

**COUNCIL ACTION FORM**

**SUBJECT: SCENIC VALLEY SUBDIVISION, THIRD ADDITION MAJOR FINAL PLAT**

**BACKGROUND:**

The Hunziker Development Company has submitted a final subdivision plat for Scenic Valley Subdivision, Third Addition, which is partial replat of the Second Addition. The proposed Third Addition is a Minor Amendment that can be approved as a final plat without first processing the change as a new preliminary plat.

The First Addition was approved in October, 2014. The Second Addition was approved in June 2016, which allowed 20 residential lots for single family attached homes along the south end of Aldrin Avenue and 8 lots for single family detached along the north end of Aldrin Avenue. The Scenic Valley development lies west of George Washington Carver Avenue and east of Squaw Creek. The proposed Third Addition reduces the total number of attached housing lots.

The proposed final plat (attached) includes eight residential lots for single family attached homes along the south end of Aldrin Avenue. **The purpose of the plat is to adjust lot lines of Lots 4-8 and 13-17 of Scenic Valley Subdivision, Second Addition.** These lots are on the east and west sides of Aldrin Avenue at the south end of the cul-de-sac bulb. **The proposed final plat will reduce the number lots from ten to eight.** The lots will become slightly larger but still for the development of single family attached homes. The subdivision is zoned as FS-RL (Suburban Low Density), which allows for single family attached and detach housing. The overall density must be a minimum of 3.75 dwelling units per net acre and the calculated overall density for Scenic Valley with the reduction of two lots is 3.78 dwelling units per net acre.

The applicant has provided an updated agreement for the installation of street trees and sidewalks. The agreement requires the financial security for the sidewalks which must be installed 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.

The developer has provided a letter of credit in the amount of \$8,235 for the completion of the improvements including sidewalks, which the City Council is asked to accept, along with those improvements already completed.

The approval of the preliminary plat included two conditions. The first is that, "prior to final plat approval, the street light and street planting plan for the attached single-family home portion of Aldrin Avenue south of Weston Drive "be prepared and presented to the Planning and Housing Department for review and approval to ensure appropriate space is reserved for off-street parking coordinated with driveway placement." The Staff

will confirm with the construction of improvements in the right-of-way that the lot lines of the Third Addition amendment still meet the requirements of this condition as it was applied to the Second Addition.

The second condition is that an “easement document or similar restriction...be prepared for City staff review that contains specific language regarding the protection of trees and slopes as described in the master plan.” Such language was incorporated into the easement language for the First Addition and has already been completed.

**After reviewing the proposed Final Plat, staff finds that 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:**

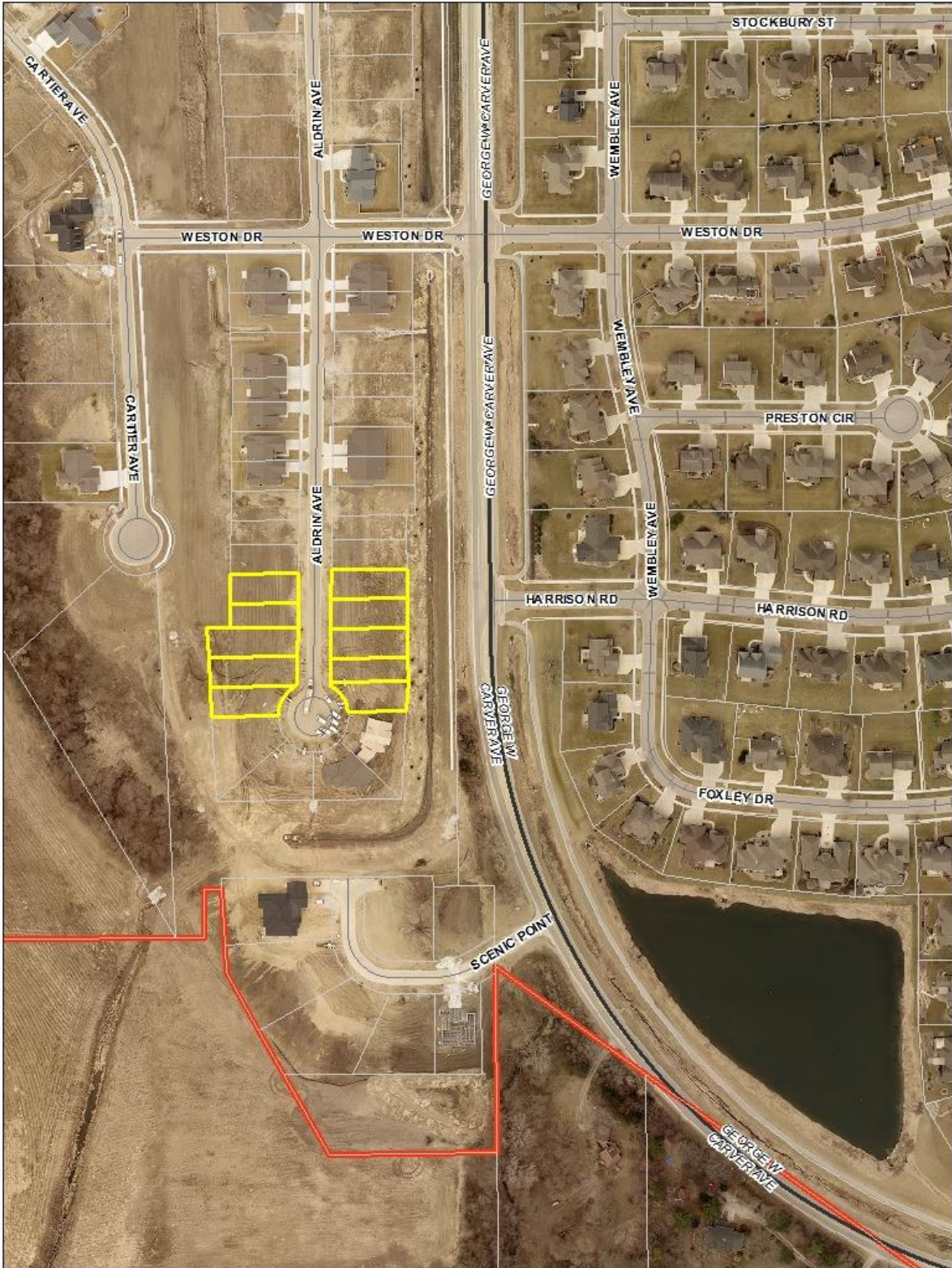
1. The City Council can approve the following two items:
  - a. Approve the Final Plat of Scenic Valley Subdivision, Third Addition, based upon findings that the Final Plat conforms to relevant and applicable design standards, ordinances, policies, and plans, subject to submittal and review of a street light and street planting plan.
  - b. Accept the completed improvements along with the Improvement Agreement and financial security in lieu of the installation of the remaining required improvements.
2. The City Council can deny the Final Plat for Scenic Valley Subdivision, Third 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:**

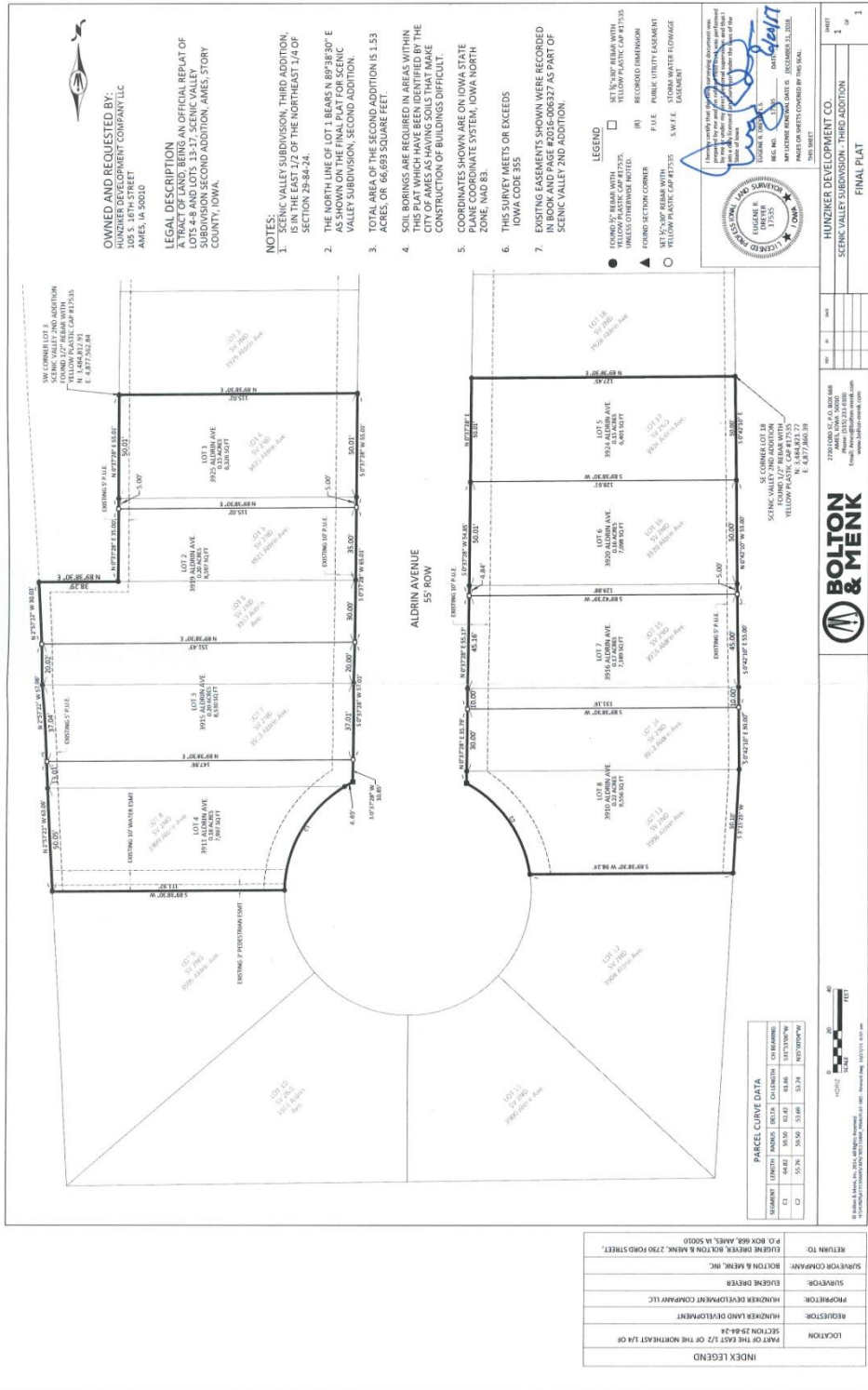
City staff has evaluated the proposed final subdivision plat and determined that the proposal is consistent with the preliminary plat approved by City Council and that the plat conforms to the adopted ordinances and policies of the City as required by Code.

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

# Location Map



# Scenic Valley Subdivision, Third Addition



## 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. 23.306. AMENDMENTS.

(1) Any changes to the design, layout, configuration, circulation pattern, access, or dimensions of a preliminary or final plat shall be considered as either a major or minor amendment to the plat, as follows: (a) Minor Amendment. Minor amendments are those that: i. Do not result in any more than one additional lot, net; ii. Do not result in any fewer lots than allowed by minimum density standards applicable to the subdivision; iii. Do not change the category of the originally approved subdivision from a minor subdivision to a major subdivision iv. Do not change the dimensions of any lots that do not otherwise comply with adopted lot dimensional standards, or which otherwise results in a non-conforming lot; v. Do not change the general layout of utilities, drainage patterns, storm water facilities, streets, alleys and/or easements; vi. Are not inconsistent with an approved master plan associated with the subdivision; and vii. Make only minor adjustments in the alignment or dimensions of streets, lots, alleys, and/or easements as otherwise allowed by adopted standards as opposed to deletions, additions or relocations of said streets, lots, alleys, and/or access easements.

(b) Major Amendments. Major amendments are those that: i. Eliminate any access easements or rights-of-way identified on the preliminary or final plat; ii. Eliminate or revise any plat conditions, restrictions or covenants on or associated with the plat, and iii. Are not otherwise defined as a minor amendment under the provisions of this Section.

(2) Amendment Process. Amendments shall be processed as follows: (a) Minor amendments to a preliminary plat may be made at the time of final plat approval. Minor amendments to a final plat may be processed as a minor subdivision, under the provisions of Section 23.303. (b) Major amendments shall be processed as an amendment to the original preliminary plat. An application for a major amendment shall include all information required for a preliminary plat application, except that information pertaining to ownership, and information pertaining to existing physical features or structures, shall be required only for those areas of the plat affected by the amendment. (Note: Plat conditions/restrictions, easements, and other rights or forms of ownership defined by geographic area may have claim by property owners beyond the defined area. All persons or entities whose ownership or other legal rights are affected by the proposed amendment shall be a party to the amendment application). (Ord. No. 4020; 1-12-10)