

COUNCIL ACTION FORM

SUBJECT: MAJOR FINAL PLAT FOR NORTHRIDGE HEIGHTS SUBDIVISION 16TH ADDITION

BACKGROUND:

The City's subdivision regulations 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. The creation of new lots is classified as either a major or minor subdivision, with a major subdivision requiring a two step platting process to finalize the creation of new lots. The "Preliminary Plat" is first approved by the City Council, and identifies the layout of the subdivision and any necessary or required public improvements. Once the applicant has completed the necessary requirements, including provision of required public improvements or provision of financial security for their completion, an application for a "Final Plat" may then be made for City Council approval. After City Council approval of the Final Plat, it must then be recorded with the County Recorder to become an officially recognized subdivision plat.

The property owner for the Northridge Heights Subdivision 16th Addition, Uthe Development Company, is now requesting approval of a Final Plat. This proposed subdivision phase is on 30.06 acres and includes 25 residential lots for single-family detached homes, one 19-acre outlot for the future construction of residential lots, an extension of Stange Road, and the construction of Danbury Road and Brighton Circle (*see Attachments A & B*).

After reviewing the proposed Final Plat, staff believes it complies with the approved the Preliminary Plat, adopted plans, and all other relevant design and improvement standards required by the Municipal Code, including provision of needed financial security and a sidewalk and street tree deferment agreement.

Public improvements are required for this subdivision. The public utilities, curb and gutter for streets, and the base asphalt paving have all been installed, inspected by the Public Works engineering staff, and found to meet City specifications and standards.

Financial security, in the form of a Letter of Credit in the amount of \$66,465, has been received and placed on file with the City Clerk's Office for the remaining public improvements for the 16th Addition. These remaining public improvements include an additional layer of asphalt surfacing, street lighting, pedestrian ramps, and erosion control. As part of the final plat submittal, an "Agreement for Public Improvements" has been included for recording with the approved Final Plat, which requires the owner to construct the remaining public improvements. The Letter of Credit will be released upon satisfactory completion of these public improvements.

There is no financial security on file with the City Clerk's office for sidewalks or street trees. The applicant has requested a waiver of this condition and provided an agreement for their installation. 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. Notwithstanding this requirement for financial security, the City Council's past practice has been to accept a signed, written agreement for sidewalk and street trees from the owner specifying that, in lieu of financial security, occupancy of new structures will not be permitted by the City until the sidewalks and street trees associated with each 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.

ALTERNATIVES:

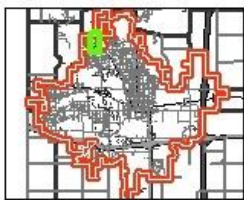
1. The City Council can take the following two actions:
 - A. Waive the subdivision code requirement for financial security for sidewalks and street trees in the Northridge Heights 16th Addition, since the Developer has signed the "Agreement for Sidewalk and Street Trees" requiring the installation of these improvements prior to occupancy or within 24 months of issuance of a building permit; and,
 - B. Approve the Final Plat of Northridge Heights Subdivision, 16th Addition, based upon the findings and conclusions stated above.
2. The City Council can deny the Final Plat for Northridge Heights 16th 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.
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 Major Subdivision. City Council must approve, approve subject to conditions, or disapprove this Final Plat application no later than March 11, 2014 to meet the 60 day deadline.)

MANAGER'S RECOMMENDED ACTION:

Staff has evaluated the proposed final subdivision plat and determined that the proposal is consistent with the Preliminary Plat approved by City Council and that the plat conforms to the adopted ordinances and policies of the City of Ames as required by Code.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 as described above, approving the Final Plat with a financial security to complete the remaining public improvements and an agreement for deferral of installation of sidewalks and street trees.

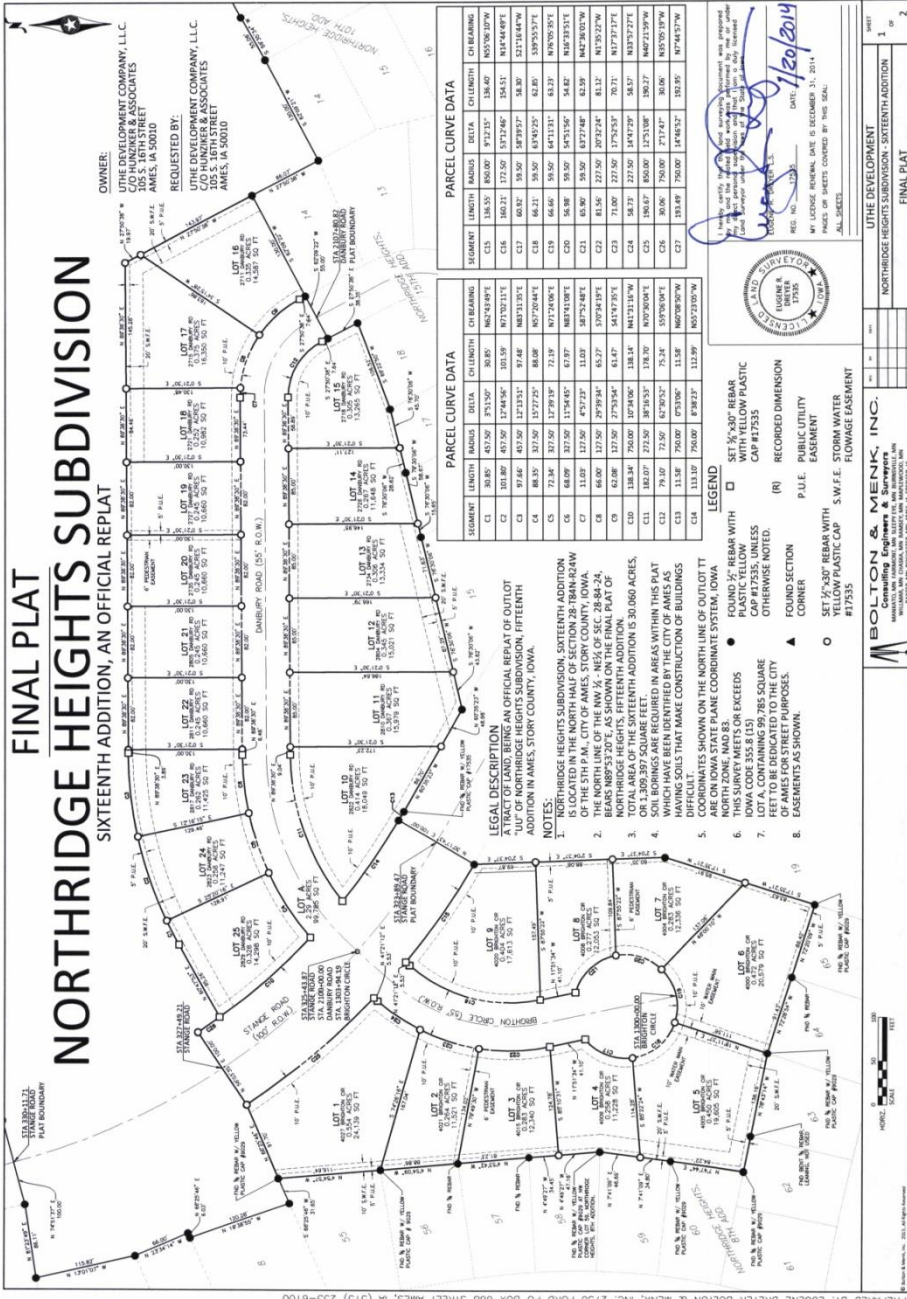
Attachment A



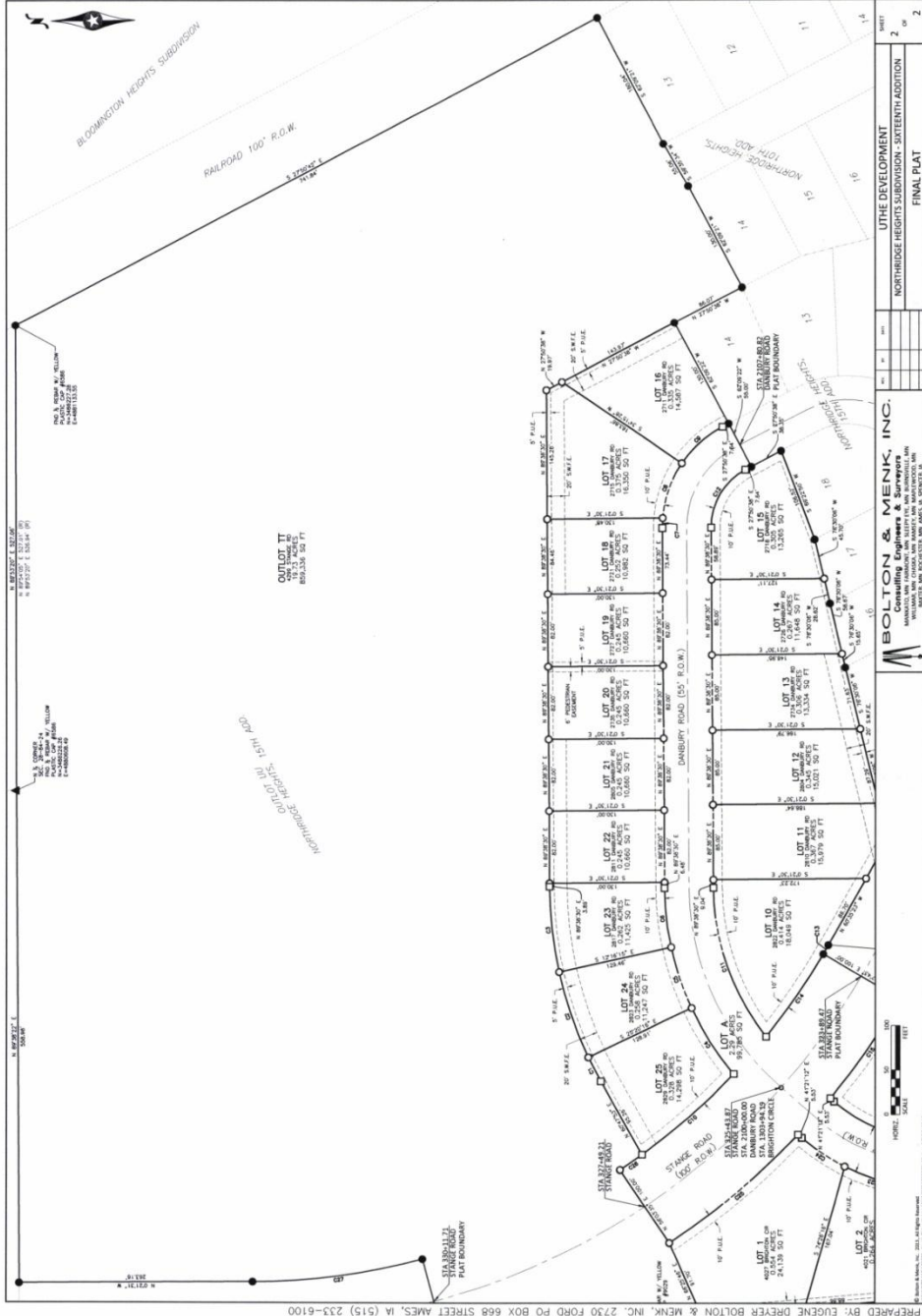
**Location Map
Northridge Heights
16th Addition**



Attachment B



Attachment B



Attachment C

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:

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 23.302

(10) City Council Action on Final Plat for Major Subdivision:

(a) All proposed subdivision plats shall be submitted to the City Council for review and approval. 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.

(c) The City Council may:

(i) deny any subdivision where the reasonably anticipated impact of such subdivision will create such a burden on existing public improvements or such a need for new public improvements that the area of the City affected by such impact will be unable to conform to level of service standards set forth in the Land Use Policy Plan or other capital project or growth management plan of the City until such time that the City upgrades such public improvements in accordance with schedules set forth in such plans; or,

(ii) approve any subdivision subject to the condition that the Applicant contribute to so much of such upgrade of public improvements as the need for such upgrade is directly and proportionately attributable to such impact as determined at the sole discretion of the City. The terms, conditions and amortization schedule for such contribution may be incorporated within an Improvement Agreement as set forth in Section 23.304 of the Regulations.

(d) Prior to granting approval of a major subdivision Final Plat, the City Council may permit the plat to be divided into two or more sections and may impose such conditions upon approval of each section as it deems necessary to assure orderly development of the subdivision.

(e) Following such examination, and within 60 days of the Applicant's filing of the complete Application for Final Plat Approval of a Major 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 Major 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)