

ITEM #: 31b

DATE: 10-25-16

COUNCIL ACTION FORM

REQUEST: **PRELIMINARY PLAT FOR 2617 BOBCAT DRIVE (RINGGENBERG PARK SUBDIVISION, 5TH ADDITION)**

BACKGROUND:

Friedrich Land Development Company, LLC the property owner of 2617 Bobcat Drive requests approval of a Preliminary Plat subdividing a 1.45 acre site that is currently Outlot A from the Ringgenberg Park 4th Addition Subdivision. The property is located on the north side of Bobcat Drive, south of Oakwood Road and west of Cedar Lane. (See *Attachment A Location Map and B –Amended Master Plan*). The site is zoned FS-RM and subject to a Master Plan Amendment that was approved by the City Council on October 11th.

The proposed Preliminary Plat is a layout of 13 single-family attached home lots and two outlots as the Ringgenberg Park 5th Addition. (See *Attachment C*) **The Preliminary Plat includes a request for approval of a waiver to lot, block, and street improvement requirements for a local residential street of the Subdivision Code to allow for Bobcat Drive to be recognized as a private street in order to comply with street frontage requirements of the FS-RM zoning district.** Bobcat Drive was built as a 26-foot wide private driveway to serve the apartment building sites, but does not include other features of a street for lighting, curbs & gutters, sidewalks, and street trees. The formal findings for a waiver are included in Attachment D and are found in Section 23.103. The addendum contains a complete discussion of the waiver and Attachment D identifies excerpts of applicable laws. Typically, private streets have been allowed as part of Planned Residential Development (PRD) rather than in standard zoning districts as is requested by the developer.

The proposed 13 single-family attached home lots will be accessed from Bobcat Drive. Bobcat Drive is not a public right-of-way, but is the sole means of vehicular access for Lots 1-8 and 12 of the Ringgenberg 4th Subdivision. The three single-family homes on lots 10, 11, and 12 have access to Suncrest Drive. The existing apartment lots each have frontage on a public street, but have restricted access to the internal driveway.

Bobcat Drive overlaps the common property line of the adjacent lots with 20 feet of each lot subject to an existing cross-access easement to allow for access into and through the overall site. Bobcat Drive is a 26-foot wide concrete paved section similar to a local public street improvement, but does not include sidewalks, street trees, or street lights. Additionally, Bobcat Drive exceeds the 660-foot zoning standard for block length and the Subdivision Code street length of 1,320 linear feet. Bobcat Drive as measured from Cedar Lane through the site to Oakwood Road is approximately 1,650 feet with an existing sidewalk connection from Bobcat to Oakwood Road at approximately 800 feet

from Cedar Lane. The proposed improvements with the plat include the construction of a sidewalk along Bobcat Drive for the length of the subject site connecting to a sidewalk to the west that leads to Oakwood Drive and to the east leading to Cedar Lane. Sidewalks are not proposed along the remaining length of Bobcat Drive. The proposed connections address the minimum expectations for pedestrian circulation to provide connectivity to existing sidewalks.

In addition, the Zoning Ordinance articulates a block and lot standard for additional walkways when a new site is greater than 660 feet in length. The existing Oakwood Road sidewalk connection partially addresses the 660-foot block length requirement. The current arrangement of the Bobcat Apartments does not include a walkway that connects to Suncrest that would provide the through connection to the south. The original approval for the Bobcat apartments included a walkway connection for lots 6 and 7 connecting the parking lots and buildings to Suncrest, however this connection to the parking lot was removed by the developer as part of a later revision in 2015. A condition could be added to require an off-site walkway connection to Suncrest. The developer is not in favor of this condition due to location of the walkway along the existing apartments and its additional cost.

The proposed single-family attached lots range in size from 2,613 square feet to 5,662 square feet. All lots meet minimum size requirements and frontage requirements for the FS-RM zoning district with Bobcat as a private street. The proposed lots have adequate space to meet required setback and landscaping requirements of the FS-RM zoning district. The Preliminary Plat includes two outlots with one area located at the northeast edge of the property extending to Oakwood Road and along the south edge of the property containing Bobcat Drive. Review of the configuration of the buildings and landscaping is part of the accompanying Major Site Development permit.

As noted during the review of the proposed Master Plan Amendment, the platting of Outlot A as a developable site requires the developer to secure an interest in the common space area within the Ringgenberg Subdivision to the south. Participation in the Ringgenberg common spaces is needed to ensure the FS-RM 10% open space requirement is met for the entire 16 acre site of the Ringgenberg 4th Addition that includes the subject site. All lots within the FS-RM area must be able to use and enjoy the common open space south of the site to allow for the platting and development of this site. Evidence of participation in the common ownership is needed prior to final plat. The developer has indicated to staff that they are able to meet this condition.

The Planning and Zoning Commission reviewed the Preliminary Plat on October 5, 2016. The Commission discussed the merits of private streets and the types of improvements that are desired for sidewalks, lighting, and design of a street. The Commission also discussed the desire for the additional south walkway connection and its routing along the parking lot to Bobcat and its connection to Suncrest Drive and the trail to the south of the site. The Commission voted 4-2 to recommended approval of the preliminary plat with the waivers, but to exclude the condition requiring installation of

a sidewalk to the south between lots 6 and 7 of the Ringgenberg 4th addition leading to Suncrest Drive.

ALTERNATIVES:

1. The City Council can approve the preliminary plat for Ringgenberg Park Subdivision, 5th Addition, including a waiver of Subdivision Code standards for lot design, block length, and public street improvements for lighting, curbs & gutter, and sidewalks, with the following conditions:
 - A. Prior to final plat approval, the private sidewalk connection to Cedar lane connection shall be completed or financially secured with written acknowledgement by the property owner (Village Co-op) to authorize its installation.
 - B. Prior to final plat approval, to recognize Bobcat Drive as a private street the developer shall provide a common maintenance agreement amongst all beneficiaries of the cross-access easement within the Ringgenberg 4th and 5th Additions. The agreement is to be reviewed and accepted by the City of Ames and recorded prior to recording of the final plat.
 - C. Prior to final plat approval, the developer shall provide evidence to the City that all lots within the Ringgenberg 4th Addition and the proposed 5th Addition have a legal right to use and enjoy the common spaces within the Ringgenberg PRD and participate in its maintenance and upkeep. The documents shall be reviewed and accepted by the City prior to recording of the agreements and the final plat.
 - D. Prior to final plat approval, a five-foot private sidewalk from Bobcat to Suncrest Drive between lots 6 and 7 of the 4th Addition shall be completed or financially secured with written acknowledgement of the property owner(s) to authorize its installation.
2. The City Council can approve the preliminary plat for Ringgenberg Park Subdivision, 5th Addition with the different conditions.
3. The City Council can deny the preliminary plat for Ringgenberg Park Subdivision, 5th Addition if the Council determines the proposed design does not meet the standards of the Subdivision Code or Zoning Ordinance.
4. The City Council can defer action on this request and refer it back to City staff and/or the applicant for additional information.

CITY MANAGER’S RECOMMENDATION:

The layout of the project is unique in its manner of meeting the intent of the Subdivision Code and Zoning Ordinance with its requested waivers for a private street within a previously approved and developed site. The site was originally developed with an external orientation of the buildings and an internal vehicular circulation to address concerns of the neighborhood about the configuration and appearance of the development. The subject Outlot A was planned as 1.4 acres of open space to meet FS-RM requirements, but noted that it could with replacement of common open space be potentially developed.

The developer seeks waivers for street improvement requirements in recognition of Bobcat Drive acting as a private street to serve this new development. Apart from instances under Planned Residence Development zoning districts (F-PRD), the practice of allowing for legal lots of record to be created in standard zoning districts with frontage solely upon a private street is uncommon. With the conditions for improvements to pedestrian connections and appropriate commitments to maintenance to retroactively recognize Bobcat Drive as a street will address the minimum functional necessities of serving the subject site and meeting zoning requirements.

Staff would prefer that all of Bobcat Drive include features associated with streets that meet the City’s intent for proper vehicular and pedestrian circulation and not just the partial implementation that is part of the proposed 5th Addition. It is only in recognition of the practical difficulties of meeting street frontage requirements with the existing developed conditions that support granting of the waiver to allow for development of the site at this time and not defer its development until a time it could be combined with the parcel to the north. Staff doesn’t believe that granting a waiver for this circumstance should be viewed as any precedent of supporting future private streets that are configured in a similar manner that could be viewed as a “work around” of intended development regulations that would be applied completely at the time of initial development.

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which recommends approval with conditions of the preliminary plat for Ringgenberg Park Subdivision, 5th Addition.

ADDENDUM

Project Description. The Preliminary Plat of “Ringgenberg Park Subdivision, 5th Addition” includes 13 single-family attached lots for development and two multi-family lots with two Outlots (Outlots A and B). Outlot A (.14 acres) is open area with a utility connection. Outlot B (.13 acres) is indicated as an outlot for the purpose of common street access (*See Attachment C - Preliminary Plat*)

The main access for the development is Bobcat Drive which allows access to Cedar Lane to the east. The proposed subdivision is located upon an existing outlot as part of Ringgenberg Park Subdivision, 4th Addition. The design of the lots fronting on Bobcat Drive is consistent with the vehicular access pattern of the area and is necessary to develop the site as proposed with frontage on Oakwood Drive as only 20 feet in width, which is much smaller than the 35 feet required for a flag lot in the Municipal Code in Chapter 29.401(1) (C). The site is unbuildable at this time without approval of a waiver to the Subdivision Code standards

Density and Lotting. The total development area of the subdivision is 1.45 acres with lots that range in size from .06 acres to .13 acres. Density calculations have been based on net area consistent with the allowance for the FS-RM zone. This meets the minimum required net density of 10 dwelling units per net acre of the FS-RM Zone at 13 units on 1.23 net acres. Additionally, the overall density of the original Master Plan Area of Lot 79 maintains compliance with net density requirements.

The lot pattern is consistent with attached single-family standards and although the request to consider Bobcat Drive as a private street would appear to create a “through lot” situation that is not approvable, it is approvable due to restricted access desired along Oakwood Road as an arterial street.

Public Improvements. The site is subject to an existing development agreement that defined requirements for public improvements. The site does have 20 feet of frontage along Oakwood Road, this frontage was improved with a required shared use path as part of the previous development. The developer has also contributed funds for future Cedar Lane turn lane improvements at a time they are deemed necessary by the City. The City is responsible for sidewalk construction along Cedar Lane. The City recently awarded a contract for the sidewalk construction.

Streets (Bobcat Drive).

The site has approximately 432 feet of frontage along Bobcat Drive. Bobcat Drive is an existing private driveway that connects Lots 1 through 8 and Lot 12 to Cedar Lane and Oakwood Road. It was constructed as a 26-foot wide paved concrete drive. Bobcat Drive is a private drive with the portion of the drive across the site’s frontage proposed to be within a common outlot (outlot B) that provides the main source of access to the proposed subdivision. The remaining area of Bobcat Drive is part of a cross access easement across the abutting properties.

Although Bobcat Drive is a private drive for vehicular access, it does not meet the Subdivision Code standards for create building lots as it does not meet the requirements for block, lots, or residential street improvements. Bobcat Drive acts more as an alley than as a public street. Therefore, the developer has requested a Waiver to these requirements to recognize Bobcat Drive as a private street without meeting all public street and subdivision standards.

Staff has identified that Waivers are needed for block length and lot requirements as it exceeds the maximum block length. This requires waiving site design sections 23.401(2) in regards to block length exceeding 1320 feet, 23.401(3) in regards to lot frontage requirements along a street with dedicated right-of-way, 23.402 in regards to residential landscape standards for street trees, and 23.403 with regard to street design and improvements for its construction and items such as street lighting, curb and gutter and overall street length. Current lighting in the area is produced residually from neighboring properties parking lot lighting along the south side of Bobcat Drive. The lighting produced does not produce light of the intensity produced by a streetlight. The developer has no plans to establish new lighting along Bobcat Drive or with the new homes.

To grant a waiver, the City Council must find by the language of Section 23.103(1) that there is an extreme hardship or the requirements are inconsistent with the purpose of the regulations due to topographical conditions or other circumstances. Staff does not believe there is an extreme hardship as this site was intentionally set aside without development as open space at the time the surrounding properties were developed and there was no intent for development at this time on the site. The site was noted as potentially being incorporated into future development north of the site.

The developer believes that construction of the above required Subdivision Code standards would be problematic to the developer and neighboring properties as the neighboring properties are already fully developed thus requiring major infrastructure retrofitting that would disrupt use of the surrounding developed property. Currently Bobcat is a 26-foot wide access drive which meets city width standards for local residential streets. The concrete paving is of similar design and durability to that of a public street. The developer is also proposing a sidewalk along the north side of Bobcat Drive and a street tree configuration along the north side of Bobcat Drive to meet street tree requirements in a typical subdivision. The developer believes that by providing connections with the 5th Addition, they have met the intent of the regulations when considering the limitations of the existing conditions for providing a true public street and right-of-way. However, the remainder of Bobcat Drive will not receive any additional treatments as a private street as it affects other properties not under control of the developer.

Water. An existing 8" water main connection is located along the front of the site along Bobcat Drive. The 8" water main is adequate to serve the projected needs of the subdivision.

Sanitary Sewer. A sanitary sewer main along the front of the site along Bobcat Drive which will provide sanitary sewer service to the subdivision. The City has concluded that sanitary sewer capacity is available to serve the proposed subdivision.

Transit. Cy Ride currently has bus access locations to the east along University Avenue. Cy Ride currently has no plans to extend service to the area of this proposed site. As such this subdivision will not have direct CyRide service from within the subdivision or the immediate area. Pedestrian access to the University CyRide stops are available from the proposed subdivision site.

Sidewalks, Pedestrian Trails and Street Trees. Chapter 23 of the Municipal Code, requires street trees for residential subdivisions along both sides of the street at a spacing of 30-50 feet on center to allow for the growth of the tree canopy, however, adjusted spacing is permitted by the code for obstructions in the right of way including driveway locations, underground utilities, and the location of street lights. The developer has addressed the street tree requirement with the placement of trees in the front yard areas of the home between the sidewalks and the buildings. This is a good space for the trees to be planted and have room to mature.

A sidewalk is proposed on the north side of Bobcat Drive that can be accessed from the north on the neighboring west and east property connecting to Cedar Lane and Oakwood Road. Staff proposes a condition of verifying ability of the applicant to connect to the sidewalk connection to the east on Village Co-op property to ensure a full sidewalk connection to the east to Cedar Lane. Without these sidewalk connections staff would not support the development.

As discussed above, the Bobcat Drive exceeds block requirements of the Subdivision Code. Additionally, the configuration of the Bobcat apartments does not fully meet the Zoning Ordinance standard for through walkways when a block exceeds 660 feet. The intent of the zoning requirement for this site would be to have a connection north south through the site from Oakwood to Suncrest. The walkway to Oakwood does exist to the west of this site and the developer will connect to it. However, a walkway to the south was not constructed with the apartments. The 2013 Master Plan and 2014 Major Site Development Plans had a walkway that connected the parking lots to the entrances of the apartments and to Suncrest for Lots 6,7,8. There was no internal connection directly to the Oakwood walkway. The Suncrest walkway was not installed with the final improvements and walkways were only constructed that connected the building entrances to Suncrest.

Staff believes the intent of the zoning standard has not been fully accomplished for the site due to the lack of connectivity throughout the site north to south. Although a Suncrest connection is off-site from the subject site, completing a walkway connection through Lots 6 and 7 to Suncrest would be the most logical location due to the grades of the area and the alignment of the walkway with a trail connection that exists in the Ringgenberg Park subdivision to the south. This connection would provide trail access to the primary open space located ¼ of a mile to the south that is meant to meet the

needs of this site. This sidewalk would connect through a small parking lot to Bobcat and then to the new sidewalk constructed by the applicant with the single-family attached homes. A condition is included as part of Alternative 1 to provide the additional walkway to Suncrest.

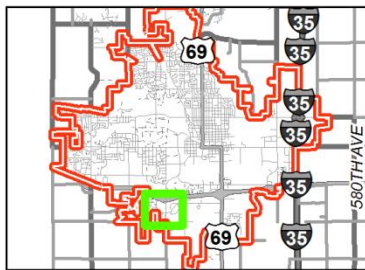
Staff also notes that based upon a recent site visit that required landscaping of the current Major Site Development plan is no long in place along Bobcat Drive or completed on Outlot B of the 4th addition. Staff will follow up to ensure compliance with the approved plans.

Open Space. The FS zoning requires that 10% of the gross development area be designated as common open space which is intended for usable outdoor area for the residents of the development, this equates to 1.6 acres of open space to meet the needs of the overall FS-RM development. Open space must be part of common ownership and located outside of required setbacks. The developer believes they are able to meet this requirement with securing an interest in the existing common open that is within the Ringgenberg Park PRD located ¼ of a mile south of the site. Private open space will exist for the new attached single-family homes as each will have a rear yard area. The developer indicated with the Master Plan Amendment that Outlot B of the 4th addition would be retained as a small on site open space and gathering amenity area.

Storm Water Management. The Public Works Department has reviewed the submitted Storm Water Management Plan for this subdivision. Public Works has determined that the storm water detention will be sufficient for the projected needs of the development.

Applicable Law. Laws pertinent to the proposal are described on *Attachment D – Applicable Law*. Pertinent for the Planning and Zoning Commission are Sections 23.302(3), 23.302(4) and 23.103(1).

Attachment A- Location Map



Location Map

Attachment B- Master Plan



RECEIVED

SEP 27 2016

CITY OF AMES, IOWA
DEPT. OF PLANNING & HOUSING

PROJECT: RINGENBERG SUBDIVISION, 2899 CEDAR LANE, AMES, IOWA 50010
 DATE: 08/27/15
 DRAWN BY: J. H. HARRIS
 CHECKED BY: J. H. HARRIS
 SCALE: AS SHOWN
 SHEET NO.: 1 OF 1

| PAVEMENT/ GREENSPACE CALCULATIONS | |
|---|--|
| LOT AREA = 703,247 S.F. | |
| PREVIOUS MASTER PLAN | |
| PAVEMENT = 134,376 S.F. = 19.1% | |
| SIDEWALK = 19,970 S.F. = 2.8% | |
| BUILDINGS = 120,439 S.F. = 17.1% | |
| TOTAL IMPERVIOUS = 264,885 S.F. = 38.2% | |
| TOTAL GREENSPACE = 438,362 S.F. = 61.7% | |
| CURRENT MASTER PLAN | |
| PAVEMENT = 134,543 S.F. = 19.1% | |
| SIDEWALK = 23,102 S.F. = 3.3% | |
| BUILDINGS = 133,683 S.F. = 19.0% | |
| TOTAL IMPERVIOUS = 291,328 S.F. = 41.4% | |
| TOTAL GREENSPACE = 411,919 S.F. = 58.6% | |

| PROJECT INFORMATION | |
|---|--|
| 9 MULTI-FAMILY BUILDINGS | |
| 13 SINGLE FAMILY ATTACHED UNITS | |
| LOTS 1-8, 4TH ADD. BUILDINGS ARE TWO STORY 12 UNIT CONDOS WITH 2 OF EACH - 1, 2, AND 3 BEDROOM UNITS | |
| 118 TOTAL UNITS | |
| LOT 1-8, 4TH ADD. DENSITY = 96 UNITS/ 9.84 ACRES = 9.75 UNITS/ACRE | |
| LOTS 9-11, 4TH ADD. SHALL BE SOLD AS SINGLE FAMILY LOTS WITH ACCESS RESTRICTED TO SUNCREST DRIVE ONLY | |

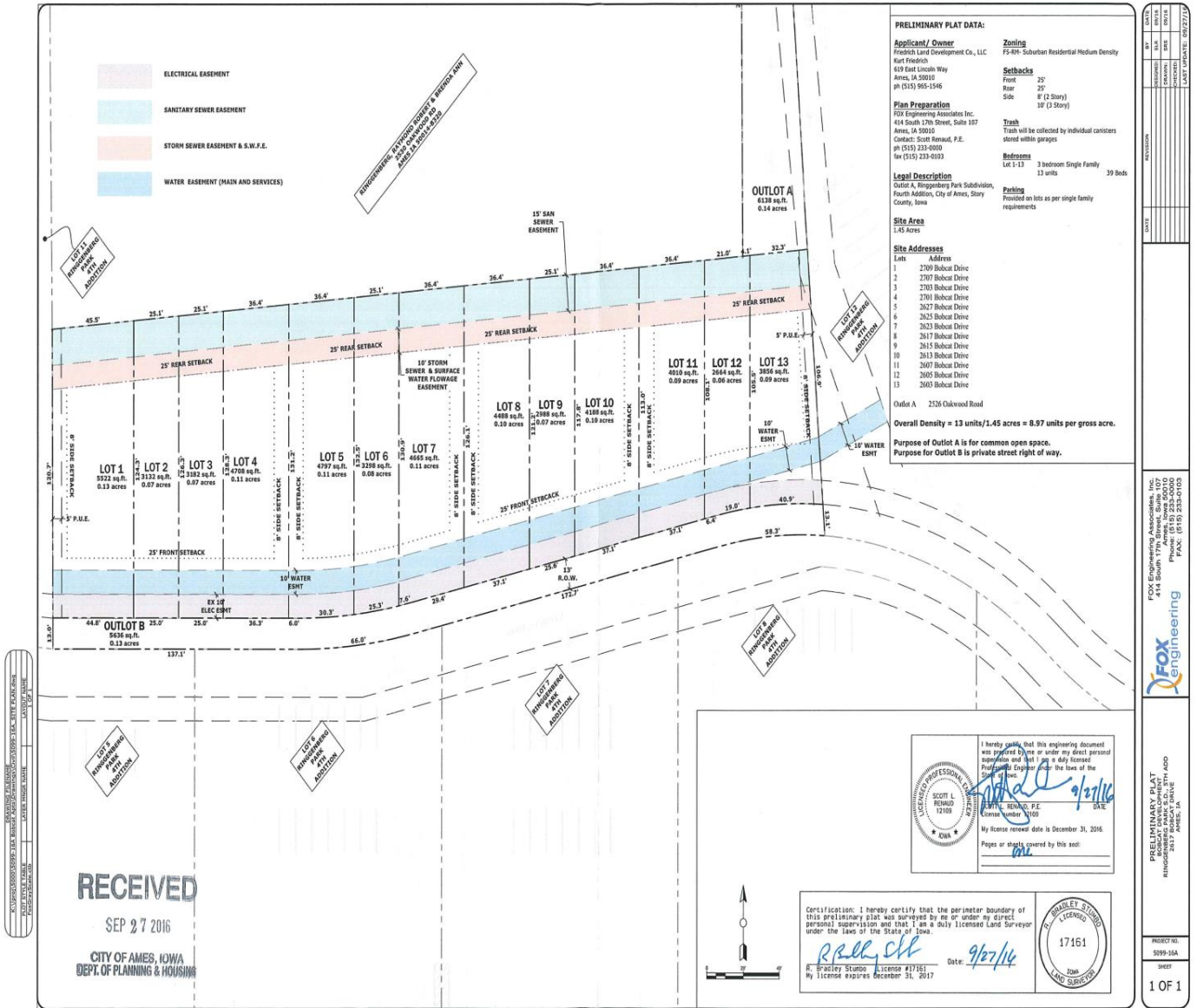
| |
|--|
| LOT 12, 4TH ADD. SHALL BE AN INDEPENDENT SENIOR LIVING FACILITY 50' MAX HEIGHT |
| LOT 12, 4TH ADD. DENSITY = 50 UNITS/ 3.57 ACRES = 14 UNITS/ ACRE |
| LOTS 1-8, 4TH ADD. BUILDINGS ARE TWO STORY 12 UNIT CONDOS WITH 2 OF EACH - 1, 2, AND 3 BEDROOM UNITS |
| LOT 1-13, 5TH ADD. SHALL BE SOLD AS SINGLE FAMILY ATTACHED |
| LOT 1-13, 5TH ADD. DENSITY = 13 UNITS/ 1.45 ACRES = 8.97 UNITS/ ACRE |

| APARTMENT | |
|--|--|
| PARKING STANDARD = 1.5 STALLS PER 1 BEDROOM UNIT | |
| 2 STALLS PER 2 BEDROOM UNIT | |
| 3 STALLS PER 3 BEDROOM UNIT | |
| ALL LANDSCAPE BUFFERS ARE TO BE INSTALLED WITH OCCUPANCY OF THE FIRST RESIDENTIAL UNITS. | |
| THE SHORTER FACADE OF EACH BUILDING SHALL FACE EITHER OAKWOOD ROAD OR SUNSET DRIVE. | |

| | |
|--------------------|--|
| PROPERTY ADDRESS: | 2899 CEDAR LANE |
| PROPERTY OWNER: | FRIEDRICH LAND DEVELOPMENT ATTN: KURT FRIEDRICH 100 6th STREET AMES, IA 50010 |
| CURRENT ZONING: | FS - RH |
| LEGAL DESCRIPTION: | LOT 79 RINGENBERG SUBDIVISION FIRST ADDITION CITY OF AMES, STORY COUNTY IOWA |

FOX Engineering Associates, Inc.
 414 South 17th Avenue, Iowa 50010
 PHONE: (515) 233-0100
 FAX: (515) 233-0103
 FOX Engineering
 MASTER PLAN
 RINGENBERG SUBDIVISION
 CEDAR LANE, AMES, IOWA
 PROJECT NO.
 5099-08A
 SHEET
 1 OF 1

Attachment C- Preliminary Plat



Attachment D- Applicable Law

The laws applicable to this Preliminary Plat Subdivision include, but are not limited to, the following: (verbatim language is shown in *italics*, other references are paraphrased):

Code of Iowa Chapter 354, Section 8 requires that the governing body shall determine whether the subdivision conforms to its Land Use Policy Plan.

Ames Municipal Code Chapter 23, Subdivisions, Division I, outlines the general provisions for subdivisions within the City limits and within two miles of the City limits of Ames.

Ames Municipal Code Section 23.302(3):

(3) *Planning and Zoning Commission Review:*

- (a) *The Planning and Zoning Commission shall examine the Preliminary Plat, any comments, recommendations or reports assembled or made by the Department of Planning and Housing, and such other information as it deems necessary or desirable to consider.*
- (b) *Based upon such examination, the Planning and Zoning Commission shall ascertain whether the Preliminary 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.*

Ames Municipal Code Section 23.302(4):

- (4) *Planning and Zoning Commission Recommendation: Following such examination and within 30 days of the regular meeting of the Planning and Zoning Commission at which a complete Application is first formally received for consideration, the Planning and Zoning Commission shall forward a report including its recommendation to the City Council. The Planning and Zoning Commission shall set forth its reasons for any recommendation to disapprove or to modify any Preliminary Plat in its report to the City Council and shall provide a written copy of such reasons to the developer.*

Ames Municipal Code Section 23.103(1) (Waiver)

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.