

COUNCIL ACTION FORM

SUBJECT: WALNUT RIDGE SUBDIVISION, 2ND ADDITION MAJOR FINAL PLAT

BACKGROUND:

William Fedeler and Chuck Winkleblack, representing C & B Lincoln Way, LLC, are requesting approval of the Major Final Plat for Walnut Ridge Subdivision, Second Addition. This is a replat of Outlot 'AA' of Walnut Ridge Subdivision, First Addition, which divides the 3.13-acre outlot into eleven lots for the construction of single-family detached homes, and one lot (Lot A) for the extension of Story Street and Crane Avenue. Both streets presently dead end into the subdivision and will now extend through the subdivision to provide one continuous street for access to each of the residential lots. This site is a previously undeveloped wooded area zoned as Residential Low Density (RL).

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

- Resolution Accepting the Final Plat of Walnut Ridge Subdivision, Second Addition;
- Consent and Dedication;
- 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 electric, and surface water flowage and storm water detention;
- Agreement for Sidewalk and Street Trees;
- Resolution Accepting Public Improvements and Bond on Walnut Ridge, Subdivision Second Addition; and,
- Letter of Credit, in the amount of \$178,900, for the development of public improvements in Walnut Ridge Subdivision, Second Addition.

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

- 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 will be submitted to the Public Works Department for review and approval prior to installation and prior to final plat approval.
- All public improvements will be installed prior to final plat approval unless deferment of installation is approved by the City Council, in which case the Council will 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 (see attached applicable law citations). **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, and sidewalk to be installed in the right-of-way for West Street, adjacent to proposed Lot 8.**

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 without financial security 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, 2008.

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 this condition should be waived, this would be consistent with past practice. Except for this issue, 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 and to the City's Land Use Policy Plan.

ALTERNATIVES:

1. The City Council can:
 - a) waive the subdivision code requirement for financial security for sidewalks since the Developer, in accordance with our past practice, has signed the Agreement for Sidewalk and Street Trees that requires the installation of these improvements prior to occupancy or within 24 months of issuance of a building permit; and

- b) approve the Final Plat of Walnut Ridge Subdivision, Second Addition, based upon staff's findings and conclusions stated above; and
 - c) accept the Easement Grants to the City; and
 - d) approve the Agreement for Public Improvements.
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, Second 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, Second Addition is consistent with the requirements of a major subdivision and the stipulations for approval of the Preliminary Plat, subject to approval of a waiver of financial security for sidewalks.

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, Second Addition and accompanying documents to be recorded in the office of the County Recorder.

ATTACHMENT A: 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:

(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

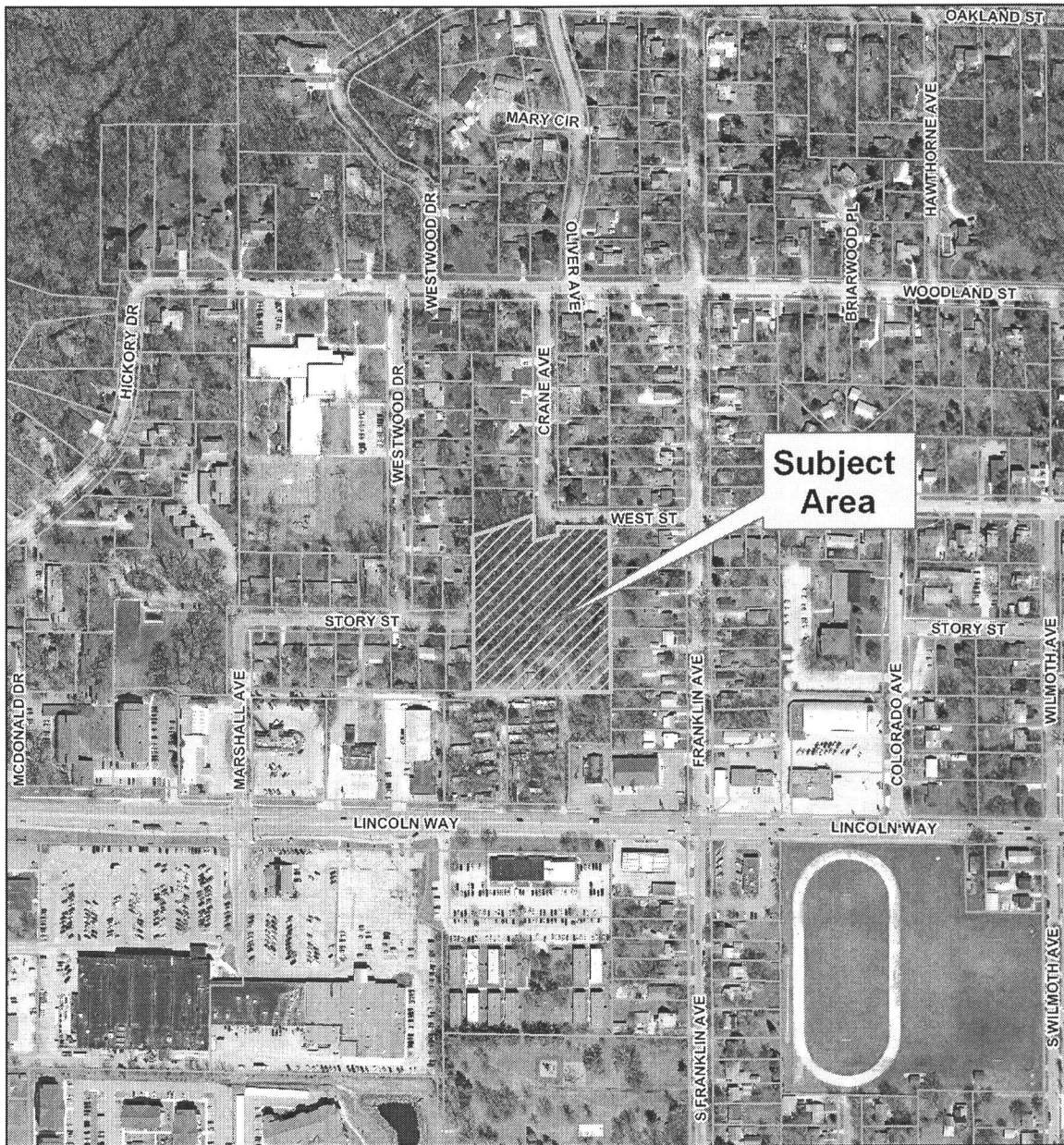
determined at the sole discretion of the City. The terms, conditions and amortization schedule for such contribution may be incorporated within an Improvement Agreement as set forth in Section 23.304 of the Regulations.

- (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.

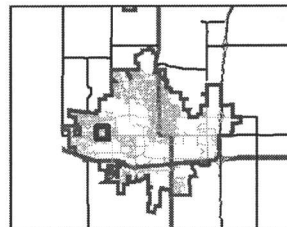
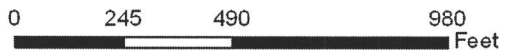
Ames Municipal Code Section 23.403(14)(a)(i) states:

(10) Sidewalks and Walkways:

- (a) Sidewalks and walkways shall be designed to provide convenient access to all properties and shall connect to the City-wide sidewalk system. A minimum of a four-foot wide concrete sidewalk shall be installed in the public right-of-way along each side of any street within residentially and commercially zoned areas and along at least one side of any street within industrially zoned areas. Such a sidewalk shall connect with any sidewalk within the area to be subdivided with any existing or proposed sidewalk in any adjacent area. Any required sidewalk shall be constructed of concrete and be at least four feet wide.
- (i) A deferment for the installation of sidewalks may be granted by the City Council when topographic conditions exist that make the sidewalk installation difficult or when the installation of the sidewalk is premature. Where the installation of a sidewalk is deferred by the City Council, an agreement will be executed between the property owner/developer and the City of Ames that will ensure the future installation of the sidewalk. The deferment agreement will be accompanied by a cash escrow, letter of credit, or other form of acceptable financial security to cover the cost of the installation of the sidewalk.



**Final Plat for Walnut Ridge Subdivision Second Addition
199 Crane Ave**



WALNUT RIDGE SUBDIVISION SECOND ADDITION FINAL PLAT

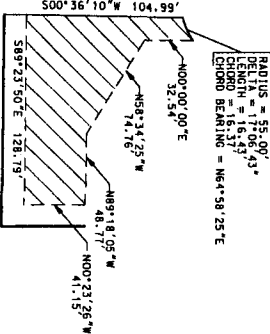
FINAL PLAT

NOTES

1. 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.
2. The West Line of Lot 1 is assumed to bear S00°23'51"E.
3. Total area of addition - 136,440 square feet
4. Lot A, containing 26,318 square feet, to be dedicated to the City of Ames for street purposes.
5. 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.
6. Easements as shown.
7. Coordinates shown at the SW Corner of Lot 1 and the SE Corner of Lot 4, are on the State Plane Coordinate System, Iowa North Zone (NAD 83).
8. This survey meets or exceeds Iowa Code 355.8 (15).

LEGAL DESCRIPTION

Outlet AA, Walnut Ridge Subdivision, First Addition, Ames, Story County, Iowa.



SURFACE WATER FLOWAGE EASEMENT AND STORM WATER DETENTION EASEMENT DETAIL

CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C-1	598.80	98°13'45"	86.00	85.93	S172°03'15"W
C-2	598.80	98°13'45"	86.00	85.93	S172°03'15"W
C-3	390.80	98°20'15"	72.87	72.81	S171°02'58"W
C-4	390.80	98°20'15"	72.87	72.81	S171°02'58"W
C-5	10.50	51°46'50"	9.43	9.17	S54°04'32"E
C-6	55.00	194°13'55"	18.45	109.15	N44°41'26"E
C-7	55.00	68°16'37"	65.34	61.73	S172°19'55"E
C-8	55.00	65°01'27"	44.18	43.00	N50°31'03"E
C-9	55.00	51°28'54"	49.43	47.79	N01°45'22"E
C-10	55.00	28°25'57"	27.28	27.01	N89°12'33"W
C-11	10.50	52°09'51"	9.36	9.23	N26°20'36"W

LOT	ADDRESS	AREA (SQUARE FEET)
1	3510 STORY STREET	8,671
2	3506 STORY STREET	8,784
3	3502 STORY STREET	9,010
4	3500 STORY STREET	9,172
5	200 CRANE AVENUE	8,092
6	200 CRANE AVENUE	7,917
7	217 CRANE AVENUE	8,210
8	213 CRANE AVENUE	10,420
9	213 CRANE AVENUE	11,806
10	3511 STORY STREET	9,546
11	3505 STORY STREET	10,022

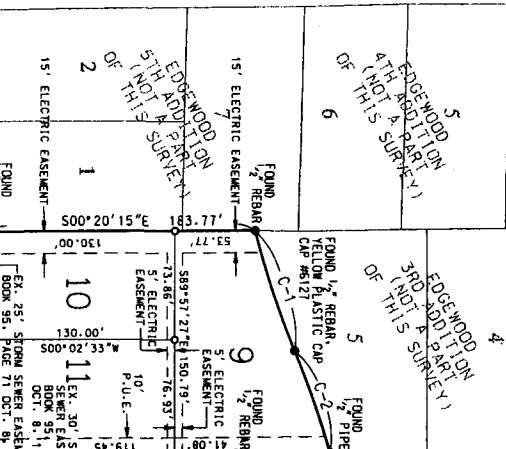
OWNER & APPLICANT:
C & B Lincoln Way, LLC
c/o Hunziker & Associates
105 S. 16th Street
Ames, IA 50010

PREPARED BY:
HMS Consulting Group
223 S. Walnut Avenue, Ste. 0
Ames, IA 50010

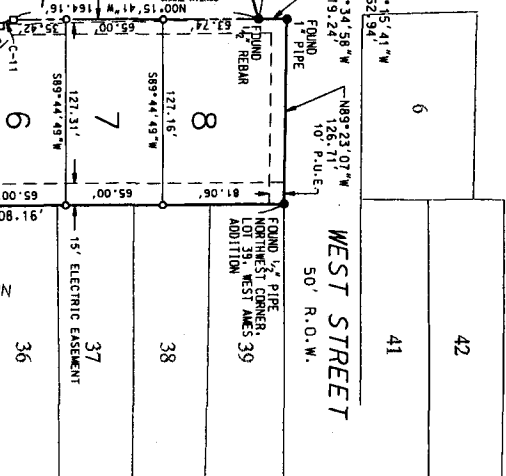
Found monument as noted..... ●
Set 1/2" x 30" rebar with yellow plastic cap #1735..... ○
Set 5/8" x 30" rebar with yellow plastic cap #1735..... ○
Public Utility Easement..... P.U.E.

LEGEND

WESTWOOD DRIVE
60' R.O.W. STA. 100+00 TO 100+60



CRANE AVENUE
60' R.O.W.



FRANKLIN AVENUE



RECEIVED
MAR 16 2009
CITY OF AMES, IOWA
DEPT. OF PLANNING & HOUSING

CATHARINAS-CTR
(NOT A PART OF THIS SURVEY)

WALNUT RIDGE SUBDIVISION
FIRST ADDITION
(NOT A PART OF THIS SURVEY)

I hereby certify that this plat was prepared and approved by me in accordance with the laws of the State of Iowa. I am a duly Licensed Professional Engineer in the State of Iowa. My license number is 17538. I am a member of the Iowa Board of Professional Engineers. My commission expires on 12/31/2010.

**WALNUT RIDGE SUBDIVISION
SECOND ADDITION**
 AMES, IOWA

REVISIONS	
NO.	DESCRIPTION

HMS
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 (515) 232-1103
 www.hms.com