

COUNCIL ACTION FORM

SUBJECT: MAJOR FINAL PLAT FOR RINGGENBERG PARK SUBDIVISION 4TH 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. Often the subdivision is developed in phases, called "additions." After City Council approval of the Final Plat, it must then be recorded with the County Recorder to become an officially recognized subdivision plat.

Ringgenberg Park Subdivision is located south of Oakwood Road, along Cedar Lane. The property owner for the Ringgenberg Park Subdivision 4th Addition, Friedrich Land Development Company, is now requesting approval of a Final Plat. (See Attachment A Location Map) This proposed addition is 16.14 acres and includes eight lots for apartments, three lots for single-family detached homes, one lot for an independent senior living facility and two outlots. Although all lots have frontage on a public street, the plat contains a cross access easement to accommodate a private drive that provides the only access to all but three single-family lots. The single-family detached homes on Lots 9, 10 and 11 will have access from Suncrest Drive, a city street to the south of the 4th Addition. (See Final Plat attached)

Existing public utilities around the perimeter of the subject property are adequate to serve all of the proposed lots. From these utilities, additional mains will be installed to serve all of the lots internally. Easements are being provided to the City, as required for mains that will serve multiple lots and fire hydrants. (See Easements attached)

An existing sanitary sewer crosses Lot 12, which is the site for the independent senior living facility. This sewer is within an easement. (See Easements attached) It provides service to the existing home to the north of the subject property. A new sanitary sewer main will be installed along the central access drive. After the City has approved this new main, the existing sanitary sewer crossing Lot 12 will be removed. However, the developer has requested that the City Council vacate the existing sanitary sewer easement crossing Lot 12 now, before the actual sewer line is removed. (Vacating this easement is a separate action on the agenda for this City Council meeting.) This

request is made so that financing for the independent senior living facility can be secured. Therefore, an “Agreement for Public Improvements” has been included for City Council approval with the Final Plat, which requires the owner to install the sanitary sewer main along the central access drive. Financial security in the amount of \$30,000 has been received and placed on file with the City Clerk’s Office. The financial security will be released upon satisfactory completion of the portion of the sanitary sewer main needed to allow the existing sanitary sewer across Lot 12 to be removed.

The approved Developer Agreement and Master Plan required construction of the shared use path along the Oakwood Road frontage. (The City previously agreed to construct the bike path along Cedar Lane with the rezoning development agreement.) The applicant has provided a separate agreement for deferral of the shared use path construction to coincide with the construction and occupancy of the first apartment building or no later than 24 months from the recording of the final plat. The shared use path also will be built along the frontage of the Raymond and Brenda Ringgenberg home that is situated in between the 4th Addition frontages. With this agreement, the full length of the shared use path will be constructed at one time, rather than along individual lot frontages as they develop.

The applicant has provided an agreement for the installation of street trees and sidewalks, but has requested waiver of providing financial security for these improvements. As an alternative to installing sidewalks before lots are platted, 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 financial security condition and allow sidewalk along Suncrest Drive and street trees to be deferred until occupancy of structures on abutting sites.

After reviewing the proposed Final Plat, staff believes it complies with the approved Master Plan, Preliminary Plat, adopted plans, Developer Agreement, and all other relevant design and improvement standards required by the Municipal Code.

ALTERNATIVES:

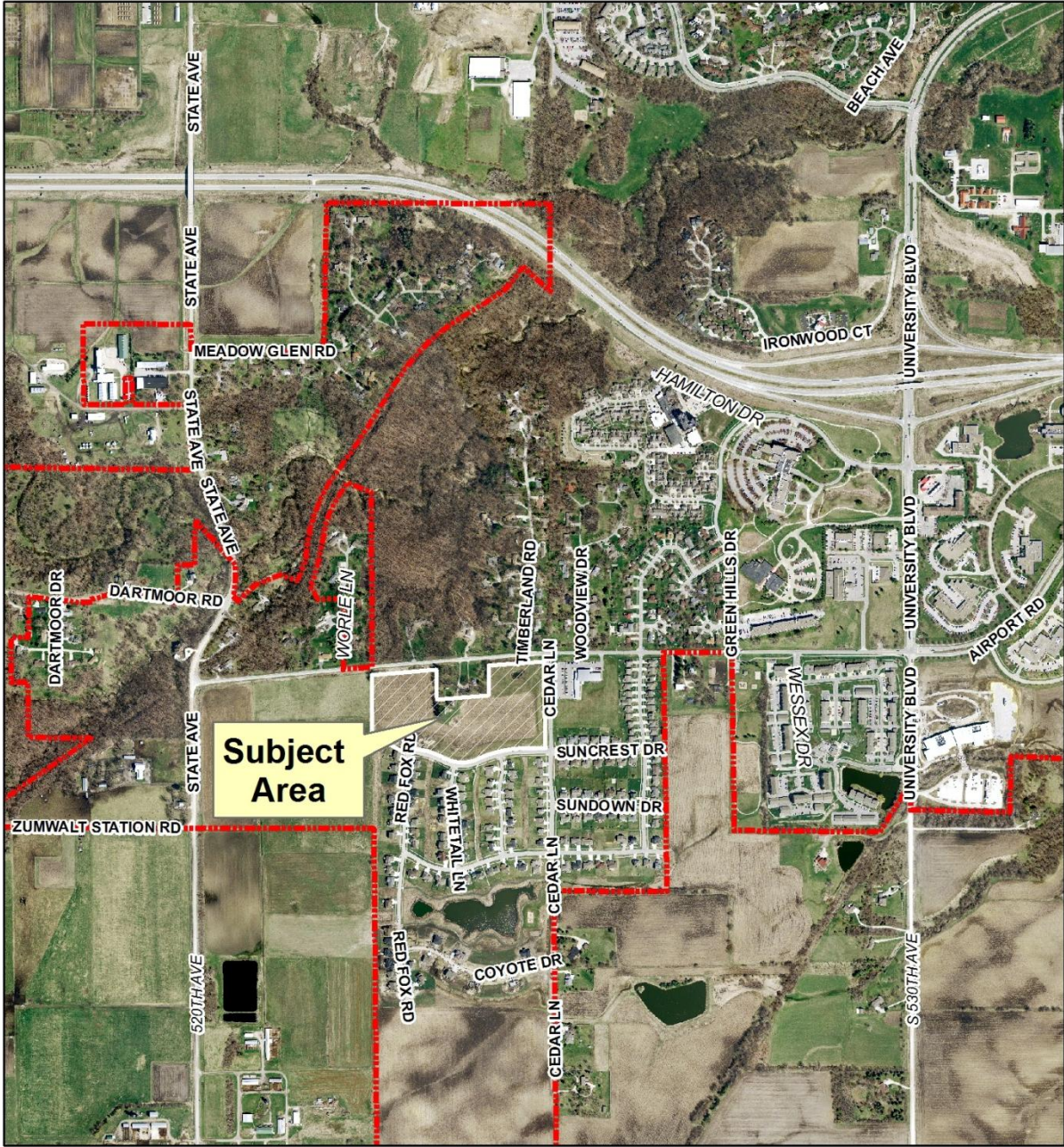
1. The City Council can take the following two actions:
 - A. Waive the subdivision code requirement for financial security for sidewalks and street trees in the Ringgenberg Park Subdivision 4th Addition, since the Developer has signed the “Agreement for Sidewalk and Street Trees” requiring the installation of these improvements prior to occupancy or within 24 months of issuance of a building permit; and,
 - B. Approve the shared use path construction along Oakwood Road to coincide with the construction and occupancy of the first apartment building to be construction or within 24 months of the recording of the final plat, whichever occurs first; and,

- C. Approve the Final Plat of Ringgenberg Park Subdivision 4thth Addition, based upon the findings and conclusions stated above.
2. The City Council can deny the Final Plat for Ringgenberg Park Subdivision 4thth 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 April 8 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 Master Plan and 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.

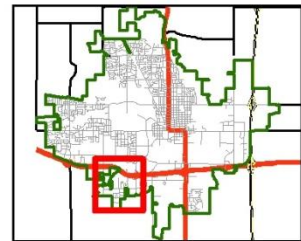
Attachment A



Location Map Ringgenberg Park Subdivision 4th Addition



AMES INCORPORATED LIMITS



Attachment B

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:

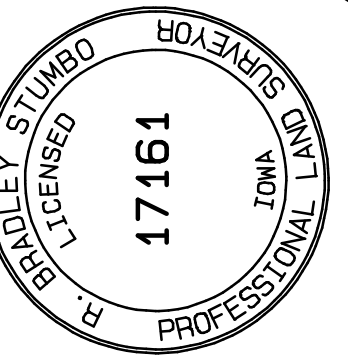
(i) deny any subdivision where the reasonably anticipated impact of such subdivision will create such a burden on existing public improvements or such a need for new public improvements that the area of the City affected by such impact will be unable to conform to level of service standards set forth 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)



Certification: I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct supervision and in accordance with the laws of the State of Iowa.

Bradley Stumbo License #17161 Date: _____
 My license renewal date is December 31, 2015



NE CORNER PARCEL J & NE CORNER SE 1/4, SW 1/4 SEC. 16-83-24 FOUND PK NAIL

NE CORNER LOT 79 STATE PLANE COORDS N = 3462061.65 E = 4880650.16

NW CORNER PARCEL J FOUND BOAT SPIKE

NW CORNER LOT 79

SW CORNER LOT 79 STATE PLANE COORDS N = 3461482.11 E = 4873388.56

STATE OF IOWA

OWNERS/DEVELOPERS:
 FRIEDRICH LAND DEVELOPMENT CO., L.L.C.
 619 E. LINCOLN WAY
 AMES, IOWA 50010
 515-663-9999

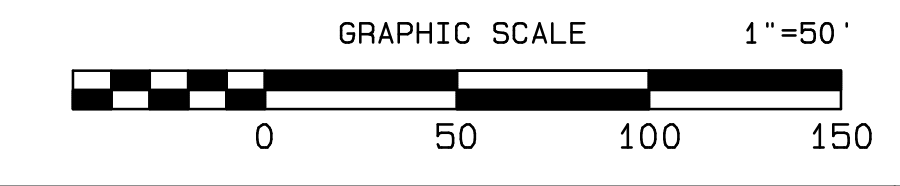
SURVEY DESCRIPTION:
 A SUBDIVISION OF LOT 79 IN RINGGENBERG PARK SUBDIVISION, FIRST ADDITION TO THE CITY OF AMES, STORY COUNTY, IOWA AS SHOWN ON PLAT RECORDED ON JANUARY 24, 2006 IN SLIDE 268, PAGES 5 & 6, CONTAINING 16.14 ACRES.

ZONING DISTRICTS: FS-RM
 BUILDING SETBACKS:
 FRONT: 25' MINIMUM
 SIDE: 8' MINIMUM (2 STORY)
 10' MINIMUM (3 STORY)
 REAR: 25' MINIMUM
 CORNER: 2 FRONTS & 2 SIDES

NOTES:
 1. SOIL BORINGS ARE REQUIRED IN AREAS WITHIN THIS PLAT WHICH HAVE BEEN IDENTIFIED BY THE CITY OF AMES AS HAVING SOILS THAT MAKE CONSTRUCTION OF BUILDINGS DIFFICULT.
 2. ELECTRIC EASEMENTS ALONG THE RIGHT OF WAY LINE OF BOBCAT DRIVE ARE ALL 10' WIDE. ELECTRIC EASEMENTS ALONG ALL SIDE AND REAR LOT LINES ARE 5' WIDE ON EACH SIDE OF THE LINE AS SHOWN.

LEGEND

PROPERTY BOUNDARY	—————
SECTION LINE	—————
STREET CENTERLINE	—————
RIGHT OF WAY LINE	—————
EASEMENT LINE	—————
BUILDING SETBACK LINE	—————
SECTION CORNER FOUND OR SET AS NOTED	●
FOUND 1/2" REBAR W/ YELLOW CAP #65886	○
FOUND 1/2" REBAR W/ YELLOW CAP #17161	○
SET 3/2" REBAR W/ YELLOW CAP #17161	○
SET MAG NAIL IN ASPHALT	○



FINAL PLAT
RINGGENBERG PARK SUBDIVISION
FOURTH ADDITION
 A SUBDIVISION OF LOT 79, RINGGENBERG PARK SUBDIVISION, FIRST ADDITION TO THE CITY OF AMES, STORY COUNTY, IOWA
 JOB #15313FP4 DATE: 2/13/14 PAGE: 1 of 2

STUMBO & ASSOCIATES
LAND SURVEYING
 510 S. 17th STREET, SUITE 102, AMES, IOWA 50010
 PHONE 515-233-3684 FAX 515-233-4403

