

COUNCIL ACTION FORM

SUBJECT: MAJOR FINAL PLAT FOR BAPTIST ACRES

BACKGROUND:

The City's subdivision regulations are included in Chapter 23 of the Ames Municipal Code. These "Subdivision Regulations" include 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 Baptist Acres, Heartland Baptist Church, is now requesting approval of a Final Plat (see Attachment B) following the approval of their Preliminary Plat on November 26, 2013. This proposed subdivision is on 33.67 acres and includes 2 lots. The north lot, Lot 1, is intended for the future construction of a church. A Special Use Permit is pending for the construction of a senior living facility, comprising senior apartments, assisted living, and a skilled care unit, on the south lot, Lot 2.

The Council approved rezoning of the north portion of the site to FS-RL (Suburban Low Density Residential) and the south portion to FS-RM (Suburban Medium Density Residential) with a master plan at their meeting on December 17, 2013. At that time, these lots did not exist so the rezoning was by a metes and bounds legal description. This subdivision plat reflects the legal descriptions from that rezoning so both newly created lots will be properly zoned and able to be developed accordingly.

Public improvements are required for this subdivision. An additional vehicle travel lane with curb and gutter for southbound Stange Road is required for this development as well as a sanitary sewer extension to serve both lots. **The owner has posted financial security and submitted an agreement whereby these improvements will be installed within two years following approval of the final plat, in accordance with the requirements of the subdivision ordinance.**

The property also has requirements for improvements along Stange Road for a shared use path. In lieu of public sidewalk within the George Washington Carver right-of-way, the applicant has provided for a public sidewalk easement along the street frontage that connects to the Somerset subdivision to the south and the existing shared use path along Bloomington Road.

The applicant has requested a waiver of the condition to financially secure the construction of these facilities and has provided an agreement for their installation. Subdivision Code 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 sidewalks from the owner specifying that, in lieu of financial security, occupancy of new structures will not be permitted by the City until the sidewalks associated with each individual lot are installed. **Consistent with this practice, the City Council may wish to waive this condition for financial security and allow sidewalk and shared use path to be deferred until occupancy of structures on abutting sites. This leaves the construction of these improvements open ended until development of the abutting property. Once a development begins, the abutting improvements are required within two years or prior to building occupancy, whichever occurs first.**

The owner also is granting a right-of-way easement for a portion of the property over which George Washington Carver Avenue was constructed. The owner is also supplying numerous other utility and pedestrian easements.

After reviewing the proposed Final Plat, staff finds that it complies with the approved Preliminary Plat (see Attachment C), adopted plans, and all other relevant design and improvement standards required by the Municipal Code, including provision of needed financial security and a sidewalk deferment agreement for the shared use path and sidewalk.

ALTERNATIVES:

1. The City Council can take the following two actions:
 - A. Waive the subdivision code requirement for financial security for shared use path and sidewalks in Baptist Acres, since the Developer has signed the "Agreement for Sidewalk and/or Bicycle Path" 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 Baptist Acres based upon the findings and conclusions stated above.
2. The City Council can take an alternative action:
 - A. Waive the subdivision code requirement for financial security for shared use path and sidewalk, but requires the installation of these improvements within two years of the final plat based upon the finding that their installation is not premature because it will connect to existing facilities; and,
 - B. Approve the Final Plat of Baptist Acres based upon the findings and conclusions stated above.

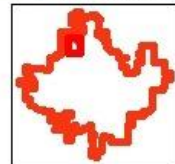
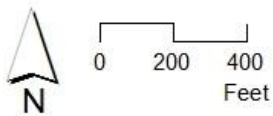
3. The City Council can deny the Final Plat for Baptist Acres if it finds that the development creates a burden on existing public improvements or creates a need for new public improvements that have not yet been installed.
4. The City Council can refer this request back to staff or the applicant for 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, with the granting of the sidewalk and shared use path waiver of financial security.

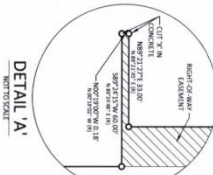
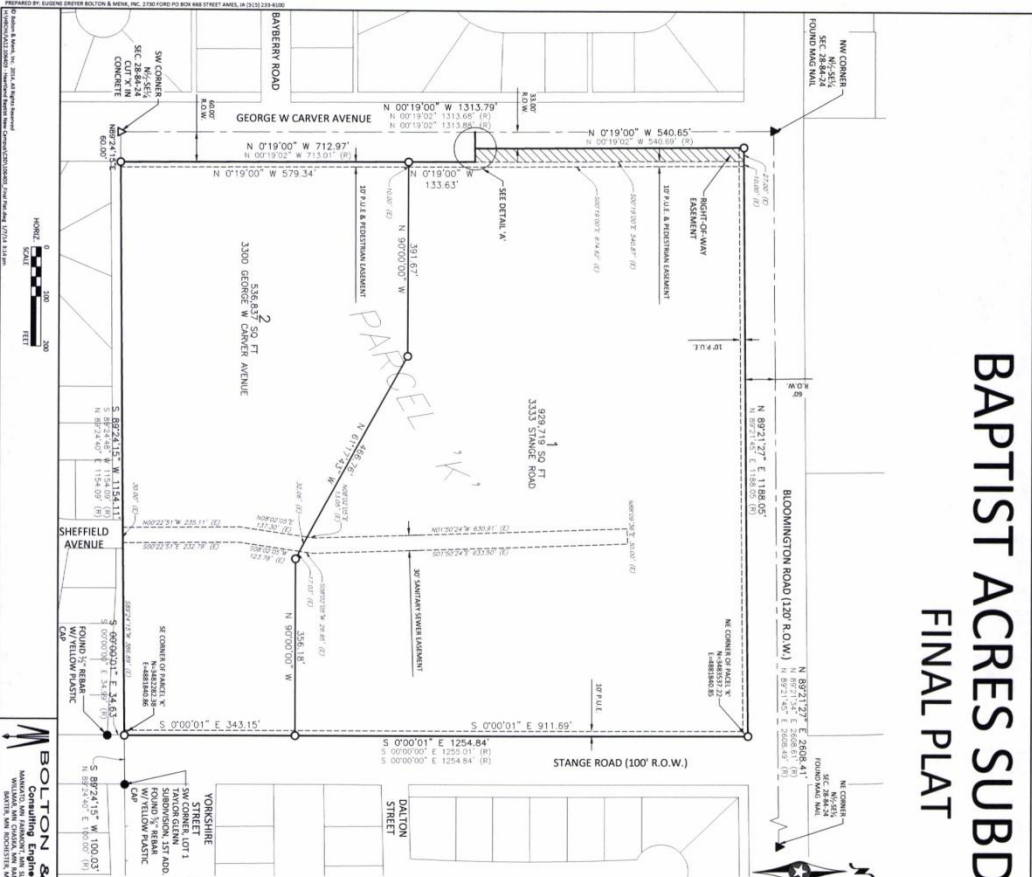
Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 as described above, approving the Final Plat with a financial security to complete the remaining public improvements and an agreement for deferral of installation of sidewalks and shared use path.

Attachment A



Attachment B

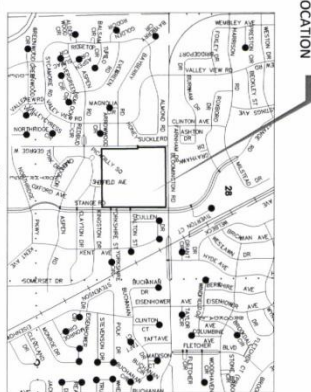
BAPTIST ACRES SUBDIVISION FINAL PLAT



OWNER
HEATLAND BAPTIST CHURCH
3505 GRAND AVENUE
AMES, IA 50003

REQUESTED BY
HEATLAND BAPTIST CHURCH
3505 GRAND AVENUE
AMES, IA 50003

PREPARED BY
BOLTON & MENK, INC.
2230 GRAND STREET
AMES, IA 50003



SUBMITTAL DATE
JANUARY 07, 2014

LEGAL DESCRIPTION
PARCEL 1 IN THE N/2 OF THE SE/4 OF SECTION 28-84-24, CITY OF AMES, STOW COUNTY, IOWA, AS SHOWN ON THE PLAT OF THE BAPTIST ACRES SUBDIVISION, STOW COUNTY, IOWA, IN 1989 IN THE OFFICE OF THE RECORDER OF STOW COUNTY.

- NOTES:**
1. BAPTIST ACRES SUBDIVISION IS IN PARCEL 1 IN THE N/2 OF THE SE/4 OF SECTION 28-84-24, CITY OF AMES, STOW COUNTY, IOWA.
 2. TOTAL AREA OF THE ADDITION IS 1,462,546 SQUARE FEET.
 3. THE CITY OF AMES IS HAVING SLOTS THAT TAKE CONSTRUCTION OFFICERS.
 4. THIS SUBDIVISION MEETS CONSTRUCTION CODES 35.81815.
 5. PLANNING ZONE NORTH - FOR RESIDENTIAL.
 6. FOUNDATION FLOOR IS WEST AND SOUTH OF THE NORTHWEST CORNER OF PARCEL 1. THE FOUNDATION FLOOR IS WEST AND SOUTH OF THE NORTHWEST CORNER OF PARCEL 1. THE FOUNDATION FLOOR IS WEST AND SOUTH OF THE NORTHWEST CORNER OF PARCEL 1.

BOLTON & MENK, INC.
SURVEYORS
1000 EAST 12TH AVENUE, SUITE 100
DES MOINES, IOWA 50319
PHONE: 515-281-1111
FAX: 515-281-1112
WWW.BOLTONMENK.COM

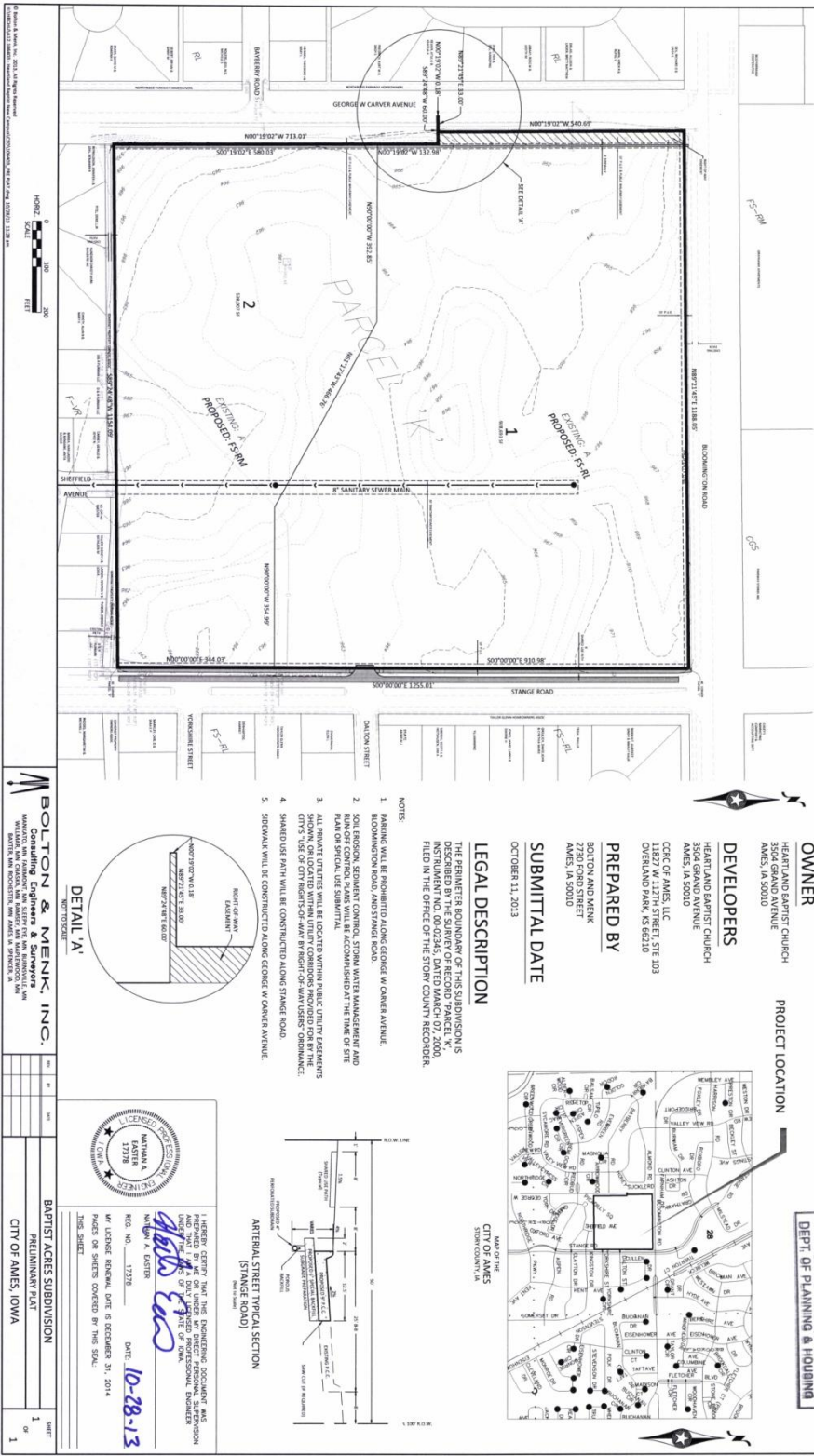
BAPTIST ACRES SUBDIVISION
FINAL PLAT
CITY OF AMES, IOWA

DATE: 1/21/2014
BY: [Signature]
CHECKED BY: [Signature]
SCALE: AS SHOWN

Attachment C

BAPTIST ACRES SUBDIVISION PRELIMINARY PLAT

RECEIVED
OCT 2 8 2013
CITY OF AMES, IOWA
DEPT. OF PLANNING & HOUSING



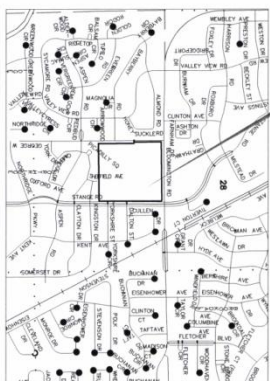
OWNER
HEARLAND BAPTIST CHURCH
3504 GRAND AVENUE
AMES, IA 50010

DEVELOPERS
HEARLAND BAPTIST CHURCH
CERC OF AMES, LLC
11827 W 117TH STREET, STE 103
OVERLAND PARK, KS 66210

PREPARED BY
BOLTON AND MENK
2730 GOND STREET
AMES, IA 50010

SUBMITTAL DATE
OCTOBER 11, 2013

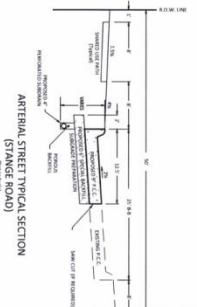
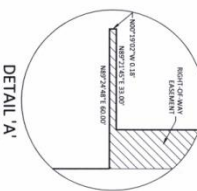
PROJECT LOCATION



LEGAL DESCRIPTION
THE BOUNDARY OF THIS SUBDIVISION IS DESCRIBED BY THE SURVEY OF RECORD PARCEL 'N', INSTRUMENT NO. 00-02345, DATED MARCH 07, 2000, FILED IN THE OFFICE OF THE STONE COUNTY RECORDER.

NOTES:

1. PARKING WILL BE INDICATED ALONG GEORGE W CARVER AVENUE, BROOMINGTON ROAD, AND STANGE ROAD.
2. SOIL INSPECTION, SEGMENT CONTROL, STORM WATER MANAGEMENT AND RUN-OFF CONTROL PLANS WILL BE ACCOMPLISHED AT THE TIME OF SITE PLAN OR SPECIAL USE SUBMITTAL.
3. ALL PRIVATE UTILITIES WILL BE LOCATED WITHIN PUBLIC UTILITY EASEMENTS AND SHALL BE DEEPER THAN CITY'S USE OF RIGHTS-OF-WAY BY RIGHT-OF-WAY USER'S ORDINANCE.
4. SHARED USE PATH WILL BE CONSTRUCTED ALONG STANGE ROAD.
5. SEWERAGE WILL BE CONSTRUCTED ALONG GEORGE W CARVER AVENUE.



I HEREBY CERTIFY THAT THE ENGINEERING DOCUMENT HAS BEEN PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.
Nathan Easter
 Nathan Easter
 REG. NO. 17378 DATE: 10-28-13
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2014
 THIS SHEET

BOLTON & MENK, INC.
Consulting Engineers & Surveyors
1000 WEST 11TH AVENUE, SUITE 100
AMES, IA 50010
PH: 515.281.1111 FAX: 515.281.1112

BAPTIST ACRES SUBDIVISION
PRELIMINARY PLAT
CITY OF AMES, IOWA

SHEET 1 OF 1

Attachment D

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)