does not include the extension of streets, or the division of land zoned as residential into lots. All of the residential land is shown as Outlot 'AA'. Until such time as Outlot 'AA' is divided into lots for residential development and streets are extended into the subdivision, the only sidewalk to be constructed is located along the north boundary of the subdivision in the right-of-way for West Street. No street trees are required for this First Addition of Walnut Ridge Subdivision. Section 23.403 (14) allows deferment of sidewalks with financial security when installation is considered premature. However, it has been past practice to accept a signed, written agreement from the owner (Agreement for Sidewalk and Street Trees), specifying that occupancy of new structures will not be permitted by the City until the sidewalks and street trees associated with the individual lot are installed. Consistent with this practice, the City Council may wish to waive this condition and allow sidewalks and street trees to be deferred until occupancy of structures on abutting sites. City Staff will be addressing how this issue should be addressed more broadly and bring back recommendations on the application of current codes. This is the same procedure that was used by the City Council in the review and approval of the Final Plat for Estates West, Second Addition on October 14.**

Staff finds that the Preliminary Plat conditions for approval have been satisfied, with the exception of the requirement for financial security for the sidewalks. However, if the Council agrees that these should be deferred based upon occupancy of structures on abutting sites as per past practice, staff finds that this requirement will have been addressed, and 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 and to the City's Land Use Policy Plan.

Staff finds that the Preliminary Plat conditions for approval have been satisfied with the documents submitted for vacation of the existing easements and the proposed easement documents, which address the easement for parking across Lot 4 for use by Lot 3.

Staff also finds that the proposed Final Plat fully 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.

ALTERNATIVES:

1. The City Council can approve the Final Plat of Walnut Ridge Subdivision, First Addition, based upon staff's findings and conclusions. This approval would extend to the Resolution accepting the Final Plat, the Easement Grants to the City, and the Agreement for Sidewalk and Street Trees.
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 Walnut Ridge Subdivision, First Addition.
3. The City Council can refer this back to staff and/or the owner for additional information.

MANAGER'S RECOMMENDED ACTION:

The proposed Final Plat for Walnut Ridge Subdivision, First Addition is consistent with the requirements of a major subdivision and the stipulations for approval of the Preliminary Plat.

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 Walnut Ridge Subdivision, First Addition and accompanying documents 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

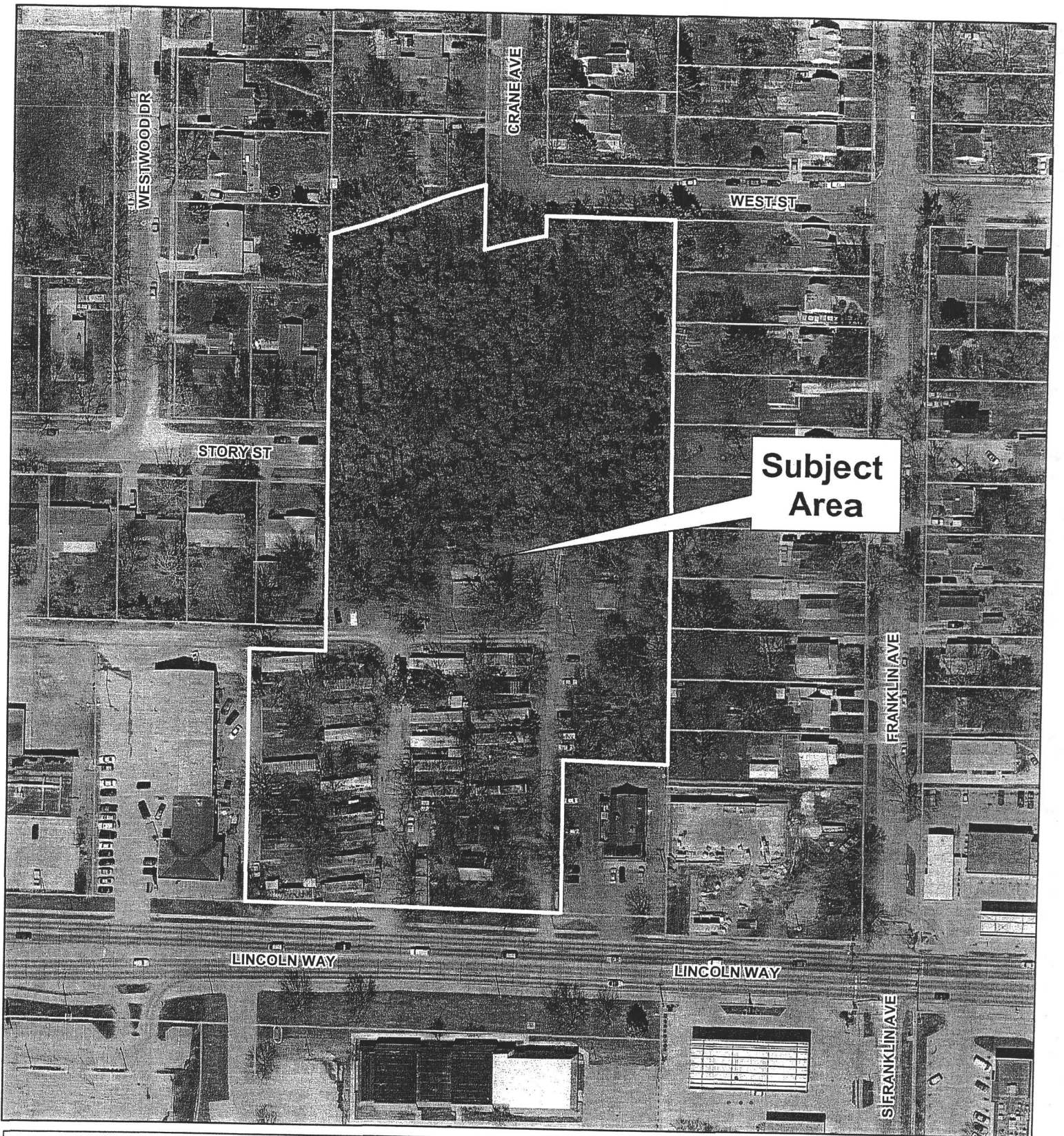
(3) City Council Action on Final Plat for Minor Subdivision:

(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.

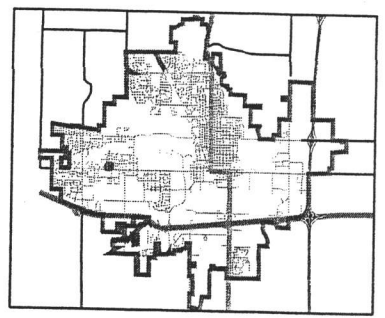
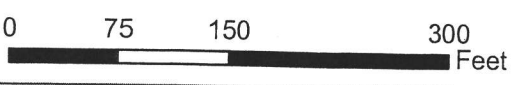
(b) Based upon such examination, the City Council shall ascertain whether the Final Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan and to the City's other duly adopted plans. If 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)

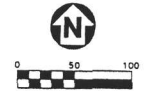


Location Map Walnut Ridge Subdivision



WALNUT RIDGE SUBDIVISION FIRST ADDITION

FINAL PLAT



NOTES

- Walnut Ridge Subdivision is located in the SE 1/4 of Section 5-83-24 of the 5th P.M., City of Ames, Story County, Iowa.
- The West line of Lot 1 is assumed to bear S00°01'49"W.
- Total area of Addition - 5.320 acres
- 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.
- Easements as shown.
- Coordinates shown at the SW Corner of Lot 1 and the SE Corner of Lot 2, are on the State Plane Coordinate System, Iowa North Zone (NAD 83).
- This survey meets or exceeds Iowa Code 355.8 (15).

OWNER & APPLICANT:
C&B Lincoln Key, LLC
c/o Hunziker & Associates
105 S. 16th Street
Ames, IA 50010

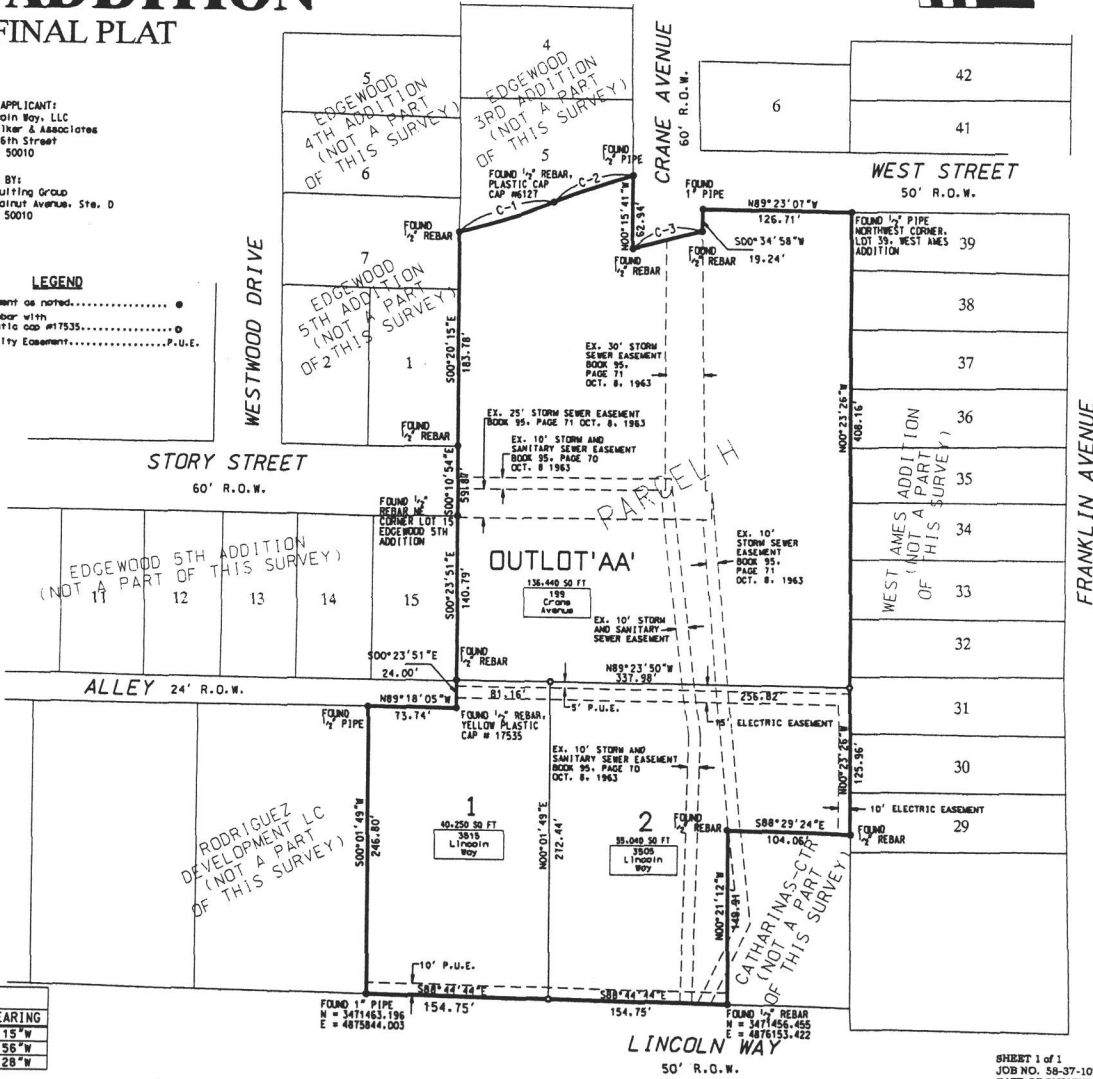
PREPARED BY:
HMS Consulting Group
223 S. Walnut Avenue, Ste. D
Ames, IA 50010

LEGEND

Found monument as noted..... ●
Set 1/2" rebar with yellow plastic cap #17535..... ●
Public Utility Easement..... P.U.E.

LEGAL DESCRIPTION

Parcel H, Part of the Southwest Quarter of the Southeast Quarter (SW1/4-SE1/4) of Section Five (5), Township Eighty-Three (83) North, Range Twenty-Four (24) West of the 5th P.M., City of Ames, Story County, Iowa; as shown on the Plat of Survey filed in the Office of the Recorder of Story County, Iowa, on June 18, 2008 and recorded as Instrument Number 08-06769, and Slide Number 333, Page 3.



CURVE DATA					
CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C-1	598.80'	08°13'45"	85.00'	85.93'	S72°03'15"W
C-2	658.80'	06°20'15"	72.87'	72.83'	S71°02'56"W
C-3	598.80'	05°53'09"	61.51'	61.46'	S79°47'28"W

AMES OFFICE
223 S. Walnut Ave., Ste. D
Ames, IA 50010
www.hms.com



NO.	DATE	REVISIONS

WALNUT RIDGE SUBDIVISION
FIRST ADDITION
AMES, IOWA

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10/17/08

10/17/08

SHEET 1 of 1
JOB NO. 58-37-1073
DATE OF SURVEY: 08/01/2008

WALNUT RIDGE SUBDIVISION FIRST ADDITION

FINAL PLAT

NOTES

1. Walnut Ridge Subdivision is located in the SW/4 of Section 5-33-24 of the 5th P.M., City of Ames, Story County Iowa.
2. The West line of Lot 1 is assumed to bear 500°01'48" W.
3. Total area of Addition - 5.320 acres
4. 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.
5. Easements as shown.
6. Coordinates shown at the SW Corner of Lot 1 and the SE Corner of Lot 2, are on the State Plane Coordinate System, Iowa North Zone (NAD 83).
7. This survey meets or exceeds Iowa Code 355.8 (15).

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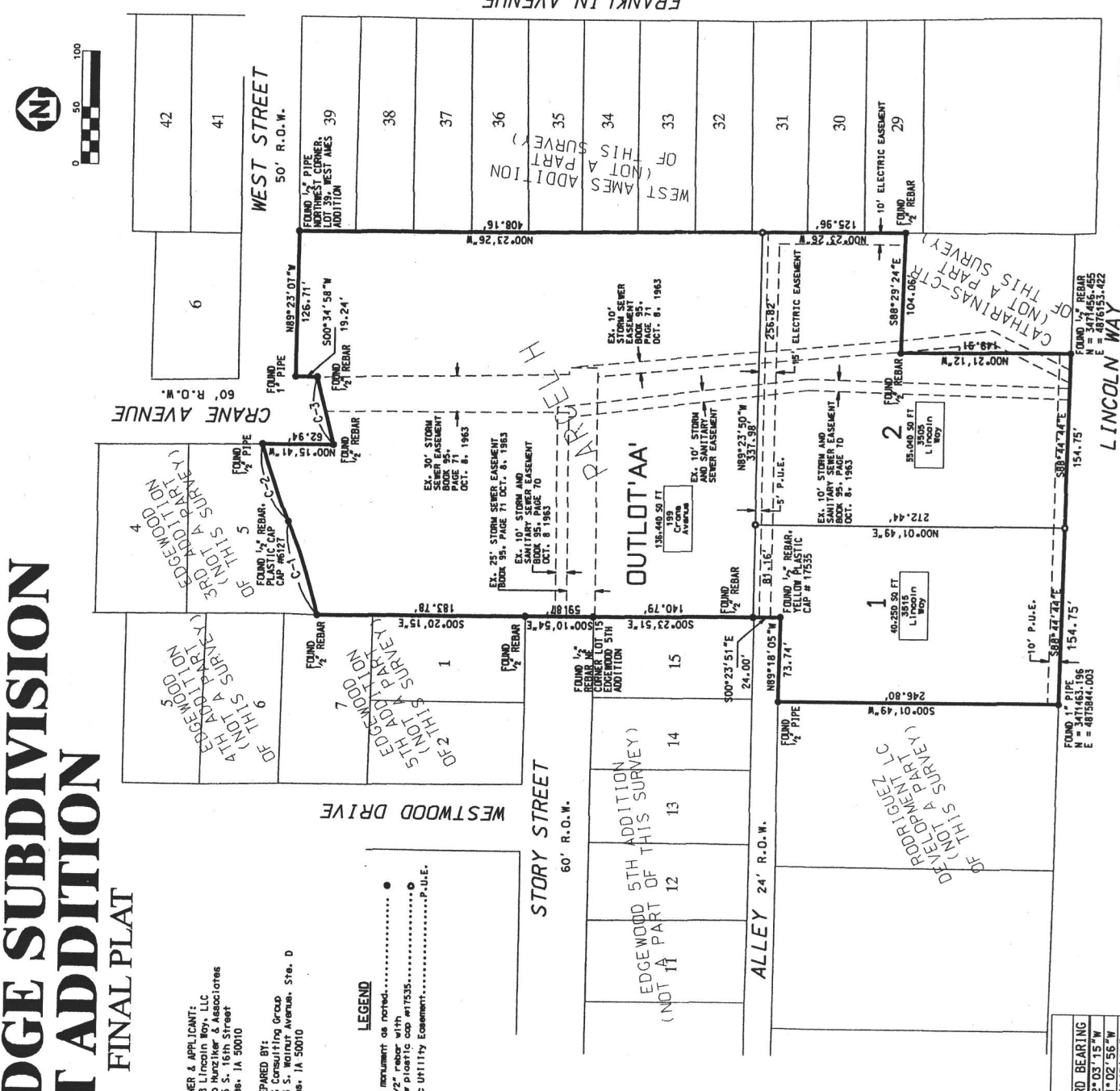
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AMES, IOWA

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JOB NO. 56-37-1073
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