

COUNCIL ACTION FORM

SUBJECT: MAJOR FINAL PLAT FOR SOMERSET SUBDIVISION, 23RD ADDITION

BACKGROUND:

Chuck Winkleblack, representing E.A. Hunziker Development, LLC, D&R Furman, LLC, and R. Friedrich and Sons, Inc., are requesting approval of the Major Final Plat for Somerset Subdivision, Twenty-Third Addition. This is a replat of Lots 52 through 63 inclusive, in Somerset Subdivision, Second Addition, which consolidates the 12 lots into 5 new lots for the construction of single-family detached homes. The land is presently zoned as: "F-VR" (Village Residential). This site, which includes 0.96 acres, is an infill area of Somerset Subdivision with lots that were previously planned for the construction of "Row Houses", which are single-family attached.

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

- Resolution Accepting the Final Plat of Somerset Subdivision, Twenty-Third Addition;
- Consent;
- Mortgagee's Consent to Platting;
- Attorney's Opinion, which states that fee simple title to the real estate is vested in E.A. Hunziker Development, L.L.C. f/k/a Erben Hunziker and Margaret Hunziker Development, L.L.C., D&R Furman, L.L.C. and R. Friedrich and Sons, Inc.;
- 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 surface water flowage; and
- Agreement for Sidewalk and Street Trees;

On November 6, 2008, the Major Site Development Plan/Preliminary Plat for Somerset Subdivision was amended by the City Council to allow the construction of "Village Houses" (single-family detached homes) on the five proposed lots included in this proposed Final Plat. The street trees required for the proposed subdivision are part of the original approval of the Preliminary Plat for Somerset Subdivision. The resolution approving Amendments to the Major Site Development Plan/ Preliminary Plat included the following stipulations for approval:

- Approval of revisions to the approved Major Site Development Plan/Preliminary Plat to reduce the number of "row houses" from 21 to 9, subject to a zoning text amendment to change the residential land use allocation for row houses in the Village Residential Floating Zone. If the proposed zoning text amendment is not approved by the Council,

the recommendation would be to deny the applicant's request to reduce the number of row houses. This approval is also conditional upon the construction of village houses on the subject property, which are consistent with the quality, detail, and design of the existing village houses located on the north side of Camden Drive, and subject to the village houses having vehicular access to garages only from the alley and not from Bristol Drive.

Section 23.403(14)(a)(i) of the Municipal Code, pertaining to deferral of sidewalks and the requirement for financial securities to guarantee installation of said improvements (see attached applicable law citations) applies to the proposed subdivision. **There is no financial security on file with the City Clerk's office for sidewalks or street trees as required by Section 23.403. The Preliminary Plat shows sidewalks and street trees to be installed in the right-of-way for Bristol Drive, adjacent to each of the five proposed lots.**

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;
 - b) approve the Final Plat of Somerset Subdivision, Twenty-Third Addition based upon staff's findings and conclusions stated above;

- 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 Somerset Subdivision, Twenty-Third 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 Somerset Subdivision, Twenty-Third Addition is consistent with the requirements of a major subdivision and the stipulations for approval of the Major Site Development Plan/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 Somerset Subdivision, Twenty-Third 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:

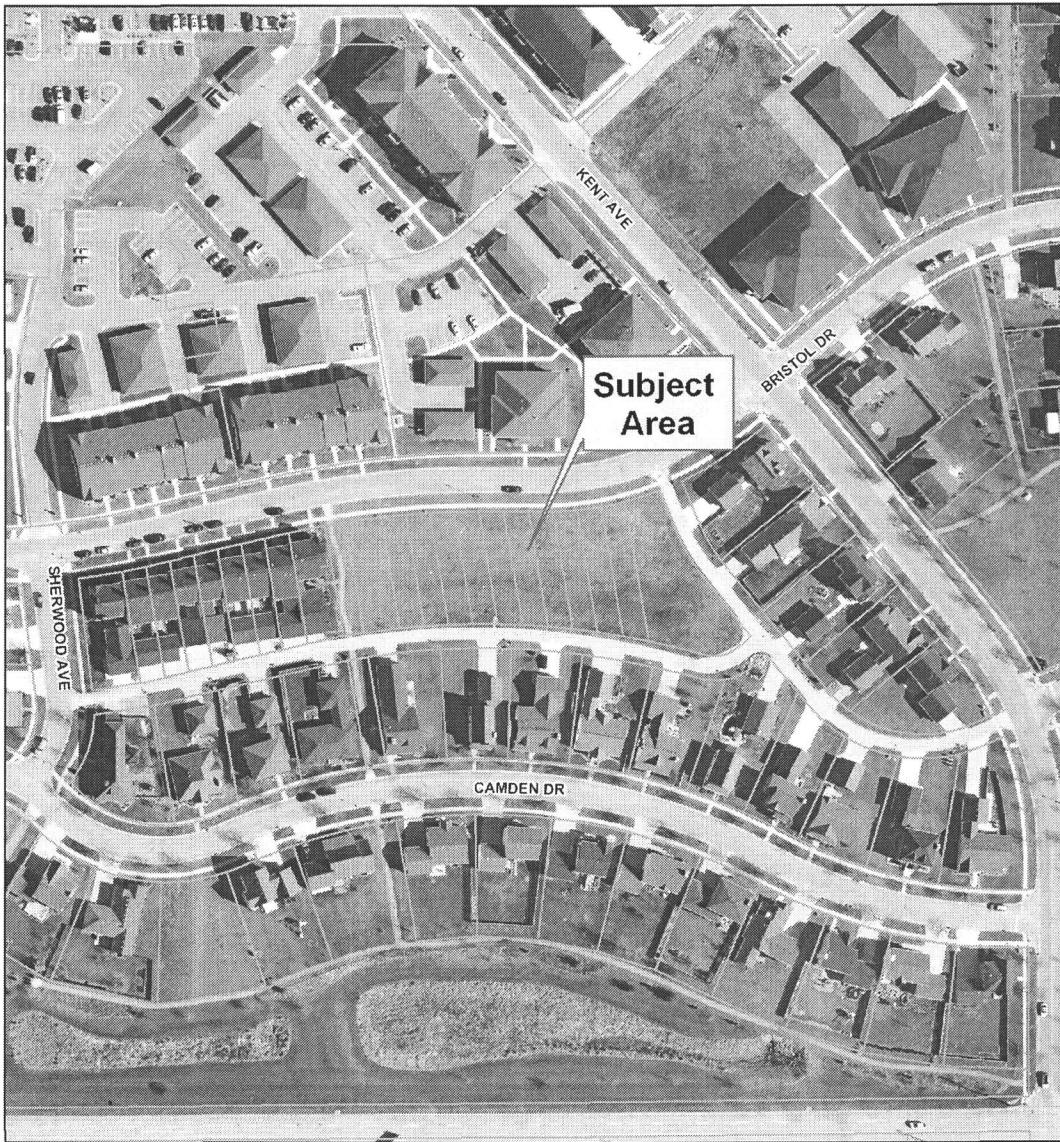
- (a) All proposed subdivision plats shall be submitted to the City Council for review and approval. Upon receipt of any Final Plat forwarded to it for review and approval, the City Council shall examine the Application Form, the Final Plat, any comments, recommendations or reports examined or made by 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 Somerset Subdivision Twenty-Third Addition
Location Map

