

**COUNCIL ACTION FORM**

**SUBJECT: MAJOR FINAL PLAT FOR SUNSET RIDGE SUBDIVISION TENTH ADDITION**

**BACKGROUND:**

The City's subdivision regulations are included in Chapter 23 of the *Municipal Code*. The Subdivision Code includes the process for creating or modifying property boundaries and specifies whether any improvements are required in conjunction with the platting of property. The creation of new lots is classified as either a major or minor subdivision, with a major subdivision requiring a two-step platting process to finalize the creation of new lots. The "Preliminary Plat" is first approved by the City Council and identifies the layout of the subdivision and any necessary or required public improvements.

Once the applicant has completed the necessary requirements, including provision of required public improvements or provision of financial security for their completion, a "final plat application" may then be submitted for City Council approval. After City Council approval of the final plat, it must then be recorded with the County Recorder to become an officially recognized subdivision plat. The final plat must be found to conform to the ordinances of the City and any conditions placed upon the preliminary plat approval.

**Hunziker Land Development, LLC and Sunset Ridge Property Owners Association are requesting approval of a Major Final Plat for Sunset Ridge Subdivision, Tenth Addition.** The Sunset Ridge Subdivision is located north of Lincoln Way along the western corporate limits of the city. The subject property is located north and west of Allerton Road as shown on *Attachment 1– Location Map*.

The proposed subdivision includes 21 single-family lots and the replatting of "Outlot P" in Sunset Ridge Subdivision Fifth Addition and "Outlot KK" in Sunset Ridge Subdivision Sixth Addition which contains 21.71 acres (including 1.21 acres of existing public right-of-way). "Outlot P" is owned by Sunset Ridge Property Owners Association; "Outlot KK" is owned by Hunziker Land Development, LLC. Outlot "P" is the subject of a separate easement vacation item on this same agenda.

Twenty-one (21) lots are proposed in the subdivision for single-family detached dwellings as shown on *Attachment 3 – Final Plat of Sunset Ridge Subdivision Tenth Addition*. **The applicant is proposing two more lots along Allerton Avenue than what was illustrated on the Preliminary Plat and Master Plan for the Subdivision.** *Attachment 2* illustrates the Preliminary Plat and Master Plan for the Subdivision. The placement of the additional lots has been accomplished by narrowing the proposed single-family lots and the connection from Ellston Avenue to Outlots "S" and "T", thereby reducing the area of open space. The proposed lot widths meet zoning standards and the small reduction in open space does not affect the minimum 10% requirements of FS-RL.

However, the addition of the two lots does not align with the Preliminary Plat and Master Plan documents and could be considered a Major Amendment per the standards of Chapter 23. A Major Amendment triggers a new Preliminary Plat and compliance with current subdivision standards. Notably, the sidewalk for the this and subsequent additions would need to be widened from four feet to five feet. The applicant has agreed to widen the sidewalk widths to 5 feet for the 10<sup>th</sup> Addition starting with Ellston Drive and extending to the west. Staff supports deferring the processing of the Preliminary Plat for a Major Amendment until the next addition due to the agreement of incorporating wider sidewalks as would be required with a new Preliminary Plat. The applicant indicates that the Preliminary Plat and Master Plan will be revised to reflect the layout change and change in lot count at the time of submittal of the Eleventh Addition.

The development includes “Lot A” (1.21 acres) and “Lot B” (1.97 acres) which will be dedicated to the City for public right-of-way:

- Lot A increases the width of the existing N. 500<sup>th</sup> Avenue right-of-way by 60 feet.
- Lot B includes:
  - Allerton Drive extension westward with a 55’ right-of-way;
  - Westfield Drive extension westward with a 66’ right-of-way;
  - Ellston Avenue is a new north-south 55’ right-of-way that extends between and past Westfield Drive and Allerton Drive.

Street extensions connect with existing streets and will *not* require additional temporary access and turnaround areas on the end of the streets during the construction phase of the development.

The existing blanket easement over all of “Outlot P” must be vacated before the Final Plat is approved. “Outlot S” (2.44 acres) and “Outlot T” (1.78 acres) contain *new* blanket easements which include: public utility, storm sewer, surface water flowage, shared use path, open space, storm water detention, and storm water conveyance. “Outlot LL” (9.40 acres) is reserved for future development. The City will *not* be responsible for maintenance of any of the outlots; “Outlot S” will be conveyed to the Sunset Ridge Property Owners Association and the other properties will remain under Hunziker’s ownership for the time being. Prior to the conveyance of “Outlot S,” Sunset Ridge Property Owners Association must deed back “Outlot P” to Hunziker, or at least that portion of Outlot P that is now included in Lot 3.

The Sunset Ridge Subdivision is bound by several Developer’s Agreements with Hunziker Land Development Company, LLC, including a 2005 Agreement, a 2010 Amendment, and a 2012 Agreement. Staff believes that the developer has complied with the terms of these agreements as they relate to the proposed parcels.

The Public Works Department confirms that existing public utilities, including water, sanitary sewer, and storm water are currently being installed in the proposed subdivision in compliance with the approved preliminary plat. Easements are provided with the final plat, as required for public utility mains that will serve multiple lots and fire hydrants.

*An Agreement for Public Improvements*, and an *Agreement for Sidewalk and Street Trees* have been prepared for City Council approval with the Final Plat. The *Agreement for Public Improvements* identifies the need for financial security for the completion of certain improvements and utilities including: erosion control (COSESCO), water mains, sanitary sewers and drains, storm sewers and drains, manhole adjustments, pavement, pedestrian ramps, street lights, landscaping, and subgrade preparation.

Financial security, in the form of a Letter of Credit, has been submitted to the City in the amount of \$696,002.55, which covers the cost of the remaining improvements, in the event the developer does not install the required improvements. Sidewalks and street trees must be installed prior to the issuance of a Certificate of Occupancy for an individual lot; however, within three years after final plat approval, all sidewalks must be installed per the *Agreement for Sidewalk and Street Trees*. Financial security can be reduced by the City Council as the required infrastructure is installed, inspected, and accepted by the City.

Given that the preliminary plat will be revised for this Addition, the sidewalk width for Ellston Avenue and west of Ellston Avenue on Westfield Drive and Allerton Drive must meet the current subdivision standard of five feet. The five-foot sidewalk width is included in the financial security schedule.

### **ALTERNATIVES:**

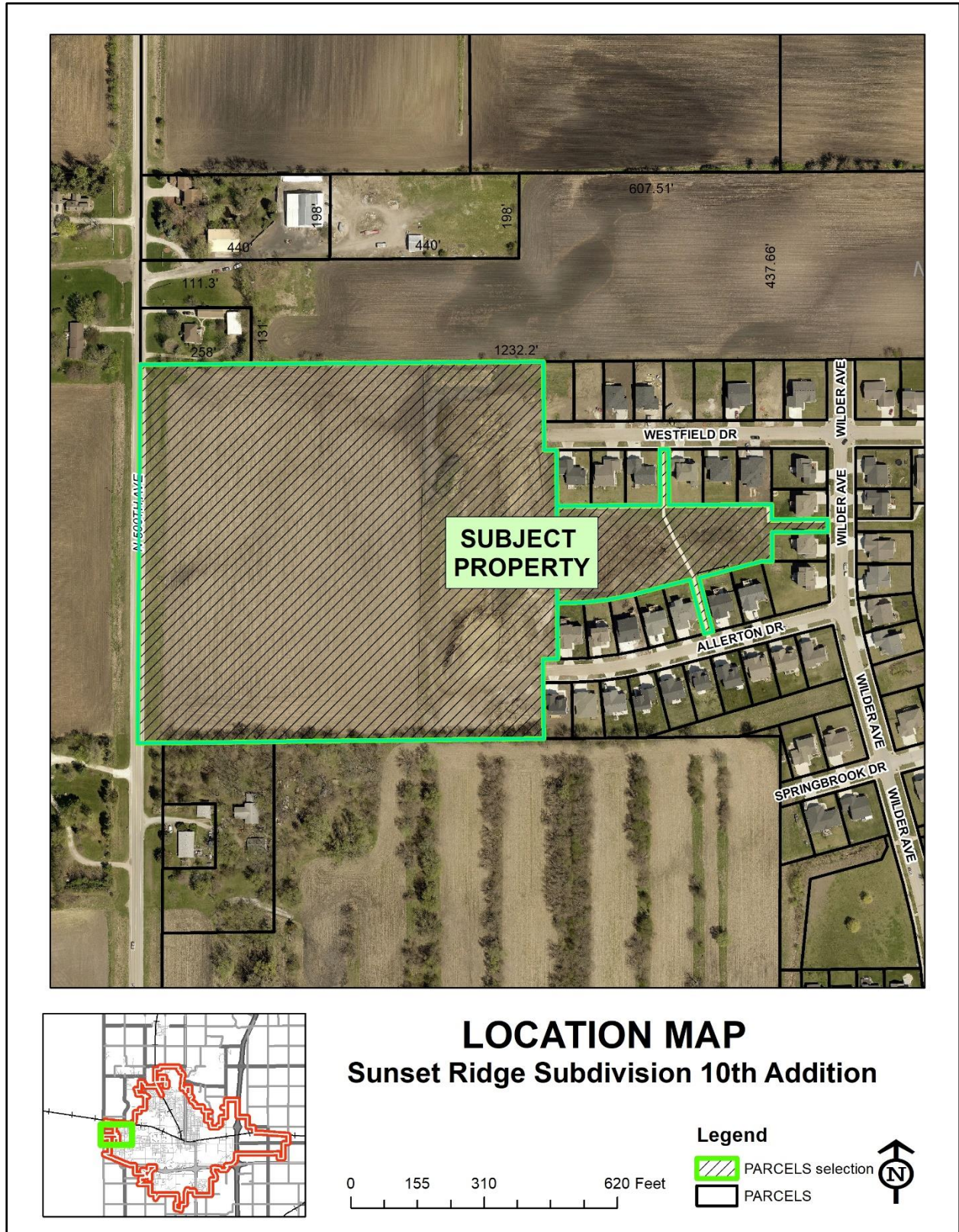
1. Approve the Final Plat of Sunset Ridge Subdivision Tenth Addition based upon the findings that the Final Plat conforms to relevant and applicable design standards, ordinances, policies, and plans with a signed *Agreement for Public Improvements* and *Agreement for Sidewalk and Street Trees* with financial security and the requirement to provide five foot sidewalks for the 10<sup>th</sup> Addition starting at Ellston Avenue and to complete a revised Preliminary Plat and Master Plan reflecting the layout change and change in lot numbers prior to approval of the 11<sup>th</sup> Addition.
2. Deny the Final Plat for Sunset Ridge Subdivision Tenth Addition, and direct the applicant to proceed with a Major Amendment due to the increased lots or because the development creates a burden on existing public improvements or creates a need for new public improvements that have not yet been installed.
3. In the event the proposed easement vacation for Outlot P of the 5<sup>th</sup> Addition is not approved, this Final Plat should be tabled to update the final plat or complete the vacation process.

**CITY MANAGER'S RECOMMENDED ACTION:**

City staff has evaluated the proposed final subdivision plat and determined that the Final Plat for Sunset Ridge Tenth Addition conforms to the adopted ordinances and policies of the City as required by Chapter 23 of the *Ames Municipal Code* with the agreed upon widening of sidewalks and proposal to process a preliminary plat prior to the 11th Addition. Additionally, the proposal can move forward with required changes to the master plan and preliminary plat with the submittal of the planned next and final phase (Sunset Ridge Eleventh Addition).

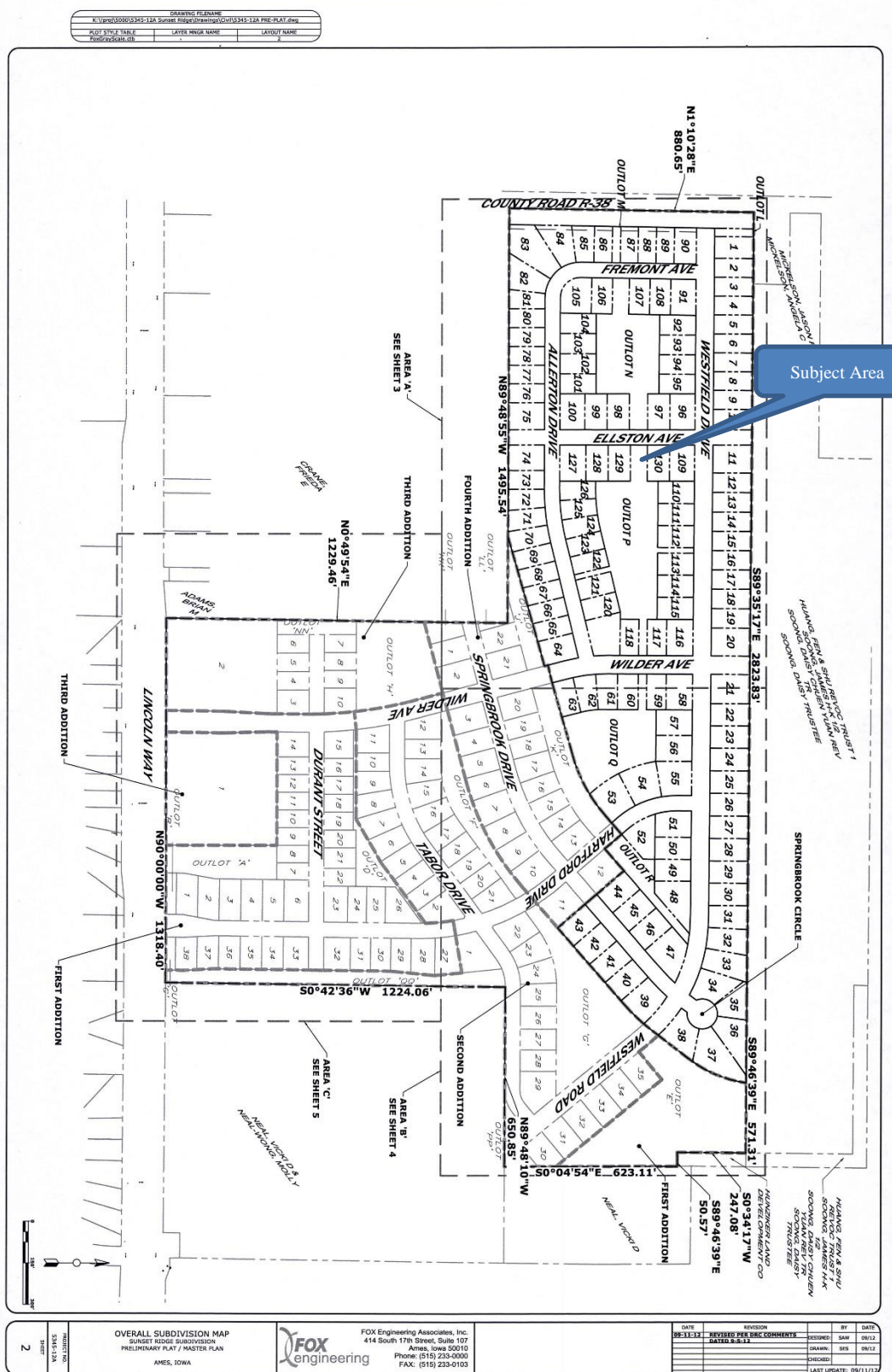
Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the Final Plat for Sunset Ridge Subdivision Tenth Addition.

## ATTACHMENT 1: LOCATION MAP



## **ATTACHMENT 2: SUNSET RIDGE PRELIMINARY PLAT & MASTER PLAN**

**(OVERALL SUBDIVISION PLAN)**



RECEIVED  
SEP 10 2020  
CITY OF AMES IA  
DEPT. OF PLANNING AND HOUSING



## **ATTACHMENT 4: 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)*