

COUNCIL ACTION FORM

SUBJECT: MINOR FINAL PLAT DAUNTLESS SUBDIVISION 9TH ADDITION

BACKGROUND:

Subdivision regulations for the City of Ames are included in Chapter 23 of the Ames Municipal Code. This Subdivision Code includes the process for creating or modifying property boundaries, and specifies whether any improvements are required in conjunction with the platting of property. Creation of new lots is classified as either a major or minor subdivision. **A Minor subdivision includes three or less lots and does not require additional public improvements. A Minor subdivision does not require a preliminary plat, and may be approved by Council as a final plat only, subject to the applicant completing the necessary requirements.** After City Council approval of the plat, it must then be recorded with the County Recorder to become an officially recognized subdivision plat.

Dakota Crossing, LLC is requesting approval of a Final Plat for a minor subdivision of the 4.90-acre property located at 4510 Mortensen Road, southeast of the intersection of Mortensen Road and South Dakota Avenue (see *Attachment A*). This a partially developed site with a gas station and a separate multi-tenant commercial building within the "CCN" (Community Commercial Node) zoning district, with the "O-GSW" (Southwest Entryway Gateway Overlay District).

The proposed Final Plat (see *Attachment B*) shows the subject site with the division of property as requested by the owner. Proposed Lot 1 includes 3.86 acres, and is a fully developed commercial site known as Dakota Crossing. Proposed Lot 2 includes 1.05 acres, and is planned for additional commercial development. The overall layout of this area relies upon a common access driveway from Mortenson and a second access from Dickinson Avenue to the west to serve the developed and undeveloped portions of this area. With this Final Plat, an ingress/egress easement 55 feet wide is proposed on the northern portion of proposed Lot 1 to provide access for proposed Lot 2 across Lot 1, and for access to the remainder of the undeveloped area. An ingress/egress easement presently exists across proposed Lot 1 near the detention pond that provides an alternate means of access to proposed Lot 2. An ingress/egress easement 30 feet wide is located on land abutting the west property line of proposed Lot 2. This easement will be used to provide access to proposed Lot 2.

All public utilities are in place to serve proposed Lot 2. Public easements for water main and underground electric lines are shown on the Final Plat for existing utilities.

Division of the existing lot establishes a property boundary between proposed Lot 1 and Lot 2 that does not presently exist. This new boundary line creates the need for

additional perimeter landscaping for existing parking spaces and drive aisles to remain in compliance with the adopted landscape and screening regulations in Article 4 of Chapter 29 of the *Municipal Code*. **To approve a Final Plat for this property, it is necessary that the property owner provide a revised landscape plan for the area of the site where the new landscaping is required (along the property boundary that separates Lot 1 and Lot 2). Since the landscaping cannot be installed in January, the property owner must provide a written cost estimate for the plants and installation, and a form of financial security (check, cash or letter of credit) for the City to hold in escrow until such time that the landscaping is installed. A date by which the landscaping must be completed must also be established. The property owner has complied with these requirements, and the landscaping is to be installed no later than May 31, 2014.**

ALTERNATIVES:

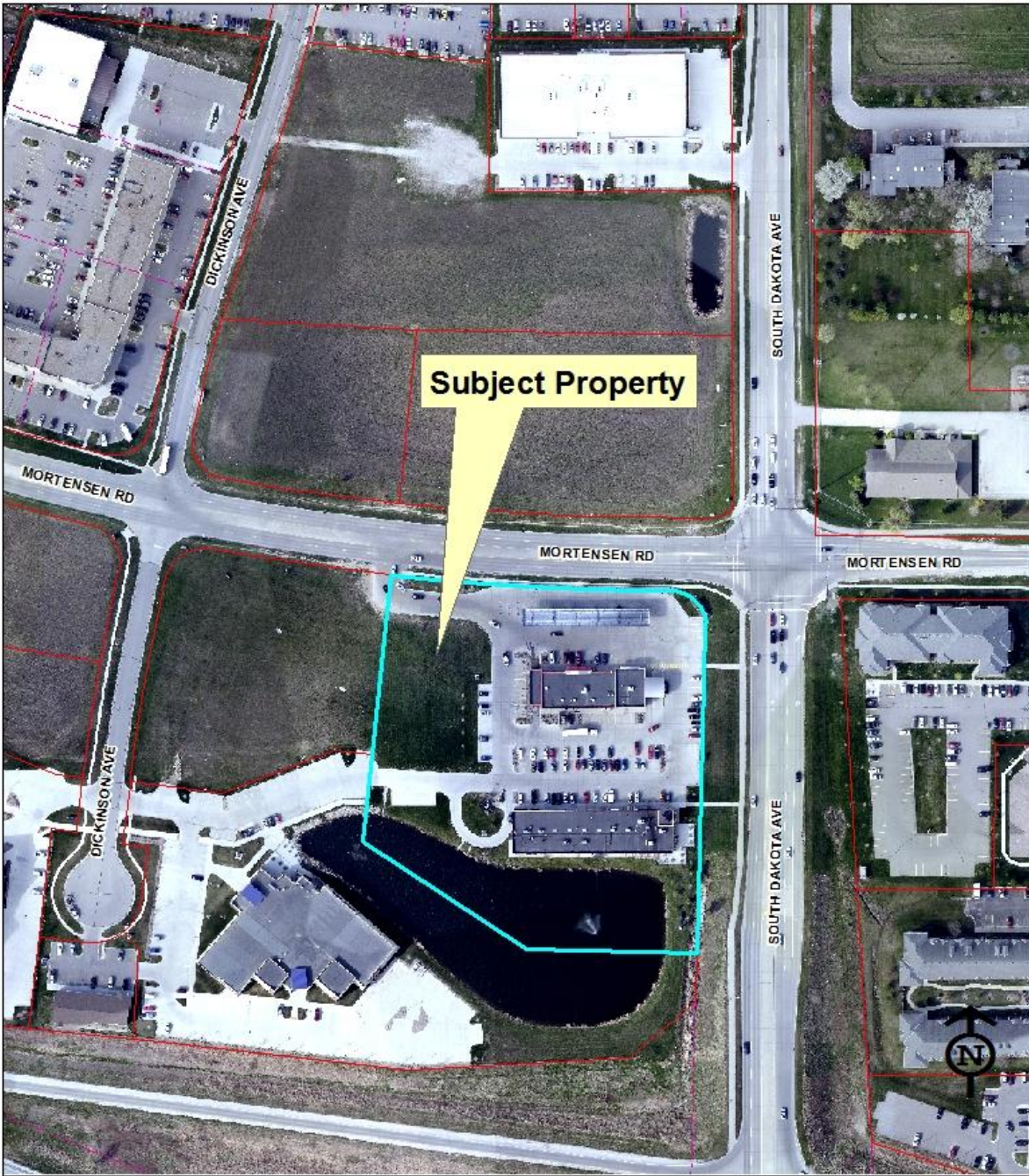
1. The City Council can approve the Final Plat for Dauntless Subdivision, 9th Addition. A separate landscape installation agreement has been approved by the City staff that requires the landscape installation by May 31, 2014.
2. The City Council can deny the Final Plat for Dauntless Subdivision, 9th Addition, if it finds that it does not comply with the applicable ordinances, standards or plans.
3. The City Council can refer this request back to staff or the applicant for additional information. (The *Municipal Code* requires a final decision regarding final plat approval be rendered by the City Council within 60 days of the complete application for Final Plat approval of a Minor Subdivision. City Council must approve, approve subject to conditions, or disapprove this Final Plat application no later than February 4, 2014 to meet the 60 day deadline, or have the applicant grant an extension.)

MANAGER'S RECOMMENDATION:

The proposed Final Plat for Dauntless Subdivision, 9th Addition, is consistent with the City's existing subdivision and zoning regulations, to other City ordinances and standards, to the City's Land Use Policy Plan, and to the City's other duly adopted plans. The granting of the cross access easements to serve allow for circulation throughout all of the area is critical to original planning for this area and the original subdivision and Site Plan approvals.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the Final Plat for Dauntless Subdivision, 9th Addition.

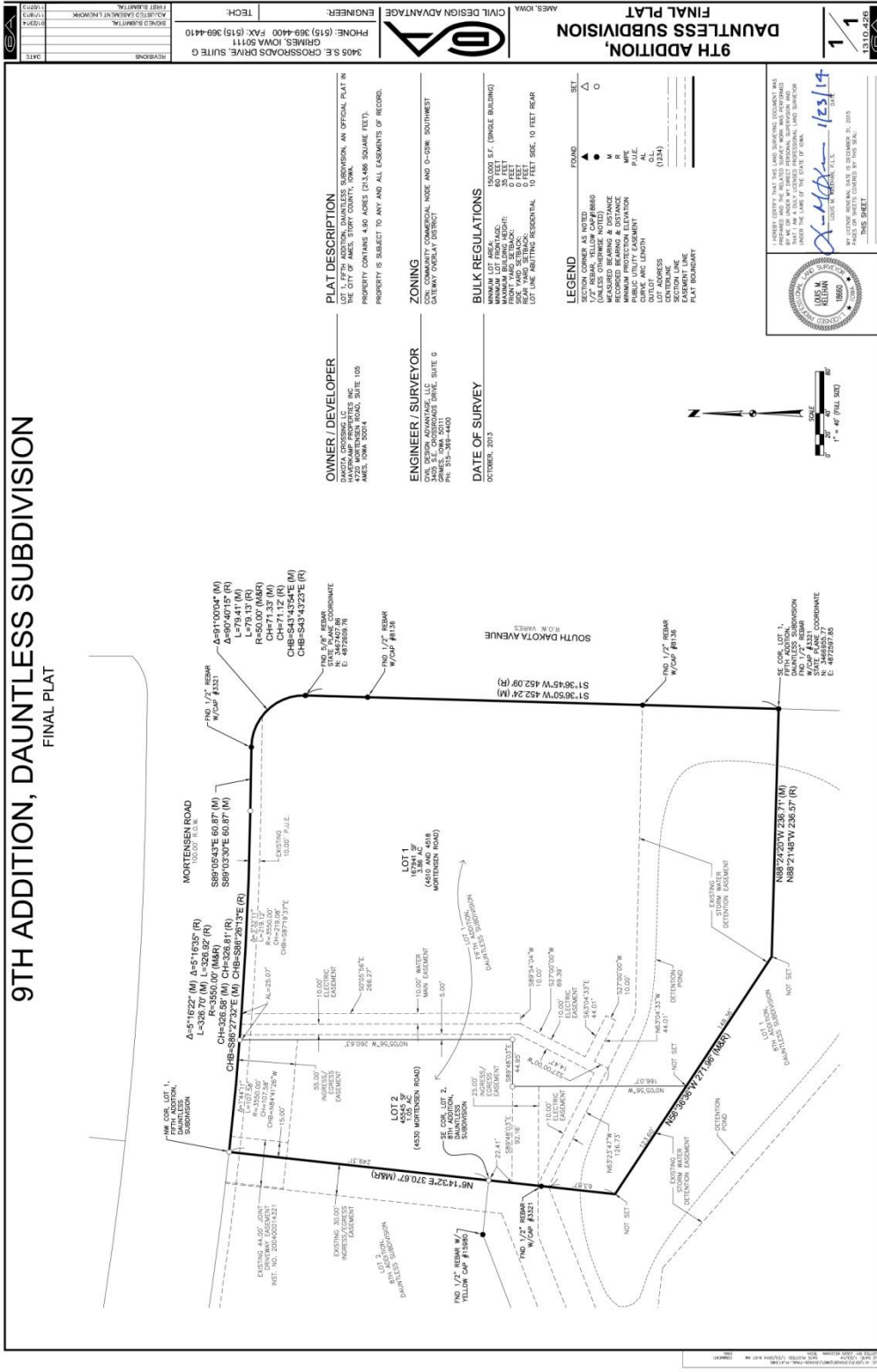
Attachment A



**Location Map
Dauntless
9th Addition**



Attachment B Proposed Final Plat of Dauntless Subdivision, 9th Addition



1310-4299

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9TH ADDITION DAUNTLESS SUBDIVISION FINAL PLAT

AMES, IOWA

CIVIL DESIGN ADVANTAGE

ENGINEER: 3405 E. CROSSROADS DRIVE, SUITE G GRIMES, IOWA 50411 PHONE: (515) 369-4400 FAX: (515) 369-4410

TECH: JAMES B. SMITH, L.S. REGISTERED LAND SURVEYOR

DATE: 10/20/13

LEGEND:

SECTION CORNER AS NOTED (UNLESS OTHERWISE NOTED):

- (BLACK DOT) - CORNER
- ▲ (BLACK TRIANGLE) - CORNER
- (WHITE CIRCLE) - CORNER
- (BLACK CIRCLE) - CORNER
- R - RECORD BEARING & DISTANCE
- ∠ - MINIMUM PROTECTION ELEVATION
- AL - ALL POINTS
- CL - CURVE AND LENGTH
- LOT ADDRESS
- CONTINUING
- EASEMENT LINE
- PLAT BOUNDARY

BULK REGULATIONS

MINIMUM LOT AREA: 150,000 S.F. (SINGLE BUILDING)

MINIMUM BUILDING HEIGHT: 30 FEET

MINIMUM FRONT YARD SETBACK: 10 FEET

MINIMUM SIDE AND REAR YARD SETBACK: 10 FEET

MINIMUM FRONT AND REAR LOT LINE SETBACK: 10 FEET

MINIMUM FRONT AND REAR LOT LINE SETBACK: 10 FEET

MINIMUM FRONT AND REAR LOT LINE SETBACK: 10 FEET

MINIMUM FRONT AND REAR LOT LINE SETBACK: 10 FEET

MINIMUM FRONT AND REAR LOT LINE SETBACK: 10 FEET

ZONING:

ONE AND A HALF STORY SINGLE-FAMILY RESIDENTIAL

PLAT DESCRIPTION:

LOT 1 & 2 OF THE 9TH ADDITION, DAUNTLESS SUBDIVISION, AN OFFICIAL PLAT IN AMES, IOWA.

PROPERTY CONTAINS 840 ACRES (131.646 SQUARE FEET).

PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

OWNER / DEVELOPER:

DAUNTLESS SUBDIVISION, LLC
1400 DAUNTLESS DRIVE, SUITE 100
AMES, IOWA 50010

ENGINEER / SURVEYOR:

JAMES B. SMITH, L.S.
REGISTERED LAND SURVEYOR
3405 E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50411
PHONE: (515) 369-4400
FAX: (515) 369-4410

DATE OF SURVEY:

OCTOBER, 2013

LEGISLATIVE DIVISION OF IOWA

REGISTERED LAND SURVEYOR

JAMES B. SMITH, L.S.
REGISTERED LAND SURVEYOR

10/20/13

1310-4299

9TH ADDITION, DAUNTLESS SUBDIVISION FINAL PLAT

Attachment C Applicable Laws

The laws applicable to this case file are as follows:

Code of Iowa, Chapter 354.8 states in part:

A proposed subdivision plat lying within the jurisdiction of a governing body shall be submitted to that governing body for review and approval prior to recording. Governing bodies shall apply reasonable standards and conditions in accordance with applicable statutes and ordinances for the review and approval of subdivisions. The governing body, within sixty days of application for final approval of the subdivision plat, shall determine whether the subdivision conforms to its comprehensive plan and shall give consideration to the possible burden on public improvements and to a balance of interests between the proprietor, future purchasers, and the public interest in the subdivision when reviewing the proposed subdivision and when requiring the installation of public improvements in conjunction with approval of a subdivision. The governing body shall not issue final approval of a subdivision plat unless the subdivision plat conforms to sections 354.6, 354.11, and 355.8.

Ames *Municipal Code* Section 23.303(3) states as follows:

(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.