

COUNCIL ACTION FORM

SUBJECT: REVISIONS TO APPROVED PRELIMINARY PLAT, MASTER PLAN,
AND DEVELOPERMENT AGREEMENT FOR SOUTH FORK
SUBDIVISION

BACKGROUND:

Pinnacle Properties has requested a revision to the Preliminary Plat and Master Plan for South Fork Subdivision. The plat and plan for this subdivision was originally approved by City Council on August 14, 2001. **The amendment is to create two residential lots out of what was initially planned to be an outlot for storm water detention.**

South Fork Subdivision is a residential development of approximately 56 acres. It was configured to allow for multi-family housing, single-family attached, and single-family detached homes. Concurrent with approval of the Preliminary Plat in 2001, the City Council also approved FS-RL Suburban Low-Density Residential and FS-RM Medium Density Residential zoning.

The area covered by South Fork Subdivision is bordered on the north by commercial uses that abut Lincoln Way, on the east and west by residential uses of varied densities, and on the south by the Ames Middle School. See Attachment A.

Three final plats have been finalized consistent with this approved preliminary plat. South Fork Subdivision First Addition includes lots for apartments on Tripp Street, single-family and bi-attached homes on Marigold Drive, and single-family homes on Dotson Drive.

South Fork Townhomes Subdivision comprises attached townhouses on Marigold Drive. South Fork Subdivision Second Addition platted single-family homes on Beedle Drive, Harris Street, Coy Street, and Bellflower Drive.

Large outlots in the southwest, south central, and southeast parts of this development remain for future development.

The final plats that have been approved are generally consistent with the approved Preliminary Plat and Master Plan, but are not identical. During preparation of those three previous final plats, lot lines were eliminated or adjusted to accommodate larger lots for apartments and smaller lots for townhouses. In order to ensure compliance with the City's subdivision regulations, the developer has now updated the entire Preliminary Plat and Master Plan drawings to reflect those changes that occurred during the final plats but were never noted on the previously approved Preliminary Plat and Master Plan. Under the requirements of Section 23.306 of the Ames *Subdivision Regulations*, the differences between the existing and proposed plats constitute a "major

amendment” to the plat. A major amendment requires a full submittal and review of the changes as for the original Preliminary Plat.

Project Changes. This Preliminary Plat and Master Plan seeks to add two additional residential lots to South Fork and to adjust the southern boundary of a third lot. (See Attachment D) Specifically, Lots 85 and 86 are proposed to be created out of what was to be Outlot F. Outlot F contains a storm water detention pond at the south end. In addition, Lot 78 on the south side of Cochrane Parkway will be extended to the south to provide a deeper lot. This area is within the regulated Floodway and, when final platted, within a Greenbelt and Open Space Easement as shown on the plat.

Even though Outlot F designation will be eliminated to allow division of the outlot for additional building lots, the storm water detention pond that Outlot F encompassed remains appropriately sized and will be protected through a storm water easement when this particular area is developed and final platted.

Memorandum of Agreement. A memorandum of agreement that was approved concurrent with the Preliminary Plat and Master Plan in 2001 stated that Outlot F was to have been attached to land to the west which, at the time, was Lot 2, Willow Creek Fourth Addition. However, Lot 2, Willow Creek Fourth Addition was eventually platted as Estates at Nature’s Crossing without the addition of Outlot F. The purpose of attaching Outlot F to the adjacent property was to ensure a responsible party to cut vegetation and remove trash accumulations around the detention pond, since there was no homeowner’s association proposed for maintenance of the lot. Now, as presented by the developer, the maintenance responsibility around the storm water detention pond will be the owner of proposed Lot 86. The City, by easement, will be responsible for long-term functionality of the storm water facility. The accompanying Amendment to the Memorandum of Agreement will need to be approved in order to amend the proposed Preliminary Plat and Master Plan.

Applicable Law. Laws pertinent for the City Council to the proposal are described on Attachment B.

Density Information. The gross area of the South Fork development is 56.07 acres. The FS-RL portion achieves a density of 4.39 dwelling units per acre and the FS-RM portion achieves a density of 18.35 units per acre. These densities meet the minimums of 3.75 and 16.4, respectively, as stated in the City’s Land Use Policy Plan.

Utilities, Easements, and Sidewalks. Public improvements are proposed to serve the subdivision and will be available to all lots. In accordance with City policies, it is anticipated that most public infrastructure will be constructed and inspected prior to submitting a final plat for new lots. Alternatively, the developer may post acceptable financial security.

FINDINGS OF FACT & CONCLUSIONS:

Staff makes the following findings of facts and conclusions. These are applicable to both the review of the Preliminary Plat and the Master Plan.

FINDING 1. The entirety of the South Fork development is designated as “Village/Suburban Residential” on the Land Use Policy Plan Map.

CONCLUSION: The proposed Preliminary Plat and Master Plan is consistent with the Land Use Policy Plan and the associated Land Use Policy Plan map designation of the site. Staff is not aware of any other inconsistencies with the Land Use Policy Plan; therefore, staff concludes that Section 23.107 of the Ames *Subdivision Regulations* and *Code of Iowa* Chapter 354, Section 8 have been satisfied.

FINDING 2. 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.

CONCLUSION: Staff concludes that Section 23.107 as well as Division IV Design and Improvement Standards of the Ames *Subdivision Regulations* have been met.

FINDING 3. The Development Agreement that was approved with the original Preliminary Plat for South Fork Subdivision had specific requirements for the disposition and ownership of Outlot F. The City’s interest, as noted in the Development Agreement, is in the absence of a homeowner’s association to have a responsible party undertake the lawn care and trash collection of the area around the storm water detention pond. As proposed in this Plat and Plan, the owner of Lot 86 will have that responsibility.

CONCLUSION: Staff concludes that with an appropriate amendment to the Memorandum of Agreement prior to Preliminary Plat and Master Plan approval, the spirit of that Agreement and of the City’s interests in maintenance, will be satisfied.

RECOMMENDATION OF THE COMMISSION:

At its meeting of June 20, 2012, with a vote of 4-0, the Planning and Zoning Commission recommended approval of the Preliminary Plat and Master Plan for South Fork Subdivision with the following conditions:

- a) updating the lot numbering of those lots which have not yet been final platted to consecutive numbers, and
- b) placing an amended Development Agreement before the City Council prior to action on this amendment to the Preliminary Plat and Master Plan to address the requirement that Outlot F was to have been combined with Lot 2 of Willow Creek Fourth Subdivision, and
- c) amending the description of the walkway easements between Lots 108 and 109 and between Lots 112 and 113 as “public walkway easement.”

Following the Planning and Zoning Commission, the applicant revised and resubmitted the Preliminary Plat and Master Plan to incorporate items a) and c) above. Therefore, those conditions have been satisfied.

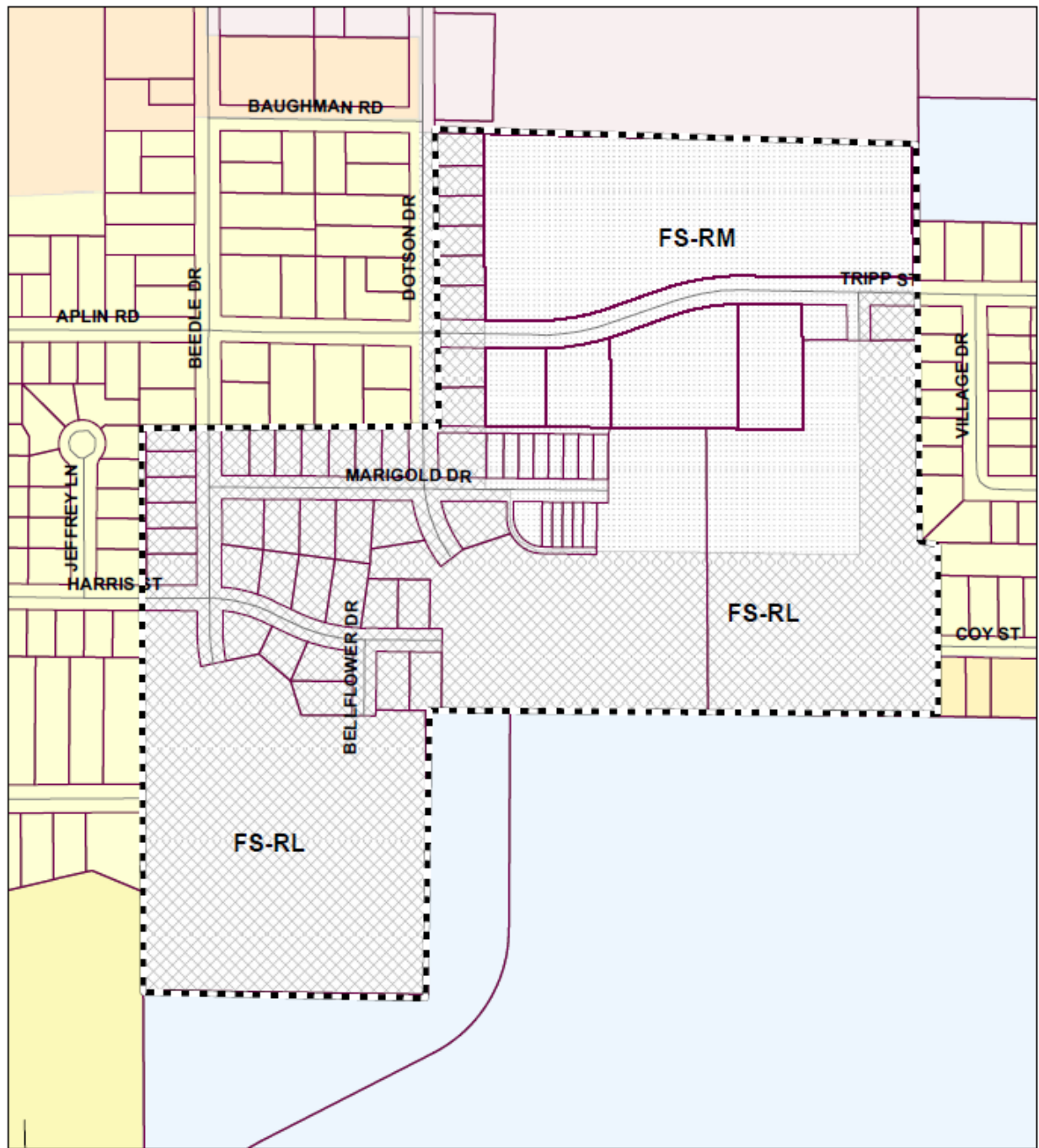
ALTERNATIVES:

1. The City Council can approve the revised Preliminary Plat and Master Plan for South Fork Subdivision, as illustrated on Attachment A, based upon the findings of facts and conclusions in this report and approve an amendment to the development agreement to address the requirement that Outlot F was to have been combined with Lot 2 of Willow Creek Fourth Subdivision.
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 and Master Plan for South Fork Subdivision.
3. Action on this request can be postponed and referred back to City staff and/or the applicant for additional information.

MANAGER'S RECOMMENDED ACTION:

Based upon the Findings of Fact and Conclusions above, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the revised Preliminary Plat and Master Plan for South Fork Subdivision, and approving an amendment to the development agreement to address the requirement that Outlot F was to have been combined with Lot 2 of Willow Creek Fourth Subdivision.

ATTACHMENT A: LOCATION MAP



0 150 300 Feet



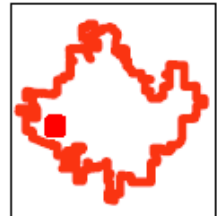
South Fork Development



FS-RM Zoning



FS-RL Zoning



ATTACHMENT B: APPLICABLE LAW

The laws applicable to this revision to the Preliminary Plat for South Fork Subdivision include, but are not limited to, the following: (verbatim language is shown in *italics*, other references are paraphrased):

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 Section 23.302(5):

- (3) *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.*

- (4) Ames Municipal Code Section 23.302(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 IV, identifies design and improvement standards for subdivisions.

Ames Municipal Code Section 23.107 reads 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.

The laws applicable to this revision to the Master Plan for South Fork Subdivision include, but are not limited to, the following: (verbatim language is shown in *italics*, other references are paraphrased):

Ames Municipal Code, Chapter 29, Section 29.1202, provides the zoning provisions for “Suburban Residential” development in the “FS-RL” and in the “FS-RM” zones. Suburban Residential development principles, permitted uses, supplemental development standards, and regulations for minimum required densities, requirements for lot and block design requirements, open space, landscape buffers and parking are provided.

Ames Municipal Code, Chapter 29, Section 29.1502(5), provides submittal requirements and procedures for processing a “Master Plan.”

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8

ATTACHMENT D: PROPOSED PLAN FOR SOUTH FORK

