

COUNCIL ACTION FORM

SUBJECT: MAJOR FINAL PLAT FOR BIRCH MEADOWS SUBDIVISION SECOND ADDITION

BACKGROUND:

The City's subdivision regulations are included in Chapter 23 of the Ames Municipal Code. This "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 required public improvements. Once the applicant has completed the requirements, including provision of required public improvements or provision of financial security for their completion, an application for a "Final Plat" may then be made 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.

D&R Furman LLC, is requesting approval of a major final plat for Birch Meadows Subdivision 2nd Addition. The Birch Meadows Subdivision lies north of Ontario Street and south of the Union Pacific Rail line as shown on Attachment A – *Location Map*. A preliminary plat for the Birch Meadows Subdivision was approved in October 2016. The approved preliminary plat calls for 74 single-family detached lots and four outlots for open space and storm water detention. The approval also requires the extension of Ontario Street frontage improvements and utilities with the development of the site. Birch Meadows 1st addition was previously approved in October of 2017.

The Final Plat for Birch Meadows Subdivision 2nd Addition includes Lots 1-16 for development of single-family detached homes and one outlot for future development (Attachment B). The lots being created for single-family homes are located along both sides of Ohio Avenue, a new street, and both sides of Maryland Street, which is an extension of an existing street to the east in the 1st Addition of Birch Meadows. The one outlot in the proposed subdivision totals 13.95 acres. This Outlot YY will be for future development.

Public improvements, including streets, sidewalks, sanitary sewer, water, storm sewer system, street lights and sub-drains are required as part of this major subdivision. New sewer and water connections are installed or available adjacent to the proposed lots. A public improvement agreement in the amount of \$61,013 for the unfinished improvements

has been submitted with a letter of credit. The developer has also signed a sidewalk and street tree deferral agreement for the installation of sidewalks.

Staff has reviewed a submitted Storm Water Management Plan for this subdivision and has determined that the development will comply with all applicable stormwater requirements.

In addition to the standard Public Improvement agreement, the project includes a deferral of a water line extension to avoid a dead-end point on the water system due to the lack of development to the west. The oversized water line is planned to be extended within an easement on the north side of Ontario Street. **The City Council authorized with approval of the preliminary plat in 2016 that the developer could provide cash in escrow for the water line extension to the west of Oregon Avenue along Ontario to the west property line in lieu of constructing that water line prior to final plat approval.**

The water line extension is a requirement of improvements to the west of Oregon Avenue along Ontario to connect to the larger city water system in the future. Currently, no need exists for the 16" loop. As a result of accepting the cash in escrow, this water line extension is to be completed by the City at some point in the future. **The developer will have no further obligations regarding the extension of the 16" water line.** A separate public improvement agreement for the future water line extension has been included with this final plat. The agreement has been found acceptable by the Municipal Engineer.

Cash in escrow has been provided in the amount of \$31,250 which represents the developer's share of the cost. Approval of the separate public improvement agreement prior to Final Plat approval is consistent with Section 23.304 (2) of the Ames Municipal Code in relation to Major Subdivision public improvements.

ALTERNATIVES:

1. Approve and accept:
 - a. The Final Plat of Birch Meadows Subdivision Second Addition
 - b. The public improvement agreement and cash in escrow for construction by the City of a future 16" water line extension within the 20' easement along Ontario Street from Oregon Street to the west property line.
2. Deny the Final Plat for Birch Meadows Subdivision Second Addition.
3. Refer this request back to staff or the applicant for additional information.

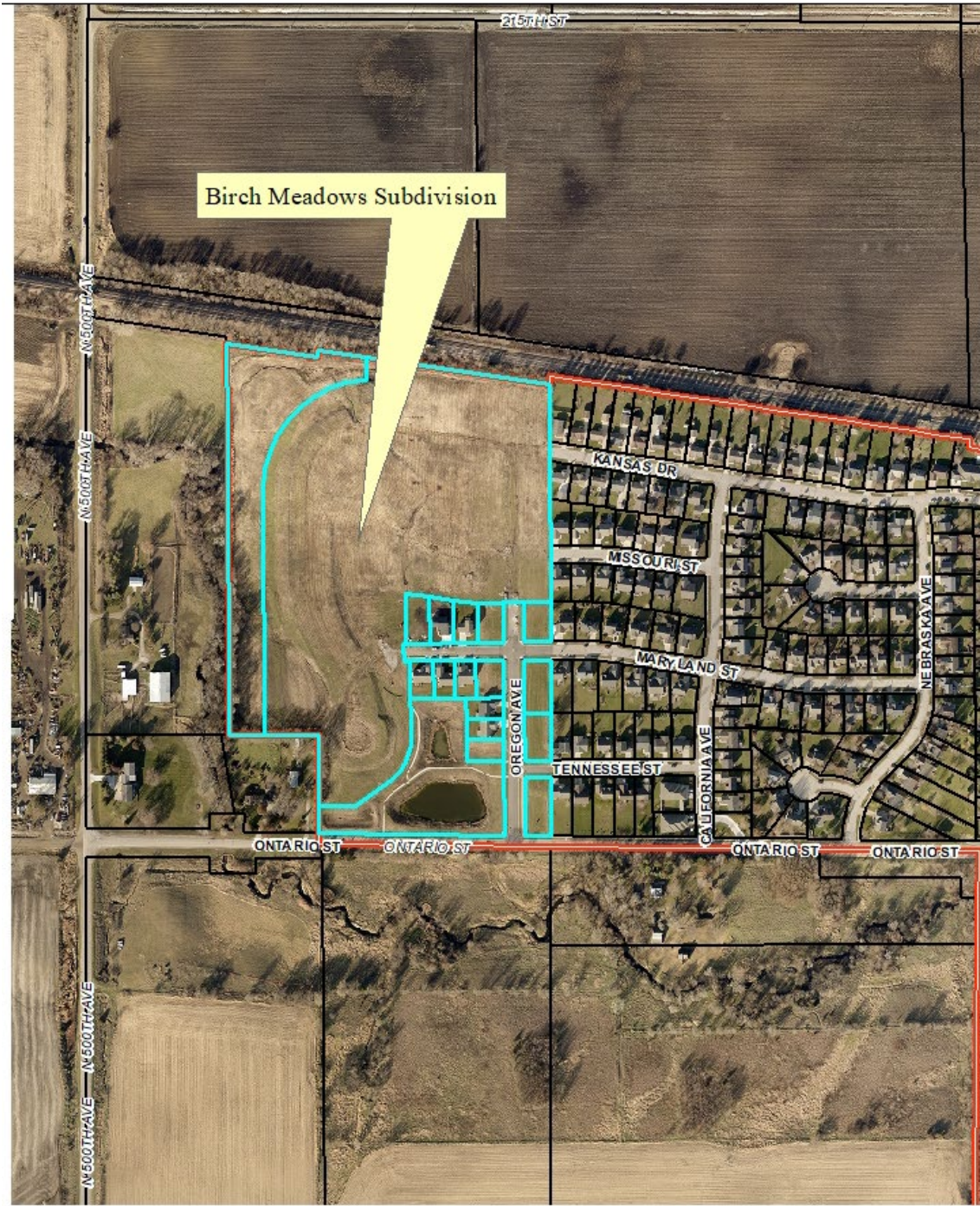
CITY MANAGER’S RECOMMENDATION:

City staff has evaluated the proposed final subdivision plat and determined that the proposal is consistent with the preliminary plat and that the plat conforms to the adopted ordinances and policies of the City as required by Chapter 23 of the Municipal Code. The proposed single family home lots and associated outlot reflect the approved preliminary plat and conform to the approved master plan under FS-RL zoning regulations.

Accepting the cash in escrow for the water line is desirable in this case due to the dead-end nature of the water main. The developer has contributed their fair share of the cost for the improvement at this time.

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

Attachment A- Location Map



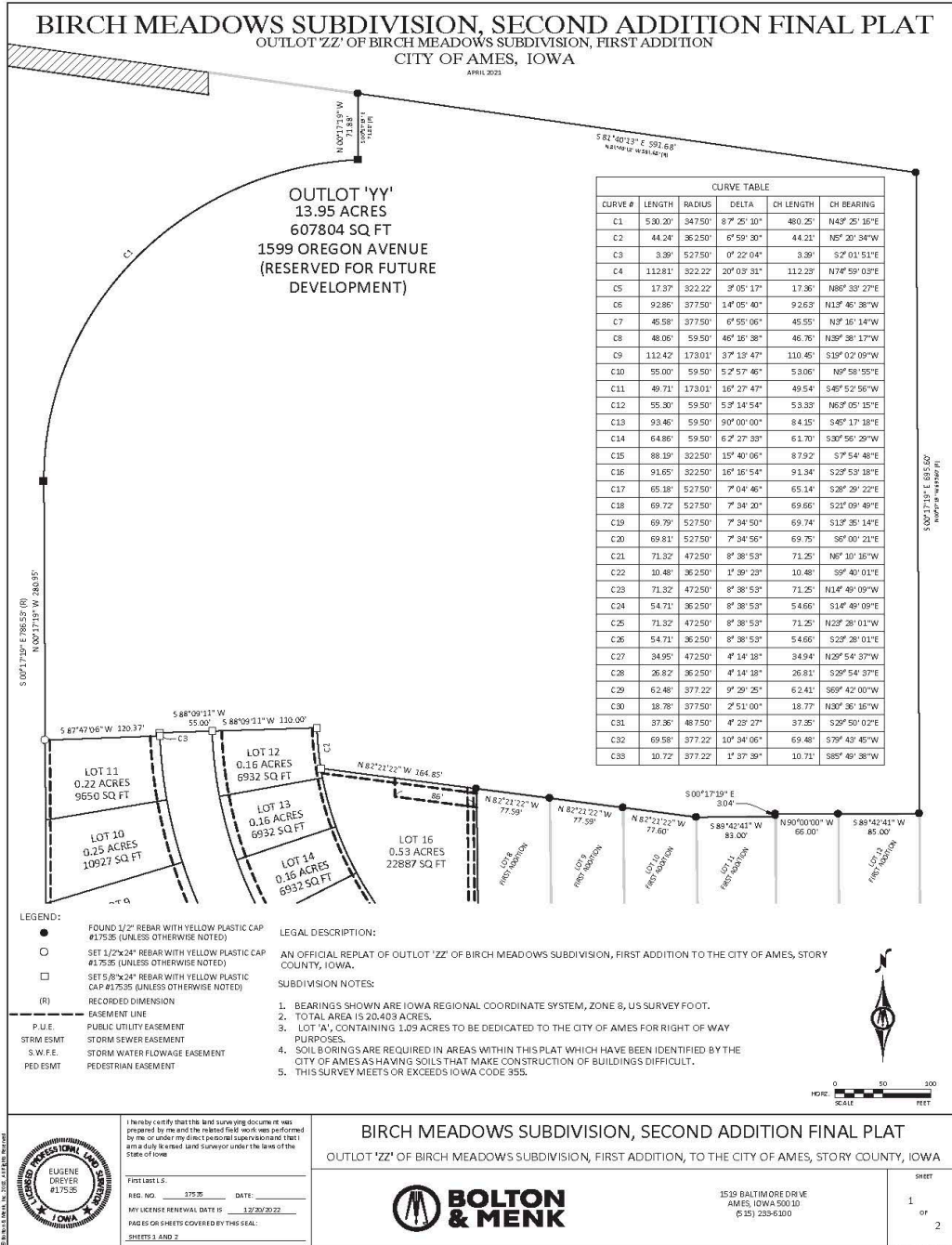
Birch Meadows Subdivision
Location Map



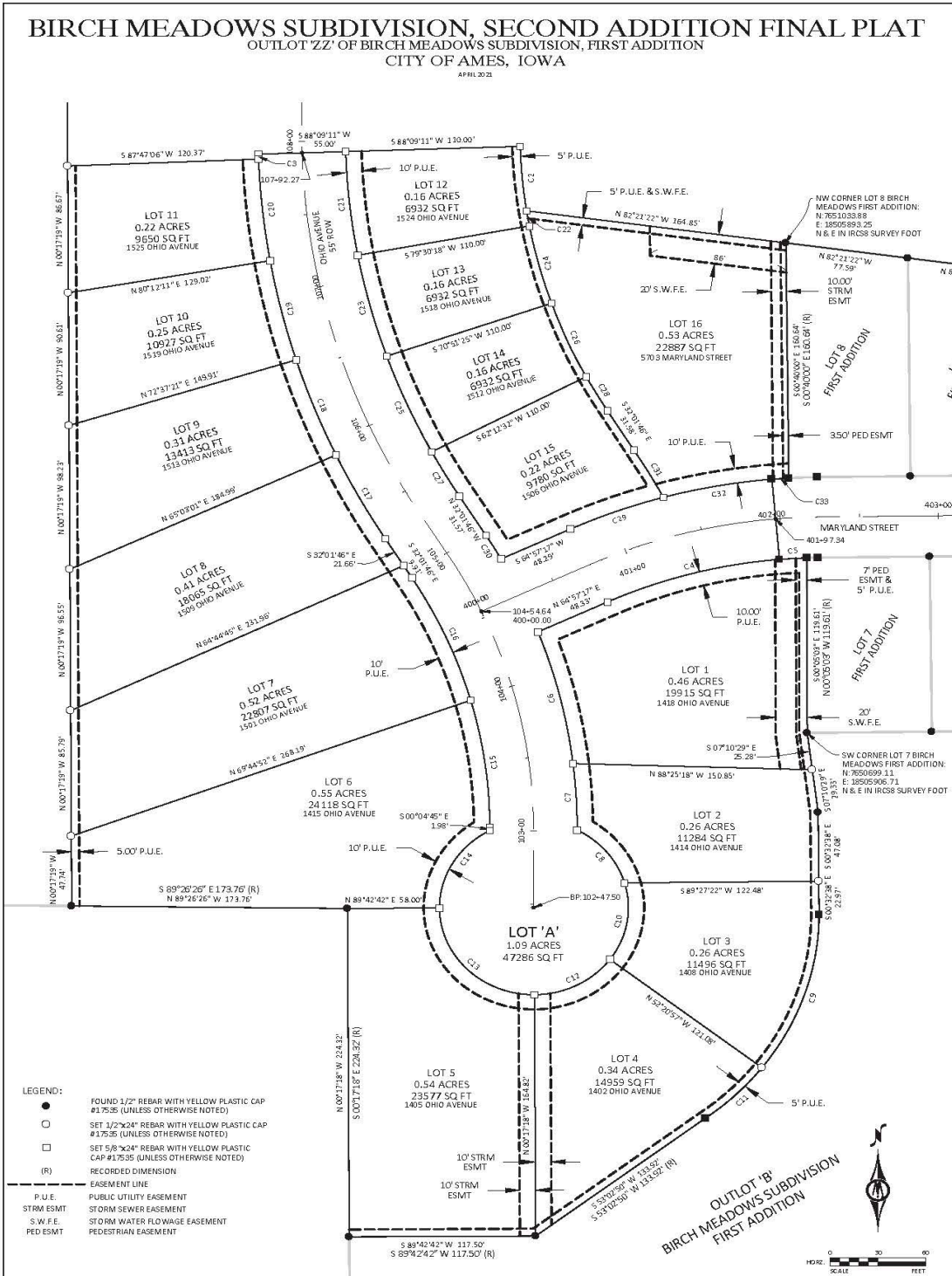
Attachment B- Final Plat Birch Meadows Second Addition

INDEX LEGEND	
LOCATION	OUTLOT 'ZZ' OF BIRCH MEADOWS SUBDIVISION, FIRST ADDITION TO THE CITY OF AMES, STORY COUNTY, IOWA
REQUESTOR:	FITCH LAND DEVELOPMENT, LLC
PROPRIETOR:	FITCH LAND DEVELOPMENT, LLC
SURVEYOR:	EUGENE DREYER, P.L.S. #17535
SURVEYOR COMPANY:	BOLTON & MENK, INC.
RETURN TO:	EUGENE DREYER, BOLTON & MENK, INC. 1519 BALTIMORE DRIVE, AMES, IA 50010 (515) 235-6100

FOR RECORDER USE ONLY



Attachment B- Continued



BIRCH MEADOWS SUBDIVISION, SECOND ADDITION FINAL PLAT

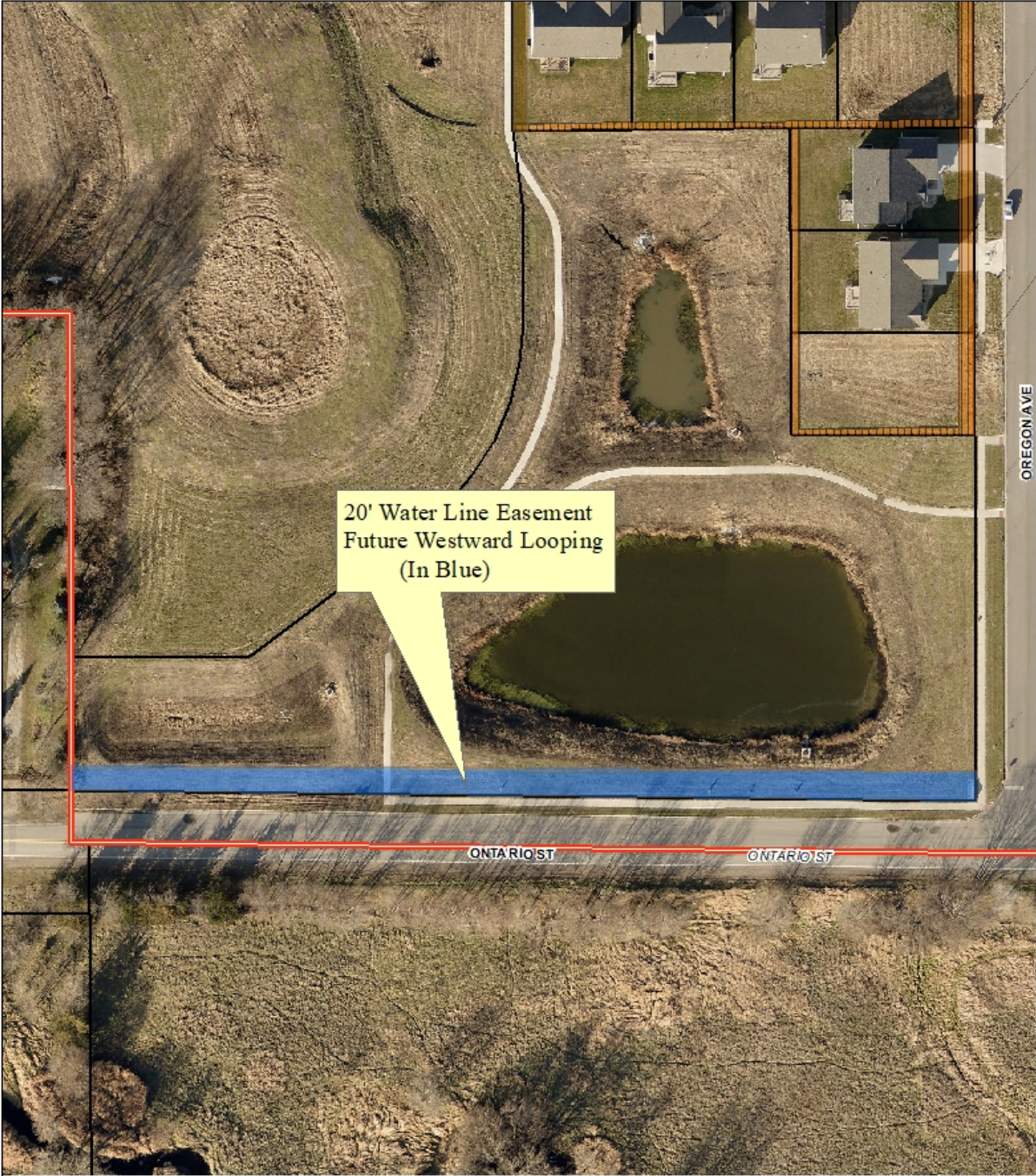
OUTLOT 'ZZ' OF BIRCH MEADOWS SUBDIVISION, FIRST ADDITION, TO THE CITY OF AMES, STORY COUNTY, IOWA



1519 BALTIMORE DRIVE
 AMES, IOWA 50010
 (515) 238-6100

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Attachment C- Water Line Easement/Future Location



Birch Meadows Subdivision
Water Line Easement Location Map



Attachment D

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)