

COUNCIL ACTION FORM

SUBJECT: PRELIMINARY PLAT FOR GRAND ASPEN SUBDIVISION, 3RD ADDITION

BACKGROUND:

Scott Randall, the developer and property owner, has submitted a proposal to replat "Outlot A" of Grand Aspen 2nd Addition Subdivision, located at 917 South 16th Street into two lots, Lot 1 and "Outlot B". The revision would result in one 3-acre lot (shown as Lot 1), which would directly abut the Ames Christian School site to the west. The balance of the existing "Outlot A" would be designated as "Outlot B", which includes approximately 14.68 acres for farming purposes. The overall area outside the bounds of the plat is being shown for reference purposes.

The Future Land Use Map in the Land Use Policy Plan designates the land use as Residential High Density. The zoning of the property is "RH" (High-Density Residential).

The developer is to grant to the City a perpetual negative easement with respect to the south line of the site such that there shall be no access to South 16th Street from the site except for one thirty foot (30') intersecting driveway, located directly across from and aligned with Fountain View Drive, to serve as access to Lot 1. The developer is to consent that no further access will be granted to South 16th Street from the site. This access limiting easement is to be shown on the face of the official plat of the subdivision that is the subject of the Development Agreement. The plat also identifies access to Proposed Outlot B and also access to Coldwater Links Golf Course property to the east at a location 419.99 feet north of the South 16th Street frontage. The plat shows a 10-foot wide public utility easement across the South 16th Street frontage of proposed Lot 1, and also along the western side of proposed Lot 1. This extends to a 20-foot electric easement across proposed Outlot B.

Proposed public improvements include an 8-foot shared use path (labeled as a bicycle path) along the full South 16th Street frontage of the plat. A developer agreement provides for the further extension of this bike path to the west side of Greenbriar Park.

The plat will also entail the widening of South 16th Street along the entire frontage of the plat, beginning at the southwest corner of proposed Lot 1, and extending eastward beyond the bounds of the plat to the widened portion of the roadway in front of the Aspen Ridge plat. The plat identifies a future Grand Avenue extension running generally along the eastern side of the plat. A "Non-Possessory Easement" already exists for the future Grand Avenue area.

The original plat approval required the developer to construct a portion of Grand Avenue extension and to donate the right-of-way to the City. The request to revise the original plat creates an opportunity to renegotiate the conditions of the earlier developer agreement, which now must reflect current Federal Acquisition Process requirements so that the City can use federal funding for the Grand Avenue extension.

In return for donating the Grand Avenue extension right-of-way with Outlot B, the City has agreed to: 1) construct a bike path adjacent to Greenbriar Park; 2) pave the existing granular trail from S. 16th Street to the intersection of the future Grand Ave. right-of-way; and 3) construct a bike path along Grand Ave. from its intersection with the former railroad right-of-way to its intersection with S. 16th Street.

The timing and responsibilities for the installation of the off-site improvements are specified in a developers agreement.

The following table identifies the existing land use, existing zoning, and LUPP designation of the properties surrounding the site:

Area	LUPP Designation	Zoning Designation	Land Use
North	High Density Residential	Residential High Density (RH)	Golf Course
South	Low-Density Residential & High-Density Residential	Residential Low Density (RL) & Residential High-Density (RH)	Manufactured homes and apartments.
East	Highway-Oriented Commercial	Planned Residential District (F-PRD)	Vacant
West	High-Density Residential & Government/Airport	Residential High Density (RH) & Government/Airport (S-GA)	Private school, park

Improvements and Utilities. Existing public utility mains for water, sanitary sewer, storm sewer, and electric will provide services for proposed Lot 1. No extensions are being required as part of this plat due to the outlot not being buildable under the designation. The plat indicates that storm water management for each site will be reviewed at the time of site plan review.

Sidewalks are not proposed in association with this plat, since a shared use path has, by past practice, been allowed to meet this requirement. Accordingly, a shared use path will extend the full frontage of South 16th Street as described above. In addition, a bike path will be paved in the railroad right-of-way outside the bounds of the plat, as described above. An additional section of bike path is to be built west, outside the bounds of the plat.

A Street Tree Plan is required for all new residential subdivisions. The Street Tree Plan submitted by the applicant shows street trees to be planted along the entire South 16th Street frontage of the plat. The identified tree species is Black maple, spaced at 40 foot intervals, located 10 feet north of the pavement. This tree species are included on the Department of Public Works list of approved tree species for the City. The placement and spacing of trees, as described on the Street Tree Plan, is consistent with the requirements of Section 23.402 of the Municipal Code.

Street lights are required in new subdivisions. The Ames Municipal Electric Utility has identified two options for lighting of the South 16th Street roadway. Option #1 would place 9 new poles along the north side of the street. Option #2 would upgrade nine existing light fixtures to meet minimum recommended lighting levels. Although subdivision regulations require that street lights be installed at the subdivider's expense, the City has a past practice of not consistently requiring the subdivider to pay for the cost of street lights on arterial streets outside the perimeter of the plat. A waiver of the requirement for the installation of street lights at the subdivider's expense would be appropriate as the City Council approves the proposed Preliminary Plat.

A developer agreement has been prepared defining the applicant's and the City's respective responsibilities for installing public improvements. The agreement defines both the timing of installation, and requirements for financial guarantees, as required under Section 23.409 of the City Code.

Applicable law pertaining to this request is attached. Of particular significance to the City Council's review of the Preliminary Plat, is the following:

Ames Municipal Code Section 23. 302(5):

(5) City Council Review of Preliminary Plat: All proposed subdivision plats shall be submitted to the City Council for review and approval in accordance with these Regulations. The City Council shall examine the Preliminary Plat, any comments, recommendations or reports examined or made by the Planning and Zoning Commission, and such other information as it deems necessary and reasonable to consider.

Ames Municipal Code Section 23. 302(6)(a)&(b):

(6) *City Council Action on Preliminary Plat:*

(a) *Based upon such examination, the City Council shall determine whether the Preliminary 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. In particular, the City Council shall determine whether the subdivision conforms to minimum levels of service standards set forth in the Land Use Policy Plan for public infrastructure and shall give due consideration to the possible burden of the proposed subdivision on public improvements in determining whether to require the installation of additional public improvements as a condition for approval.*

- (b) *Following such examination and within 30 days of the referral of the Preliminary Plat and report of recommendations to the City Council by the Planning and Zoning Commission, the City Council shall approve, approve subject to conditions, or disapprove the Preliminary Plat. The City Council shall set forth its reasons for disapproving the Preliminary Plat or for conditioning its approval of any Preliminary Plat in its official records and shall provide a written copy of such reasons to the developer.*

Ames Municipal Code Section 23. 302(7)(a), (b) & (c):

(7) *Effect of Approved Preliminary Plat:*

- (a) *An approved Preliminary Plat authorizes the making or installation of any required improvements shown on the Preliminary Plat after the Municipal Engineer reviews and provides written approval of construction plans, including any appropriate profiles or cross sections, for improvement of public ways, public infrastructure and public utilities.*
- (b) *An approved Preliminary Plat shall be valid for one year from the date on which the City Council approves the Preliminary Plat, by which time the Applicant shall submit an Application for Final Plat Approval or the Preliminary Plat shall become null and void unless the City Council has granted an extension of time for the validity of the Preliminary Plat for a period not to exceed one additional year beyond the expiration of the original one year period of validity. If the approval period expires without an Application for Final Plat approval, nor an extension, the Applicant shall be required to resubmit a Sketch Plan pursuant to currently existing Regulations.*
- (c) *The City Council may require that all public improvements described on the approved Preliminary Plat for a Major Subdivision be installed and dedicated prior to approval of the Final Plat. If the City Council does not require that all public improvements be installed and dedicated prior to approval of the Final Plat, the City Council shall require the Applicant to execute an Improvement Agreement as set forth in Section 23.304 and provide security in the form of an Improvement Guarantee as set forth in Section 23.409 of the Regulations. Between the approval of the Preliminary Plat and submission of an Application for Final Plat Approval of a Major Subdivision, the Applicant must either complete all indicated improvements to the satisfaction of the City or enter into an Improvement Agreement to do so.*

Based upon an analysis of the proposed development, laws pertinent to the proposed development, and conditions and improvements abutting and serving the plat, staff has made the following findings:

1. The land included within the proposed subdivision is designated on the Land Use Policy Plan Map and on the Zoning Map as “Residential High Density”.

2. The applicant is proposing a redivision of existing Outlot A, Grand Aspen 2nd Addition, that will divide said outlot into two lots. One of the lots is proposed to be designated as an outlot with an identified use of “farming”.
3. All lots within the proposed subdivision have the minimum amount of required frontage. The minimum frontage requirement for the lots zoned as “RH” is 35 feet at the street line and 50 feet at the building line.
4. The lot is designed to provide adequate buildable area within the minimum required building setbacks.
5. Lot 1 will be served by public utility mains in the South 16th Street right-of-way.
6. The City’s Public Works Department has indicated that this site is adequately served by utilities and infrastructure, and that the proposal will result in no adverse traffic impacts once the street improvements described in the developer agreement have been installed.
7. The proposed subdivision is designed to include street tree plantings which are in compliance with the standards for residential subdivisions.
8. Floodplain: The FEMA FIRM map designates roughly two-thirds of the site as being in Zone AE, otherwise known as the “100 year floodplain” or 1% annual chance flood. A small sliver in the northwest corner is designated as “Floodway,” which is the area which must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights. Floodplain notations are included on the plat.
9. City staff is requesting that the City Council grant a waiver of the requirement that the subdivider pay the cost of installing street lights since the City has a past practice of not consistently requiring subdividers to pay these costs.

Based upon the above facts and analysis, staff has concluded that the proposed preliminary plat is consistent with the Land Use Policy Plan and the associated Land Use Policy Plan Map designation of the site, provided that the conditions outlined the developer agreement are approved. Staff is not aware of any other inconsistencies with the Land Use Policy Plan, and concludes that Code of Iowa Chapter 354, Section 8 has been satisfied. Staff further concludes that the proposed subdivision complies with all relevant and applicable design and improvement standards of the Subdivision Regulations, to other City ordinances and standards, and to the City’s Land Use Policy Plan.

Recommendation of the Planning & Zoning Commission. At its meeting of May 20, 2009, with a vote of 5-0, the Planning and Zoning Commission recommended that the City Council adopt Alternative #1.

ALTERNATIVES:

1. The City Council can approve the Preliminary Plat for Grand Aspen Subdivision 3rd Addition, located at 917 South 16th Street and approve the street light waiver, based upon the above findings and conclusions, subject to the approval and execution of the development agreement, and the following conditions:
 - a. 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.
 - b. The final plat shall label the identified bike path along South 16th Street as a “shared use path”.
 - c. A notation to label the boundary of the “Floodway” shall be added to the final plat.
 - d. The statement on the preliminary plat that “Outlot B’s uses will be in conformance with the RH zoning” shall not be shown on the final plat.
 - e. A perpetual negative easement shall be shown on the face of the final plat of subdivision, with respect to the south line of the site such that there shall be no access to South 16th Street from the site except for one 30-foot intersecting driveway, located directly across from and aligned with Fountain View Drive, to serve as access to Lot 1, and also that there shall be no access along the easterly and westerly sides of Grand Avenue, except for a driveway thirty feet (30’) wide from the easterly and westerly sides 419.99 feet north of the south line of the Site.
2. If the City Council finds that the proposed Preliminary Plat does not conform to all adopted standards and applicable law pertaining to subdivisions, the City Council can deny the revised Preliminary Plat for Grand Aspen 3rd Addition.
3. The City Council can approve the revised Preliminary Plat for Grand Aspen 3rd Addition Subdivision with modifications.
4. Action on this request can be postponed and referred back to City staff and/or the applicant for additional information, provided that the applicant provides a written waiver of his rights to have this application processed within 30 days.

MANAGER’S RECOMMENDED ACTION:

After approval of the development agreement, no obstacles will remain for approval of this preliminary plat. Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1 above.

Attachment A

Applicable Laws:

The laws applicable to this case file are as follows:

Code of Iowa Chapter 354, Section 8 requires that the governing body shall determine whether the subdivision conforms to its Land Use Policy Plan.

Ames Municipal Code Chapter 23, Subdivisions, Division I, outlines the general provisions for subdivisions within the city limits and within two miles of the city limits of Ames.

Ames Municipal Code Section 23.302(3):

3. *Planning and Zoning Commission Review:*

- (a) *The Planning and Zoning Commission shall examine the Preliminary Plat, any comments, recommendations or reports assembled or made by the Department of Planning and Housing, and such other information as it deems necessary or desirable to consider.*
- (b) *Based upon such examination, the Planning and Zoning Commission shall ascertain whether the Preliminary 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.*

Ames Municipal Code Section 23.302(4):

4. *Planning and Zoning Commission Recommendation: Following such examination and within 30 days of the regular meeting of the Planning and Zoning Commission at which a complete Application is first formally received for consideration, the Planning and Zoning Commission shall forward a report including its recommendation to the City Council. The Planning and Zoning Commission shall set forth its reasons for any recommendation to disapprove or to modify any Preliminary Plat in its report to the City Council and shall provide a written copy of such reasons to the developer.*

Ames Municipal Code Section 23.302(5):

5. *City Council Review of Preliminary Plat: All proposed subdivision plats shall be submitted to the City Council for review and approval in accordance with these Regulations. The City Council shall examine the Preliminary Plat, any comments, recommendations or reports examined or made by the Planning and Zoning Commission, and such other information as it deems necessary and reasonable to consider.*

Ames Municipal Code Section 23.302(6):

6. *City Council Action on Preliminary Plat:*

- (a) *Based upon such examination, the City Council shall determine whether the Preliminary 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. In particular, the City Council shall determine whether the subdivision conforms to minimum levels of service standards set forth in the Land Use Policy Plan for public infrastructure and shall give due consideration to the possible burden of the proposed subdivision on public improvements in determining whether to require the installation of additional public improvements as a condition for approval.*
- (b) *Following such examination and within 30 days of the referral of the Preliminary Plat and report of recommendations to the City Council by the Planning and Zoning Commission, the City Council shall approve, approve subject to conditions, or disapprove the Preliminary Plat. The City Council shall set forth its reasons for disapproving any Preliminary Plat or for conditioning its approval of any Preliminary Plat in its official records and shall provide a written copy of such reasons to the developer.*

Ames Municipal Code Chapter 23, Subdivisions, Division III, provides the procedures for the subdivision of property; specifically Section 23.302 discusses Major Subdivisions.

Ames Municipal Code Chapter 23, Subdivisions, Division IV, identifies design and improvement standards for subdivisions.

Ames Municipal Code Chapter 23, Subdivisions, Section 23.402, requires that trees be planted within the right-of-way of all streets in subdivisions zoned residentially, in accordance with the requirements of this Section.

Ames Municipal Code Chapter 23, Subdivisions, Section 23.405(3), requires that street lights be installed at the subdivider's expense and according to the design and specification standards approved by the City Council and after review and approval by the Ames Municipal Utility. The electric distribution system for the street light system shall also be installed underground.

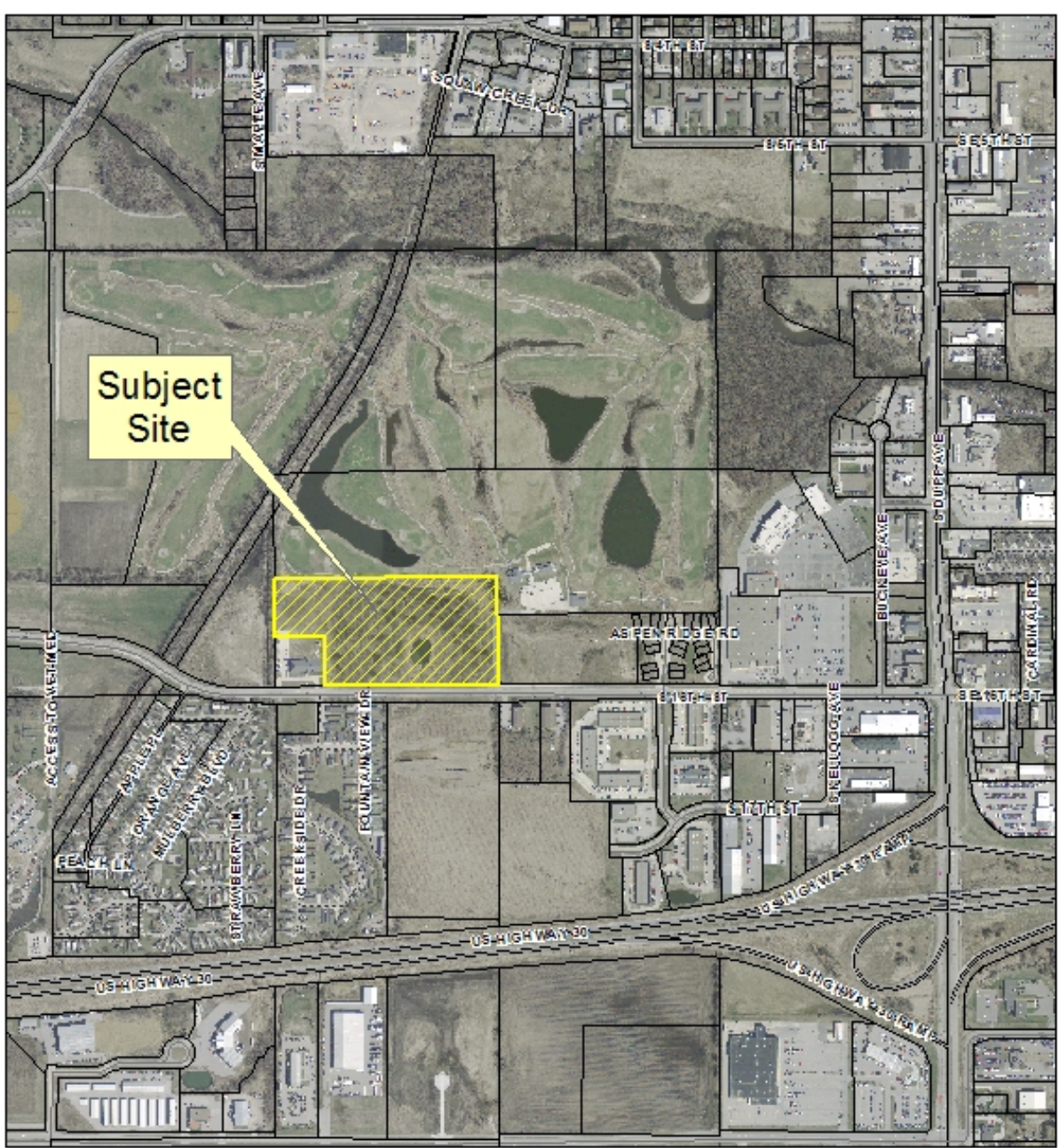
Ames Municipal Code Chapter 29, Zoning, Section 29.704, includes standards for the Residential High Density (RH) zone.

Ames Municipal Code Section 23.107 is as follows:

In addition to the requirements of the Regulations, all plats of land must comply with all other applicable City, county, state, and federal statutes or regulations. All references in the Regulations to other City, county, state or federal statutes or regulations are for informational purposes only, and do not constitute a complete list of such statutes or regulations. The Regulations are expressly designed to supplement and be compatible with, without limitation, the following City plans, regulations, or ordinances:

- (1) *Land Use Policy Plan*
- (2) *Zoning Ordinance*
- (3) *Historic Preservation Ordinance*
- (4) *Flood Plain Ordinance*
- (5) *Building, Sign and House Moving Code*
- (6) *Rental Housing Code*
- (7) *Transportation Plan*
- (8) *Parks Master Plan*
- (9) *Bicycle Route Master Plan*

Plats may be disapproved on the basis of the above, and other City Council approved plans and policies that may be adopted from time to time.



Subject Site

**Location Map
Grand Aspen 3rd Add. Prelim Plat**

