

COUNCIL ACTION FORM

SUBJECT: SOMERSET SUBDIVISION, 22ND ADDITION MAJOR FINAL PLAT

BACKGROUND:

Chuck Winkleblack of Hunziker Development is requesting approval of a 32-lot residential subdivision for Somerset Subdivision, 22nd Addition. The property is owned by Hunziker Development LLC, D&R Furman LLC, and Friedrich and Sons, Inc. This phase will complete the platting of Somerset with these 32 single family homes (country houses). This is the northwestern most corner of Somerset, which is on the west side of Stange Road, and just south of the Taylor Farm. The plat covers 11 acres. The proposed Final Plat is consistent with the Preliminary Plat/Major Site Plan. Financial security has been provided for outstanding improvements, which are currently in progress.

Along with the final plat, the following documents have been submitted:

- Council Acceptance Resolution
- Attorney's Opinion verifying ownership and that the property is free of encumbrances
- Certificate of the County Treasurer certifying the property is free of taxes and assessments
- New Easements document for utilities, storm water, and a shared use path
- Agreement for Sidewalks and Street Trees with security being the requirement for installation prior to individual home occupancy
- Agreement for Public Improvements of street lights, electric distribution, street paving, shared use path, and erosion control, to be completed by June 23, 2011 with financial security instrument filed of \$370,354.00.
- Resolution Accepting Bond for Public Improvements instead of installation

There is no financial security on file with the City Clerk's office for sidewalks or street trees as required by Code, but **the shared use path along Stange Road is secured by the Letter of Credit.** The Preliminary Plat/Major Site Plan shows sidewalks and street trees to be installed within right-of-ways on all street frontages.

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 adjacent to the individual lot are installed. This has been more practical than requiring installation with a certain deadline, in order to allow construction equipment to drive into the lot without damaging a new sidewalk. Consistent with this practice, the City Council may wish to waive the requirement for financial security and allow sidewalks and street trees to be deferred until occupancy of

homes 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, and for Walnut Ridge, Second Addition on March 24, 2009.

Staff has determined that the Preliminary Plat conditions for approval have been satisfied. Further, staff finds that the requirements of the Municipal Code have also been satisfied with the exception of the requirement for financial security for the sidewalks and street trees. However, if the Council agrees that this requirement should be waived, this would be consistent with past practice. Except for this issue, staff concludes that the proposed Final Plat complies with the Preliminary Plat approved on November 6, 2008, to 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 and street trees 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 Somerset Subdivision, Twenty 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 of Somerset Subdivision, Twenty Second Addition.
3. The City Council can refer this back to staff and/or the owner for additional information.

MANAGER'S RECOMMENED ACTION:

The proposed Final Plat for Somerset Subdivision, Twenty 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 Somerset Subdivision, Twenty Second Addition and accompanying documents to be recorded in the office of the County Recorder.



**Location Map
Somerset 22nd Addition**



0 375 750 1,500 Feet

