

**COUNCIL ACTION FORM**

**SUBJECT: VILLAGE PARK SUBDIVISION, SECOND ADDITION MINOR FINAL PLAT FOR 2126 COTTONWOOD ROAD**

**BACKGROUND:**

Aurora Heights, LLC, property owner, is requesting approval of a Final Plat for Village Park Subdivision Second Addition, a minor subdivision that would divide Lot 12 of the original Village Park Subdivision, into two new lots (*see Attachment A – Location Map*). A minor subdivision includes three, or fewer, lots and does not require additional public improvements. A minor subdivision does not require a Preliminary Plat, and may be approved by the City Council as a Final Plat, only, subject to the applicant completing the necessary requirements. Following City Council approval, the Final Plat must then be recorded with the County Recorder to become an officially recognized subdivision plat.

The proposed Final Plat (*see Attachment B: Final Plat of Village Park Subdivision, Second Addition*) creates a two buildable lots from the Lot 12 at 2126 Cottonwood Road. Lot 12, Village Park Subdivision, is presently occupied by two, multi-family buildings, which were constructed in 2017. Lot 12 includes approximately 5.58 acres and is proposed to be divided into Lot 1 (2.91 acres), and Lot 2 (2.61 acres). Lot 1 is located at 2126 Cottonwood Road Avenue, and will be occupied by two existing multi-family buildings. Lot 2 is located at 3400 Aurora Avenue, and will be occupied by two new multi-family buildings.

Proposed Lot 1 has access off of Cottonwood Road and Aurora Avenue. Lot 2 will have access off of Aurora Avenue. There will not be an internal drive connecting the two lots to allow internal circulation.

Site plans for both Lots 1 and 2 have been approved by the Planning & Housing Department. This final plat was a condition of approval of the site plan for the two buildings to be constructed on Lot 2. Public utilities serve both parcels, and sidewalk has been constructed along the frontage for Lot 1, on Cottonwood Road.

The applicant has provided an 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 proposed lots are also subject to the original Village Park Subdivision and Master Plan requirements for public improvements, common area, and easements. An easement for a Shared Use Path extension from Outlot D through the southeast corner of Lot 2 is included in the Plat to implement the requirements of the prior subdivision and zoning approvals.

**After reviewing the proposed Final Plat of Village Park Subdivision, staff finds that it complies with the approved Preliminary Plat, adopted plans, and all other relevant design and improvement standards required by the *Municipal Code*.**

**ALTERNATIVES:**

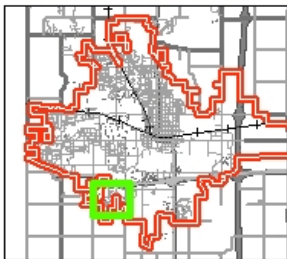
1. The City Council can approve the Final Plat of Village Park Subdivision, Second Addition based upon findings that the final plat conforms to relevant and applicable design standards, other City ordinances and standards, to the City's Land Use Policy Plan, and to the City's other duly adopted plans.
2. The City Council can deny the Final Plat of Village Park Subdivision, Second Addition if it finds that it does not comply with the applicable ordinances, standards or plans.
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 the Application for Final Plat Approval of a Major Subdivision no later than April 28, 2018, to meet the 60 day deadline.)

**MANAGER'S RECOMMENDED ACTION:**

City staff has evaluated the proposed Final Plat of Village Park Subdivision, Second Addition and determined that the proposal is consistent with the requirements of the Municipal Code.

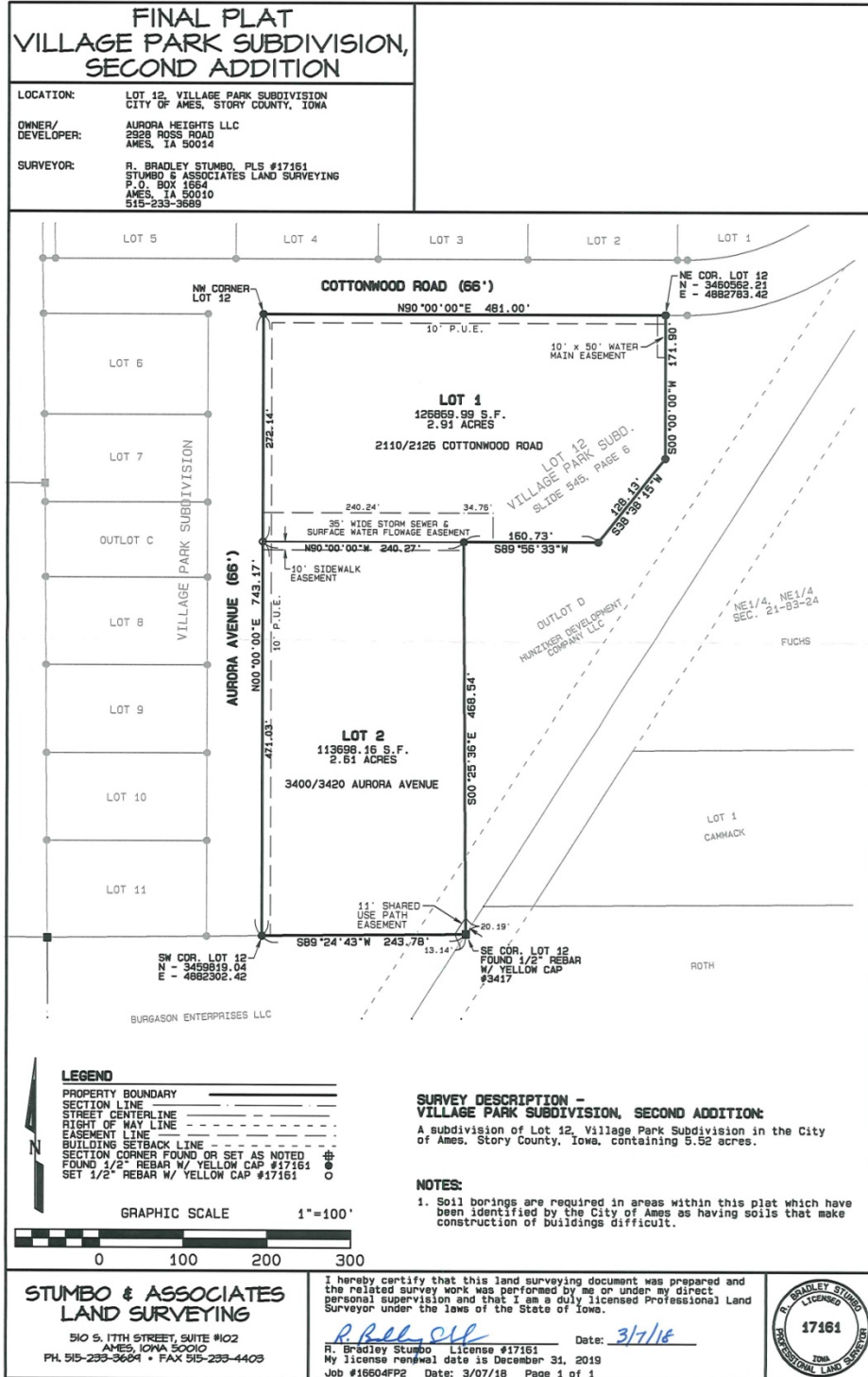
**Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 as described above.**

# Attachment A – Location Map



**Village Park Subdivision,  
Second Addition**

# Attachment B – Final Plat of Village Park Subdivision, Second 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:

*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)*