

ITEM #: 29  
DATE: 07-09-19

**COUNCIL ACTION FORM**

**REQUEST: SCENIC VALLEY SUBDIVISION, FOURTH ADDITION MAJOR FINAL PLAT**

**BACKGROUND INFORMATION:**

Hunziker Development Co., LLC, has submitted a final subdivision plat for Scenic Valley Subdivision, Fourth Addition, which is a partial platting of an approved preliminary plat affecting the northern portion of the site. The subject area of this plat was part of a Major Amendment to the Preliminary Plat approved by the City Council on December 11, 2018 that addressed reconfiguration of lots and storm water improvements.

The proposed final plat includes 23 residential lots for single-family detached homes along the Barcelos Street. The lots will be platted along Aldrin Avenue and Everest Avenue, and one cul-de-sac, Everest Circle. Aldrin and Everest Avenues will continue north with future additions.

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. Due to replatting of the area the sidewalks will be five feet in width rather than the previously permitted four feet.

The developer has provided a letter of credit in the amount of \$740,370.35 for the completion of public 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. An easement to allow storm water to drain off site into a wetland on an adjacent property controlled by Kurt Friedrich and that easements will be included that allow utilities to extend to the north plat boundary in order to serve development of adjacent properties. The first condition has been met with the submittal of an off-site storm water easement that will be recorded with the final plat.**

Due to the extent of the proposed addition, there is an outlot for future development (Outlot V) that separates the proposed new lots and improvements from the abutting properties to the north. Staff has commented that with the potential annexation of the lands to the north, provision of easements is needed at this time. **Rather than dedicate public easements for utility extensions, the property owner proposes to enter into a private agreement with Kurt Friedrich for coordination of utility extensions and public easements. Although the City is not a party to this agreement, the intent of securing the ability to extend utilities to the north is met. The signed agreement will need to be returned to the City for final plat approval and for it to be recorded with the final plat.**

**ALTERNATIVES:**

1. The City Council can approve the following two items:
  - a. Approve the Final Plat of Scenic Valley Subdivision, Fourth Addition, based upon findings that the Final Plat conforms to relevant and applicable design standards, ordinances, policies, and plans, and receipt of the signed utility easement private agreement for Outlot V.
  - 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, Fourth 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.

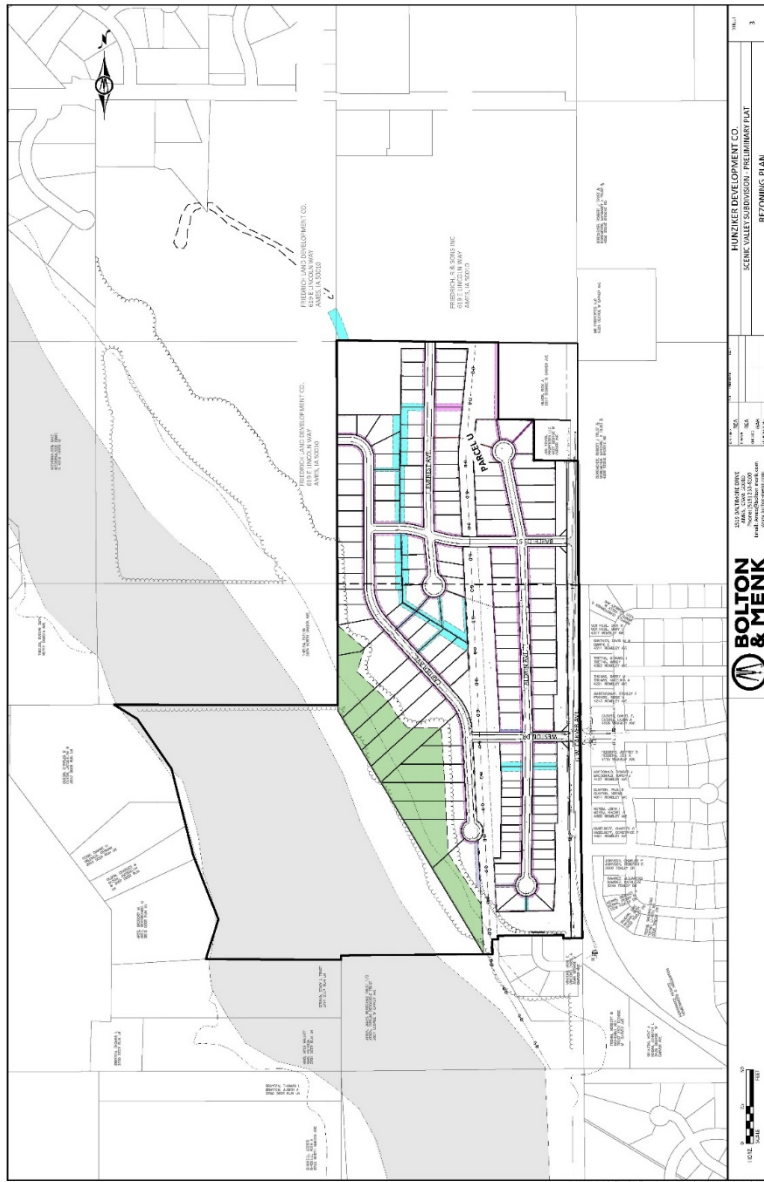
**Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 as described above.**

# Attachment A: Zoning and Location Map



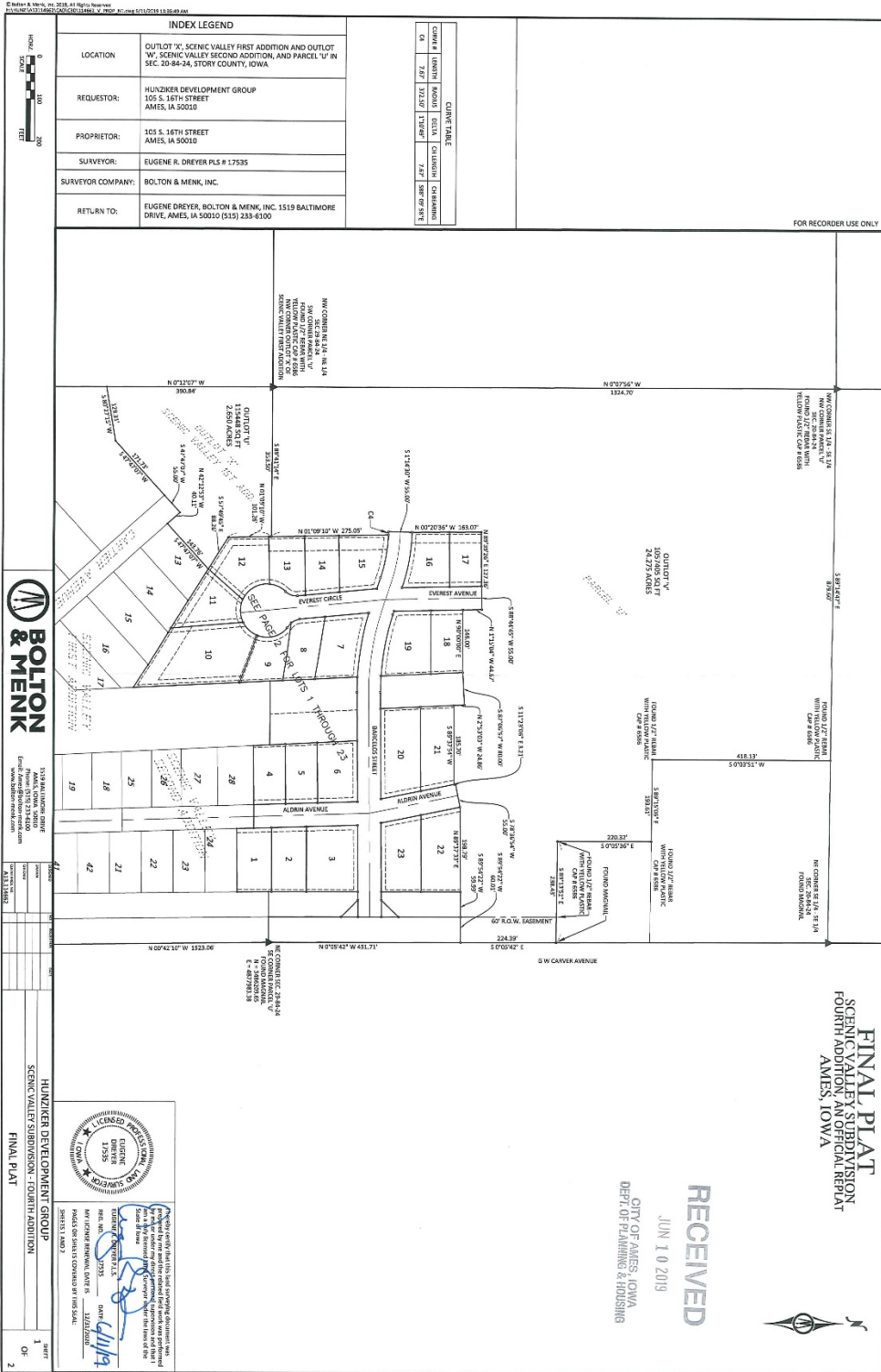
**Scenic Valley 4th Addition**

# Attachment B: Preliminary Plat (Amended)





# Attachment C: Proposed Lot Layout





## Attachment D: Applicable Subdivision 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(10):

(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*)