

COUNCIL ACTION FORM

SUBJECT: SCENIC POINT SUBDIVISION FIRST ADDITION, MAJOR FINAL PLAT

BACKGROUND:

The Hunziker Development Company has submitted a final subdivision plat for Scenic Point Subdivision. The proposed final plat (attached) includes 7 single-family detached housing units along a dead end private street. The subject site totals 4.23 acres and includes Parcel J, which was annexed into the city on July 14, 2015, and also includes a small area of Outlot A of Scenic Valley Subdivision previously platted north of the subject site. (See Attachment A Location and Existing Zoning Map).

The proposed subdivision is zoned as PRD (Planned Residential Development). Development in a PRD includes approval of a Major Site Development Plan and in this circumstance requires the approval of a Final Plat. The combination of the Major Site Development Plan and Final Plat set the development standards for the project. The PRD approval included construction of a private street to meet frontage requirements for individual lots. In this PRD no unique development standards for the individual lots have been approved; therefore, the standards for such items as maximum height and minimum building setbacks are referenced to follow FS-RL supplemental development standards for single-family homes. The PRD approval included a condition requiring installation of sidewalks on both sides of Scenic Point, which has been included by the developer.

The approved PRD included development of a private street, private sidewalks on both sides of the street, a private sidewalk connection to Scenic Valley subdivision to the north, and a public sidewalk connection along G.W. Carver to the north. Financial security has been posted for the public sidewalk installation occurring within three years of the approval of the final plat. The developer has not posted security for the private street or sidewalk improvements since they are not public improvements subject to City's inspection and acceptance. The sidewalk and street tree deferment agreement has been included with the Final Plat for installation of both private and public sidewalks and the street trees for each residential lot. The installation of the sidewalks must be completed the earlier of three years or prior to issuance of a certificate of occupancy for a house on the lot. The street trees are deferred until occupancy with no financial security required.

As part of the preliminary plat approval, a public sidewalk was only required north of Scenic Point due to the topographic constraints of the drainage area abutting the site to the east and lack of sidewalks further east extending to Bloomington Road. The Subdivision Code allows for a deferment of sidewalk improvements with financial security when topographic conditions make it difficult to complete the improvement or it is premature to install. Alternatively, the City Council can consider a waiver of the improvement itself in its entirety subject to specific findings of Section 23.103. The proposed final plat includes a waiver of the public sidewalk without financial security to

the south and east of Scenic Point due the hardship of sidewalk installation and topographic conditions that exist.

The developer has provided a letter of credit in the amount of \$59,756.00 for the completion of the public improvements, e.g. water, sewer and public sidewalk, which the City Council is asked to accept, along with those improvements that are already complete.

After reviewing the proposed Final Plat, staff finds that it complies with the approved Planned Residential Development and Major Site Development Plan, Preliminary Plat, adopted plans, and all other relevant design and improvement standards required by the Municipal Code.

ALTERNATIVES:

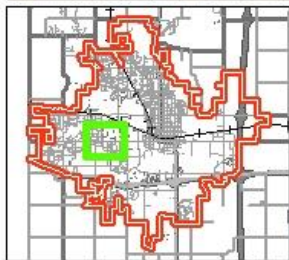
1. The City Council can approve the following three items:
 - a. Approve the Final Plat of Scenic Point Subdivision, First Addition, based upon findings that the Final Plat conforms to relevant and applicable design standards, ordinances, policies, and plans.
 - b. Accept the completed improvements along with the Improvement Agreement and financial security in lieu of the installation of the remaining required improvements.
 - c. Waiver of sidewalk improvements along G.W Carver to the south and east of Scenic Point (Section 23.103 (1))
2. The City Council can deny the Final Plat for Scenic Point Subdivision, First 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.

CITY MANAGER’S RECOMMENDED ACTION:

The proposed final plat has no public street improvements as the PRD was approved with a private street. The private street and associated improvements are not reviewed or inspected by the City as part of the development process. The final plat does include necessary easements for pedestrian and vehicular circulation, including a required “hammerhead” turnaround at the end of Scenic Point for emergency access. Staff recommends approval of a waiver of the full extension of sidewalks along G.W. Carver, rather than a deferment, due to identified constraints of the drainage ditch to the east and no likelihood of right-of-way improvements that will make the extension feasible. Staff finds that the final plat conforms to Preliminary Plat and Major Site Development plan as well as improvement requirements of the Subdivision Code.

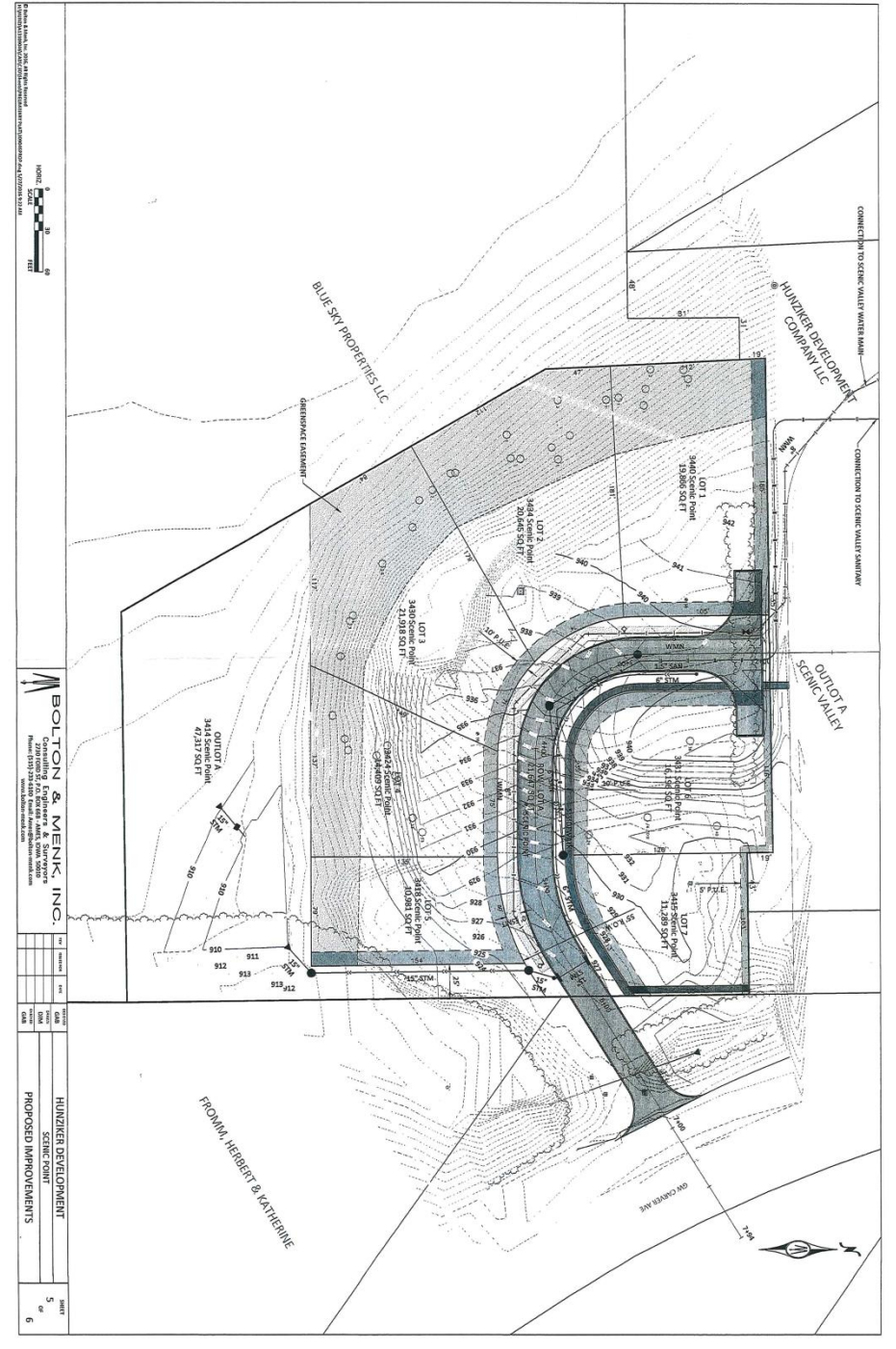
Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 as described above.

Attachment A: General Location and Zoning Map



Scenic Point Subdivision, First Addition

Approved Preliminary Plat (with conditions to add sidewalks)

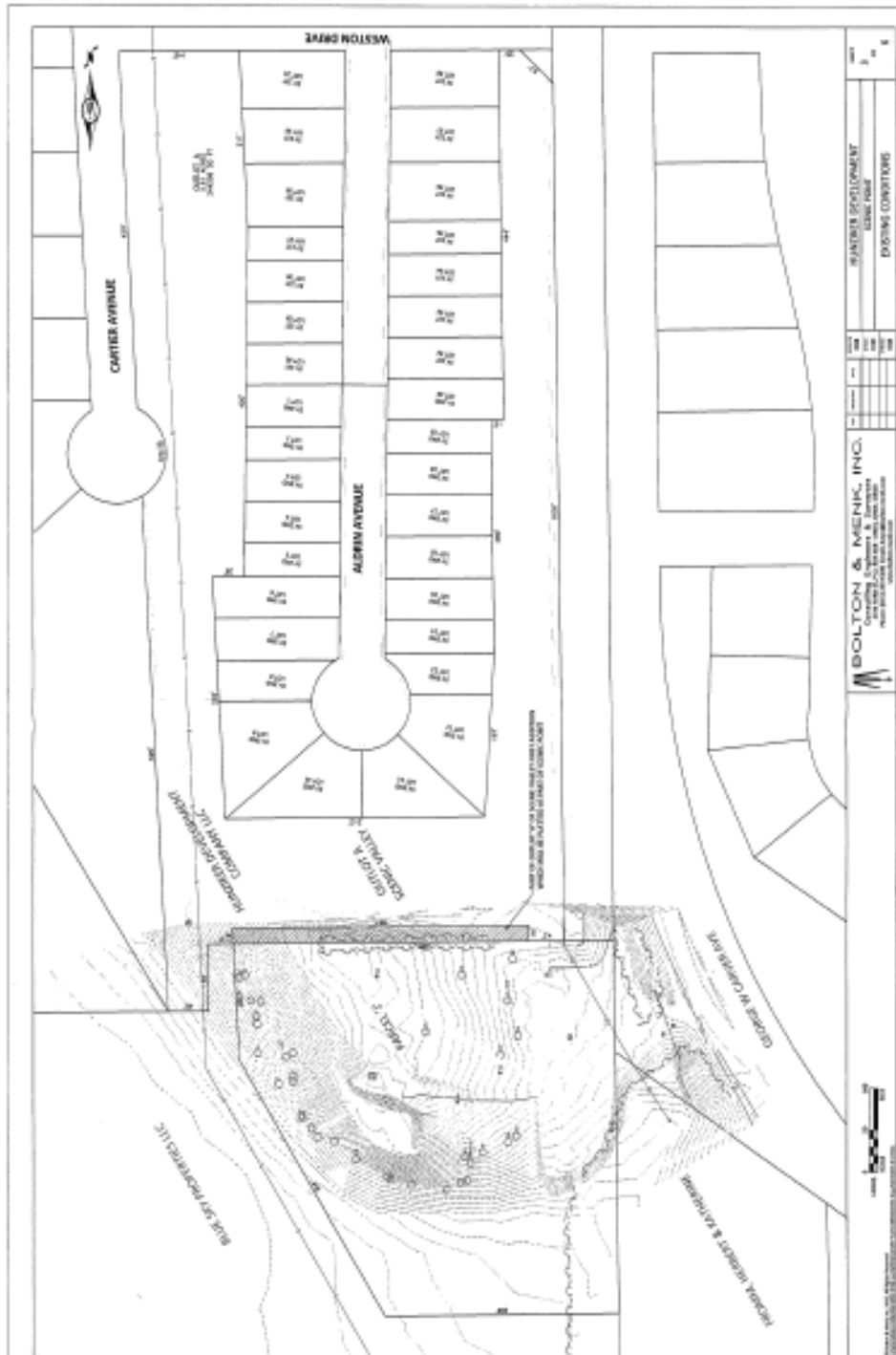


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DATE	BY	DESCRIPTION
08/11/2021	JMM	PROPOSED IMPROVEMENTS
08/11/2021	JMM	SCENIC POINT
08/11/2021	JMM	HUNZIKER DEVELOPMENT

Sheet 5 of 6

Scenic Point Subdivision, First Addition





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 SEP 29 2016
 CITY OF AMES, IOWA
 DEPT. OF PLANNING & ZONING

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:

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)

Sec. 23.103. WAIVER/MODIFICATION .

(1) Where, in the case of a particular subdivision, it can be shown that strict compliance with the requirements of the Regulations would result in extraordinary hardship to the Applicant or would prove inconsistent with the purpose of the Regulations because of unusual topography or other conditions, the City Council may modify or waive the requirements of the Regulations so that substantial justice may be done and the public interest secured provided, however, that such modification or waiver shall not have the effect of nullifying the intent and purpose of the Regulations. In no case shall any modification or waiver be more than necessary to eliminate the hardship or conform to the purpose of the Regulations. In so granting a modification or waiver, the City Council may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so modified or waived.