

COUNCIL ACTION FORM

**SUBJECT: NORTHRIDGE HEIGHTS SUBDIVISION, THIRTEENTH ADDITION
MINOR FINAL PLAT**

BACKGROUND:

Uthe Development Company, LLC, represented by Chuck Winkleblack, is requesting approval of a Minor Final Plat, which establishes a two-lot residential subdivision for Northridge Heights Subdivision, Thirteenth Addition. This is a replat of Lot 1, Northridge Heights Subdivision Thirteenth Addition into two lots. The final plat proposes the establishment of Lot 1, which includes 98,901 square feet (2.27 acres), and Lot 2, which includes 35,909 square feet (0.82 acres). The entire subdivision includes 134,810 square feet (3.09 acres) of land and is located at 3725 and 3815 Stange Road. It is located in the CVCN (Convenience Commercial Node) district just north of the Fareway site.

Along with the Final Plat, the following documents have been submitted:

- Council Acceptance Resolution;
- Consent document signed by the property owners;
- Attorney's opinion verifying ownership and that the property is free of encumbrances, except those that are listed;
- Certificate of the County Treasurer certifying the property is free of taxes and assessments;
- New easements for public utilities and electric; and
- Agreement for Sidewalk and Street Trees.

The Land Use Policy Plan (LUPP) Map designation for this proposed subdivision is a restricted "CVCN (Convenience Commercial Node)." This designation was approved by the City Council on May 13, 2008, and includes "exception criteria" which allow a Convenience Commercial Node to locate closer than two miles to a neighborhood commercial area, convenience commercial node, and/or village commercial development provided the exception criteria are met. One of those exceptions is that *"The uses allowed in the proposed Convenience Commercial node under are restricted to a convenience store (which may include gasoline and food sales-no sit-down restaurants), grocery store, medical offices and clinics, and car washes, as long as the uses are not already present in the neighboring Village."* Under the exception criteria, any one of these four uses may be placed on each of the two lots in the proposed subdivision, since the site is located less than two miles from Somerset Village.

The restricted CVCN zoning of this property and the Final Plat (Northridge Heights Subdivision Twelfth Addition) were approved by City Council on June 24, 2008. The

CVCN zoning designation was applied only to Lots 1, 2, 3, and 4 of the Twelfth Addition to accommodate the four land uses allowed by the LUPP, as described in the previous paragraph.

Approval of the proposed subdivision will create the fifth lot in a CVCN zone that allows the four uses described in the Land Use Policy Plan. A medical clinic has been proposed for Lot 1 of the proposed subdivision, and the site plan is presently under review by staff. A grocery store has been constructed on Lot 2, a car wash has been built upon Lot 4, and a convenience store is proposed on Lot 3. Plans for the convenience store are presently being reviewed by staff prior to consideration by the Zoning Board of Adjustment as a Special Use Permit. The applicant has not yet identified the expected use of the proposed fifth lot in this CVCN district.

Section 23.303(3)(b) of the *Municipal Code* states that 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.

There is no financial security on file with the City Clerk's office for sidewalks or street trees. The Preliminary Plat shows an eight-foot wide shared use path and street trees to be installed along Stange Road. No street trees are required by the Subdivision Ordinance for commercial subdivisions; however, the approved Street Tree Plan for Northridge Heights Subdivision does include street trees planned by the developer along the west side of Stange Road next to the proposed Thirteenth Addition. These are to be American Hophornbeam, Sugar Maple, or Black Maple, spaced 50 feet on center.

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 for Sidewalk and Street Trees from the owner 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 until occupancy of structures on abutting sites.

Staff believes that the Preliminary Plat conditions for approval have been satisfied with the exception of the requirement for financial security for the sidewalks. Assuming that Council agrees that these should be deferred based upon past practice, this requirement will have been addressed and staff believes that the proposed Final Plat complies with relevant and applicable design standards of the City's Subdivision ordinance. In addition, it is staff's opinion that the proposed subdivision conforms to other City ordinances and standards, including the more restrictive standards imposed by ordinance on this CVCN district, provided that the use of the fifth lot falls under the four uses approved by Council for this district.

ALTERNATIVES:

1. The City Council can:
 - a) Waive the subdivision code requirement for financial security for sidewalks since the Developer, in accordance with past City practice, has signed the Agreement for Sidewalk and Street Trees requiring 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 Northridge Heights Subdivision, Thirteenth Addition, based upon the findings and conclusions stated above; and
 - c) Accept the Easement Grants to the City.
2. If the City Council finds that the proposed subdivision does not comply with relevant regulations, standards, and ordinances, the City Council can, pursuant to Section 23.303(3)(b), deny approval of the Final Plat for Northridge Heights Subdivision, Thirteenth 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 Northridge Subdivision, Thirteenth Addition is consistent with the standards for minor subdivisions, and is also consistent with adopted and applicable ordinances.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1. This action will allow the Final Plat for Northridge Heights Subdivision, Thirteenth Addition and accompanying documents to be recorded in the Office of the County Recorder.

This recommendation is based on the assumption that the yet-to-be-determined land use for the new fifth lot will be one of the four uses allowed by Council in this Convenience Commercial node.

Applicable Laws and Policies Pertaining to Final Plat Approval

Adopted laws and policies applicable to this case file include, but are not limited to, the following:

Ames Municipal Code Section 23.303

(3) City Council Action on Final Plat for Minor Subdivision:

(a) All proposed subdivision plats shall be submitted to the City Council for review and approval in accordance with Section 354.8 of the Iowa Code, as amended or superseded. 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.

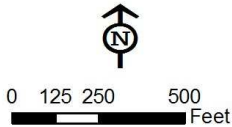
(b) Based upon such examination, the City Council shall ascertain whether the Final Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan and to the City's other duly adopted plans. If the City Council determines that the proposed subdivision will require the installation or upgrade of any public improvements to provide adequate facilities and services to any lot in the proposed subdivision or to maintain adequate facilities and services to any other lot, parcel or tract, the City Council shall deny the Application for Final Plat Approval of a Minor Subdivision and require the Applicant to file a Preliminary Plat for Major Subdivision.

(4) Effect of City Council Action on Minor Subdivision: Following such examination, and within 60 days of the applicant's filing of the complete Application for Final Plat Approval of a Minor 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 Minor 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.

(Ord. No. 3524, 5-25-99)



**Northridge Heights 13th Addition
3725-3815 Stange Rd**



Map Created by the
Department of Planning & Housing
August 19, 2009

