

COUNCIL ACTION FORM

SUBJECT: MAJOR FINAL PLAT FOR NORTHRIDGE HEIGHTS SUBDIVISION 15TH ADDITION

BACKGROUND:

On June 28, 2011 the City Council approved the most recent revised Preliminary Plat for Northridge Heights Subdivision. Owner Uthe Development Company is requesting approval of a Final Plat for the Northridge Heights Subdivision 15th Addition. The proposed subdivision extends Stange Road to the north and creates eleven lots for single family detached homes east of Stange, seven lots for single family attached homes west of Stange and Lot 19 to be dedicated to the City for use as a neighborhood park. (See Attachments A & B).

The proposed Final Plat complies with the approved Preliminary Plat and therefore it has been forwarded to the City Council for its review as per Ames Municipal Code Section 23.302(9)(c). Section 23.302(10)(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. Section 23.302(10)(e) requires that the City Council approve, approve subject to conditions or disapprove the Final Plat within 60 days of the applicant filing the complete application for final plat approval, which would be by July 24, 2012.

The following documents have been submitted with the Final Plat:

- Resolution Accepting the Plat of Northridge Heights, 15th Addition
- Consent to Platting
- Mortgagee's Consent to Platting
- Treasurer's Certificate
- Attorney's Title Opinion
- Agreement for Sidewalk and Street Trees
- Resolution Accepting Public Improvements and Bond
- Agreement for Public Improvements
- Letter of Credit
- Easements (Public utility, surface water flowage, pedestrian walks, shared use paths, temporary fire truck turnaround)
- Request for Waiver of Financial Security

The Final Plat includes public utility, surface water flowage, pedestrian walk, shared use path, and temporary fire truck turnaround easements being granted to the City of Ames. Street lighting, erosion control and asphalt street surface have not been completed and an agreement and financial security are provided.

There is no financial security on file with the City Clerk's office for sidewalks or street trees. As an alternative to installing sidewalks before lots are platted and homes are constructed, 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 in lieu of financial security 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 approve the Final Plat with the accompanying Agreement for Sidewalk and Street Trees, allowing sidewalks and street trees to be deferred until occupancy of structures on abutting sites.

The Preliminary Plat shows an eight-foot wide shared use path and street trees to be installed along Stange Road and Harrison Road adjacent to Lot 19, which will become a city park. Since no occupancy permits will be required for the City park, the standard Agreement for Sidewalk and Street Trees only provides for a two year installation deadline, but requires no financial security for these improvements at this location. The City and developer are coordinating the timing of these improvements and park improvements, with the intention that the final grading of the park site be completed before the shared use path is constructed and street trees installed. Depending on the availability of topsoil, the final grading may not be complete until spring of 2013.

The owner has submitted a memo requesting that the financial security not be required for the path and street trees around Lot 19, stating that the owner has followed the normal procedure for the documents required for sidewalk and street trees and that no financial security has been required for these improvements for any other addition within the subdivision. (See Attachment C).

The alternative is that financial security be provided adequate to cover the cost of the shared use path construction and that an agreement be provided that requires completion of the shared use path along Lot 19 within 90 days of notification by the City that the site is available for this work.

Other than this issue, it could be determined that the proposed subdivision complies with all relevant and applicable design and improvement standards of the Subdivision Regulations, to the City's Land Use Policy Plan, to other adopted City plans, ordinances and standards, and to the City's Zoning Ordinance.

ALTERNATIVES:

1. The City Council can:
 - a) Waive the subdivision code requirement for financial security for sidewalks since the Developer 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) Waive the financial security for the shared use path adjacent to Lot 19, and
 - c) Approve the Final Plat of Northridge Heights Subdivision, 15th Addition, based upon the findings and conclusions stated above; and
 - d) Accept the Easement Grants to the City.
2. The City Council can defer action on the Final Plat for Northridge Heights Subdivision 15th Addition until submission of an agreement and financial security for the shared use path adjacent to Lot 19, but not later than July 24, 2012.
 3. The City Council can deny the Final Plat for Northridge Heights 15th Addition if it finds that the development creates a burden on existing public improvements or creates a need for new public improvements that have not yet been installed.

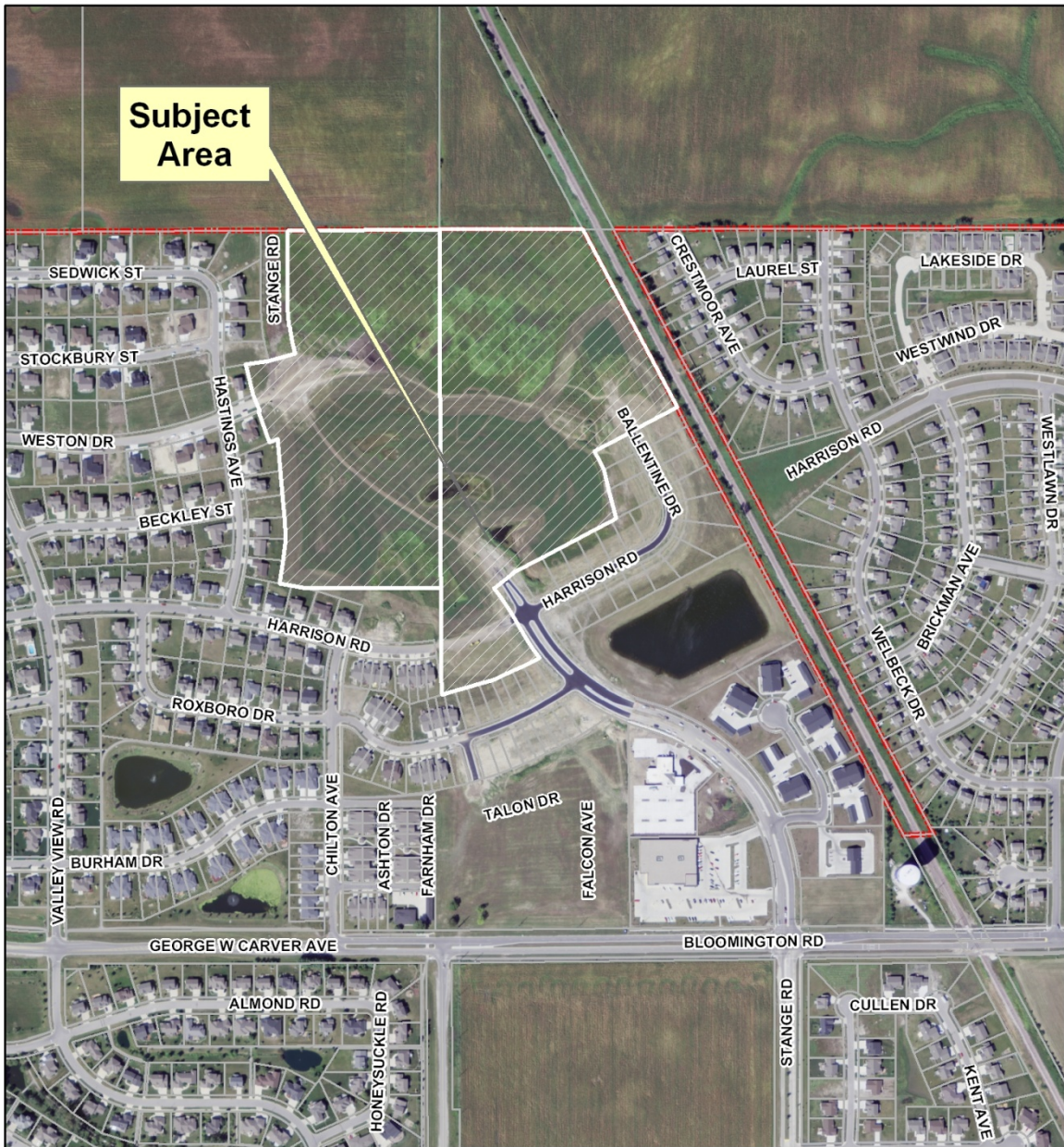
MANAGER’S RECOMMENDED ACTION:

City staff has evaluated the proposed final subdivision plat and determined that the proposal is consistent with the Preliminary Plat approved by the City Council and that the plat conforms to the adopted ordinances and policies of the City of Ames as required by Code. It is the City’s intention that the shared use path and street trees adjacent to a property that is to be dedicated to the City for a park not be completed until after the final grading is completed in the park. Additionally, it is important to the Northridge Heights neighborhood to have pedestrian and bicycle access to the new park as soon as it is available for public use.

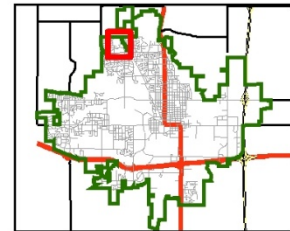
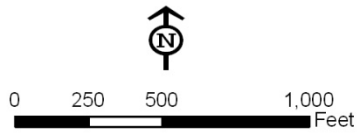
Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 to

- a) Waive the subdivision code requirement for financial security for sidewalks since the Developer 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) Waive the financial security for the shared use path adjacent to Lot 19, and
- c) Approve the Final Plat of Northridge Heights Subdivision, 15th Addition, based upon the findings and conclusions stated above; and
- d) Accept the Easement Grants to the City.

Attachment A



Location Map Northridge Heights 15th



ATTACHMENT C

Date: June 15, 2012

To: Honorable Mayor and City Council

From: Chuck Winkleblack, manager
Hunziker Land Development Company, LLC

RE: Financial security for Northridge Heights 15th addition

Dear Mayor and Council,

I respectfully request that financial security not be required for the path and street trees around lot 19 (the park) in the 15th addition. The parks and rec department does not want the path installed at this time because it would get damaged through the park construction. We have not previously been asked to provide financial security for sidewalks and street trees for any other addition within the subdivision.

Prior to submitting the required documents for the final plat I asked the city staff what items I needed to provide a letter of credit for. We agreed on the amounts to be secured, I then had our attorney prepare the needed documents, secured and paid for a letter of credit for the agreed upon amounts. That is the normal procedure; my understanding is that since this is the city park the staff feels the need to require additional security.

Thank you in advance for your consideration.

Chuck Winkleblack