

**COUNCIL ACTION FORM**

**SUBJECT:FINAL PLAT FOR AMES COMMUNITY DEVELOPMENT PARK FOURTH ADDITION**

**BACKGROUND:**

Dayton Park, LLC, represented by Chuck Winkleblack, is requesting approval of the Final Subdivision Plat of Ames Community Development Park Fourth Addition. The subdivision is 37.23 acres and lies south of Ames Community Development Park Second Addition and north of Dayton Park Subdivision Fifth Addition. The proposed subdivision creates fourteen buildable lots (Lots 1-14) ranging in size from about 1.15 acres to 5.32 acres for a total of 33.88 acres of immediately available industrial land. Lot A is created and dedicated as right-of-way for public streets. Lots 1 through 14 are dimensioned to allow structures and uses as allowed in the GI (General Industrial) district and are similar in size with lots in the South Bell Avenue corridor.

An Urban Renewal Plan was adopted by the City Council on February 10, to facilitate this Urban Renewal Project, and the Preliminary Plat was approved that same evening. A location map and final plat illustration are attached.

The applicable law to the case is contained in Attachment C. Of particular significance to the Council is the following in the Ames Municipal Code Section 23.302(10)(b):

- (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.

Although public improvements are required for this development, they have not yet been installed. While this project is a private development, the installation of the improvements is a public investment to be paid for through tax-increment financing. Because of this financing mechanism, the developer is not asked to submit a financial guarantee to ensure the completion of the improvements. The installation of the necessary streets, sanitary sewer, water and storm water piping is on this same Council agenda to award a contract.

Streets, water, sanitary sewer, and storm water are to be installed consistent with the preliminary plat approved by the City Council. Easements for necessary public utilities are provided. Sidewalks will be installed along one side of South Bell Avenue and the two cul-de-sacs. This is consistent with the subdivision ordinance, which requires sidewalks along only one side of a street within an industrial 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 agreement from the owner specifying that occupancy of new structures will not be permitted by the City until the sidewalks associated with the individual lot are installed. Consistent with this practice, the proposed Sidewalk Installation Agreement allows sidewalks to be deferred until the occupancy of structures on abutting lots.

Street trees are not required as a part of industrial subdivisions, and no bike paths are proposed for the subdivision.

**ALTERNATIVES:**

1. The City Council can approve the Final Plat of Ames Community Development Park Fourth Addition. This approval would extend to the Resolution accepting the Final Plat, the Easement Grant to the City, and the Agreement for Sidewalks.
2. The City Council can deny approval of the Final Plat for Ames Community Development Park Fourth Addition.
3. The City Council can refer this back to staff and/or the owner for additional information.

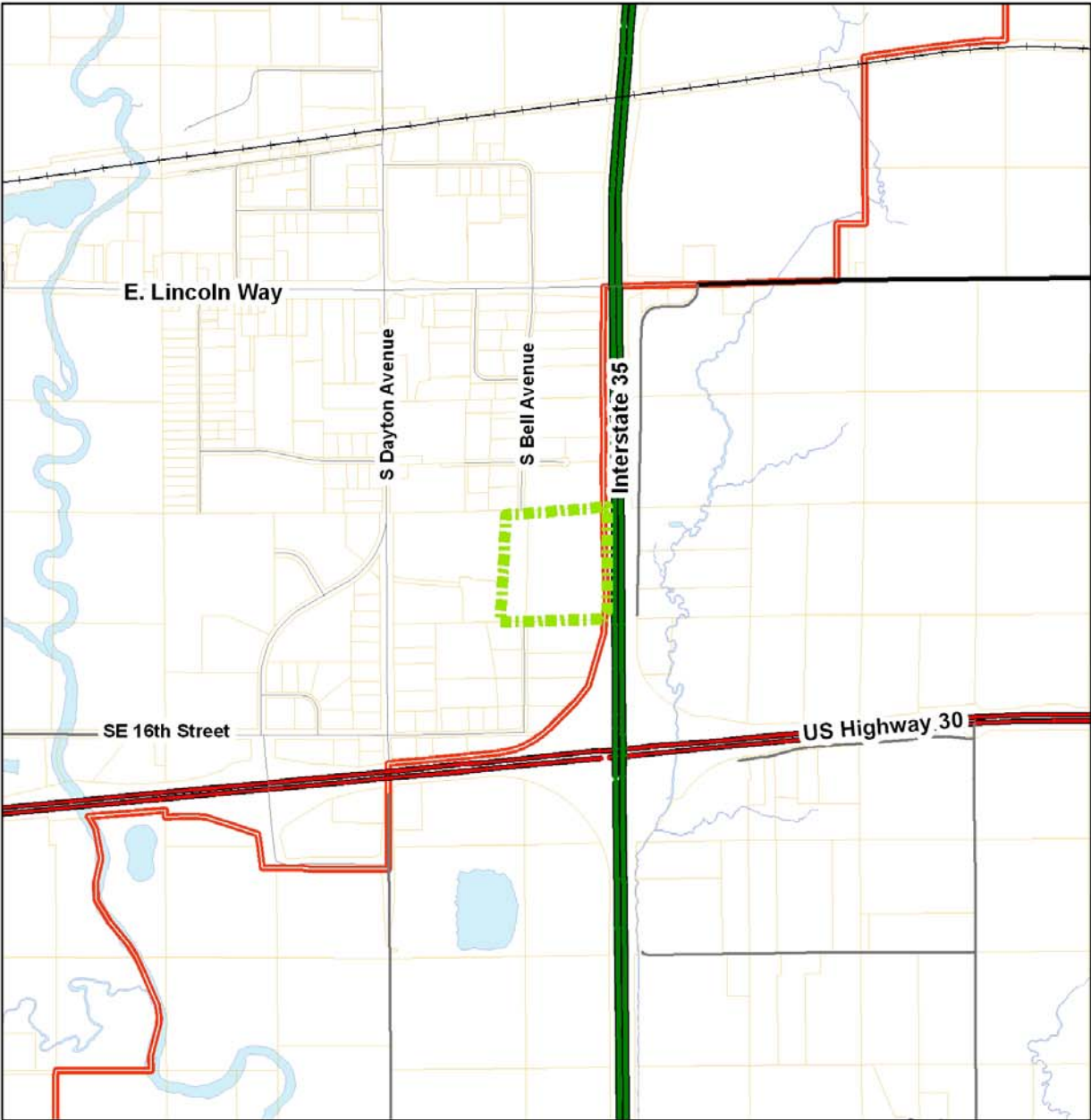
**MANAGER'S RECOMMENDED ACTION:**

Staff has concluded the following:

1. That the proposed street and utility improvements as presented in the approved preliminary plat are consistent with the relevant design and improvement standards of Ames Subdivision Regulations, will meet minimal levels of service, and will have no detrimental impact on public improvements.
2. That the lots meet the applicable dimensional requirements of the Ames Zoning Ordinance for the GI General Industrial district.
3. That the proposed development is consistent with the Land Use Policy Plan and the objectives of the Urban Renewal Plan for this Area. A fuller analysis of this consistency can be found in the Urban Renewal Plan Number Five.
4. That the final plat is consistent with the preliminary plat and the development agreement, both approved on February 10, 2009.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1. This recommendation is contingent upon the City Council awarding a construction contract on March 10 for the public improvements for this subdivision.

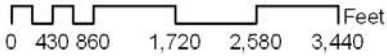
**ATTACHMENT A: LOCATION MAP**



Prepared by the Department of  
Planning and Housing

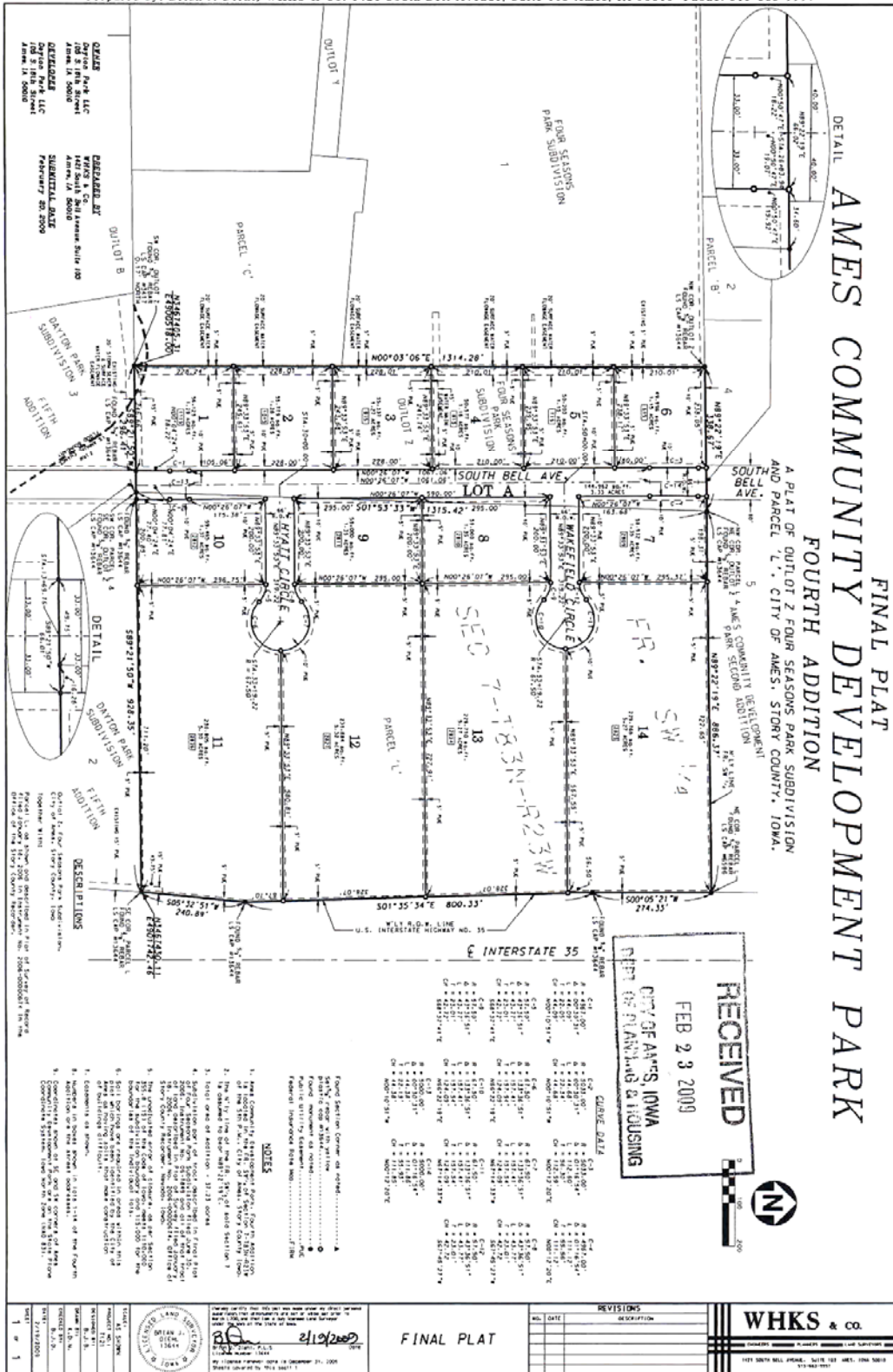
**Urban Renewal Area Number 5**  
**Map 1: Vicinity Map**

 Project Area



# ATTACHMENT B: FINAL PLAT

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## ATTACHMENT C: APPLICABLE LAW

The laws applicable to this case file are as follows:

Code of Iowa Chapter 354.8 states in part:

A proposed subdivision plat lying within the jurisdiction of a governing body shall be submitted to that governing body for review and approval prior to recording. Governing bodies shall apply reasonable standards and conditions in accordance with applicable statutes and ordinances for the review and approval of subdivisions. The governing body, within sixty days of application for final approval of the subdivision plat, shall determine whether the subdivision conforms to its comprehensive plan and shall give consideration to the possible burden on public improvements and to a balance of interests between the proprietor, future purchasers, and the public interest in the subdivision when reviewing the proposed subdivision and when requiring the installation of public improvements in conjunction with approval of a subdivision. The governing body shall not issue final approval of a subdivision plat unless the subdivision plat conforms to sections 354.6, 354.11, and 355.8.

Ames Municipal Code Section 23.302(10) states as follows:

(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.