

**COUNCIL ACTION FORM**

**SUBJECT:**     **MINOR SUBDIVISION FINAL PLAT FOR AUBURN TRAIL, FIRST ADDITION**

**BACKGROUND:**

Justin Dodge of Hunziker Development LLC is requesting approval of a Minor Subdivision Final Plat for Auburn Trail, First Addition, that creates one parcel (Parcel 'A'), two outlots (Outlot 'YY' & Outlot 'A'), and Lot 'A' for conveyance to the City of Ames for Hyde Avenue right-of-way (Location Map-Attachment A). A Minor Subdivision includes three, or fewer, lots and does not require additional public improvements other than sidewalks and/or bike paths. 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. **In this case, no new developable lots are created as Parcel A has an existing house and the two proposed outlots will require a future preliminary plat and final plat prior to any development on either outlot.**

The total area of the addition is approximately 75 acres. The proposed final plat is unique in how the current two parcels are tied together with a rezoning Master Plan for the planned major subdivision of Auburn Trail (Attachment B). This proposed Minor Final Plat is considered an interim subdivision to separate an existing house from the lands intended for future development. The addendum includes additional information about the Master Plan, prior development agreements, and the proposed final plat.

The applicant wishes to establish the existing single-family home, addressed as 4514 Hyde Avenue, on its own parcel (Parcel 'A'), so that it may be sold in the interim, prior to the future development of the Outlots. (Final Plat-Attachment C) Parcel 'A' contains approximately 1.89 acres. It fronts onto Hyde and has access via a driveway onto Hyde Avenue. A 100' ingress/egress easement is also being established to allow access to Outlot 'YY' from Hyde. This allows for shared access for future division of Outlot YY.

The Minor Subdivision Final Plat must meet Zoning requirements for the occupancy and use of its site. As a result, Parcel 'A' was evaluated to determine that it is in full compliance with the requirements of the Zoning Ordinance, the Floating Suburban Residential Low Density (FS-RL) Zoning District, and the Subdivision Ordinance. The Final Plat is not subject to full conservation subdivision standards as it is not a Residential Subdivision by the definitions of the Chapter 23 due to it not creating new developable lots at this time. The Addendum describes how the Minor Subdivision meets these city development standards.

Parcel A is currently served by Xenia Rural Water and septic system. Existing houses are not required to connect to City Services but are allowed to at a time of their choice and by paying associated costs. Notably, Parcel A and Outlot YY were included in the connection districts for the sanitary sewer and water service to this north growth area. Connection fees are only collected at the time connections are made to the system, with no connection included with this Final Plat no connection fees are due. Fees as of 2021 at \$1,469 per acre for water and \$2,222 per acre for sanitary sewer for Parcel A and Outlot YY. Outlot A on the west side of Hyde is subject to additional connection fees and a pre-annexation agreement that sets out the collection of those fees with its future subdivision.

**Approval of the Final Plat will trigger provisions of the contract rezoning agreement related to the timing of the construction of a trail on the west side of the Hyde Avenue. The agreement states that the 10-foot trail must be built within two years of the first final plat. The east side of Hyde will require a sidewalk and the project includes financial security for the sidewalk.**

**ALTERNATIVES:**

1. The City Council can approve the Minor Subdivision Final Plat for Auburn Trail Subdivision, First Addition, and accept the sidewalk and street tree deferral with financial security for Parcel A and Outlot YY, based upon the findings and conclusions stated herein.
2. The City Council can deny the Minor Subdivision Final Plat for Auburn Trail Subdivision, First Addition, if the City Council finds that the proposed subdivision does not comply with applicable ordinances, standards or plans.
3. The City Council can refer this request back to staff or the applicant for additional information.

**CITY MANAGER'S RECOMMENDATION:**

The proposed Final Plat is an interim subdivision related to the overall planned Major Subdivision of Auburn Trail. The proposed Minor Subdivision Final Plat for Auburn Trail Subdivision, First Addition is consistent with the City's existing subdivision and zoning regulations.

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

## ADDENDUM

### **Master Plan & Zoning:**

The property was rezoned with a Master Plan on August 10, 2021, to “FS-RL” Suburban Residential Low Density. FS-RL requires a minimum net development density of 3.75 units per acre and a maximum density of 10 units per acre. The Master Plan addresses the general layout of development and open space areas along with planned transportation connections; however, it does not depict precise locations of future improvements. The maximum unit count of 181 dwelling units illustrated in the Master Plan is controlling along with the minimum and maximum net density standards of FS-RL zoning.

The Master Plan illustrates two categories of development: Single-Family Attached/Detached with 98 to 111 dwelling units and Single-Family Townhomes/Small Lots with 50 to 70 dwelling units, on approximately 36.29 acres. The density within the developable area is estimated at approximately 4.1 to 5 dwelling units per acre. The Master Plan would permit the development of multiple housing types with a maximum total of 181 dwelling units. This along with the minimum and maximum net density standards of FS-RL zoning are the controlling elements of the Master Plan and any future development or subdivision must be in conformance with the approved Master Plan. Staff finds that the proposed Minor Subdivision Final Plat conforms with the approved Master Plan and as such, it meets the density standards of the FS-RL zoning.

### **Open Space:**

Open space is a requirement of the FS-RL Zoning District and is also an important consideration for Conservation Subdivisions. The open space requirements of FS-RL are satisfied with the inclusion of a Conservation and Drainage Easement over a portion of Outlot ‘YY.’ The easement is graphically depicted on the Plat and described in the Easements document. The Conservation Area Management Plan required prior to final platting for conservation subdivisions is deferred until such time as lots for new development are platted.

### **Access:**

Both Outlot ‘A’ & ‘YY’ front onto Hyde Avenue. Outlot ‘A’ contains approximately 68.19 acres and Outlot ‘YY’ contains approximately 4.68 acres.

**One access point off of Hyde will be shared by Parcel ‘A’ (addressed as 4605 Hyde Avenue) with Outlot ‘YY’.** A 100’ ingress/egress easement is being established for access from Hyde. The provision of the ingress/egress easement ensures that the site meets access requirements upon recording of the final plat.

### **Public Infrastructure:**

Parcel ‘A’ is currently served by Xenia Rural Water. There is no obligation for the property owner to disconnect from Xenia. The parcel may remain a customer of Xenia indefinitely. Parcel ‘A’ is also served by a private septic system. This system may continue indefinitely. However, if the system fails, the property owner is obligated to connect to the City sanitary

sewer system if the house is within 200 feet of a City sanitary sewer main.

Any new parcels will be required to connect to City water services. Outlot YY connection fees as identified in the Ames Municipal Code Appendix 'W' and based upon gross acreage will be due with the first connection. Since the Minor Subdivision Final Plat includes only one Parcel, connection to public utilities will be deferred until such time as the Outlots are developed. Appendix W includes the fee schedule for both fees and the annual increases in fees. It is important that all of the acreage be collected for the connection fees in the future, even if some of the area is used as an outlot for storm water or conservation purposes.

A 12" water line with fire hydrants is located along Hyde Ave. A fire hydrant is within the permissible range for fire service protection for the existing house located on proposed Parcel A.

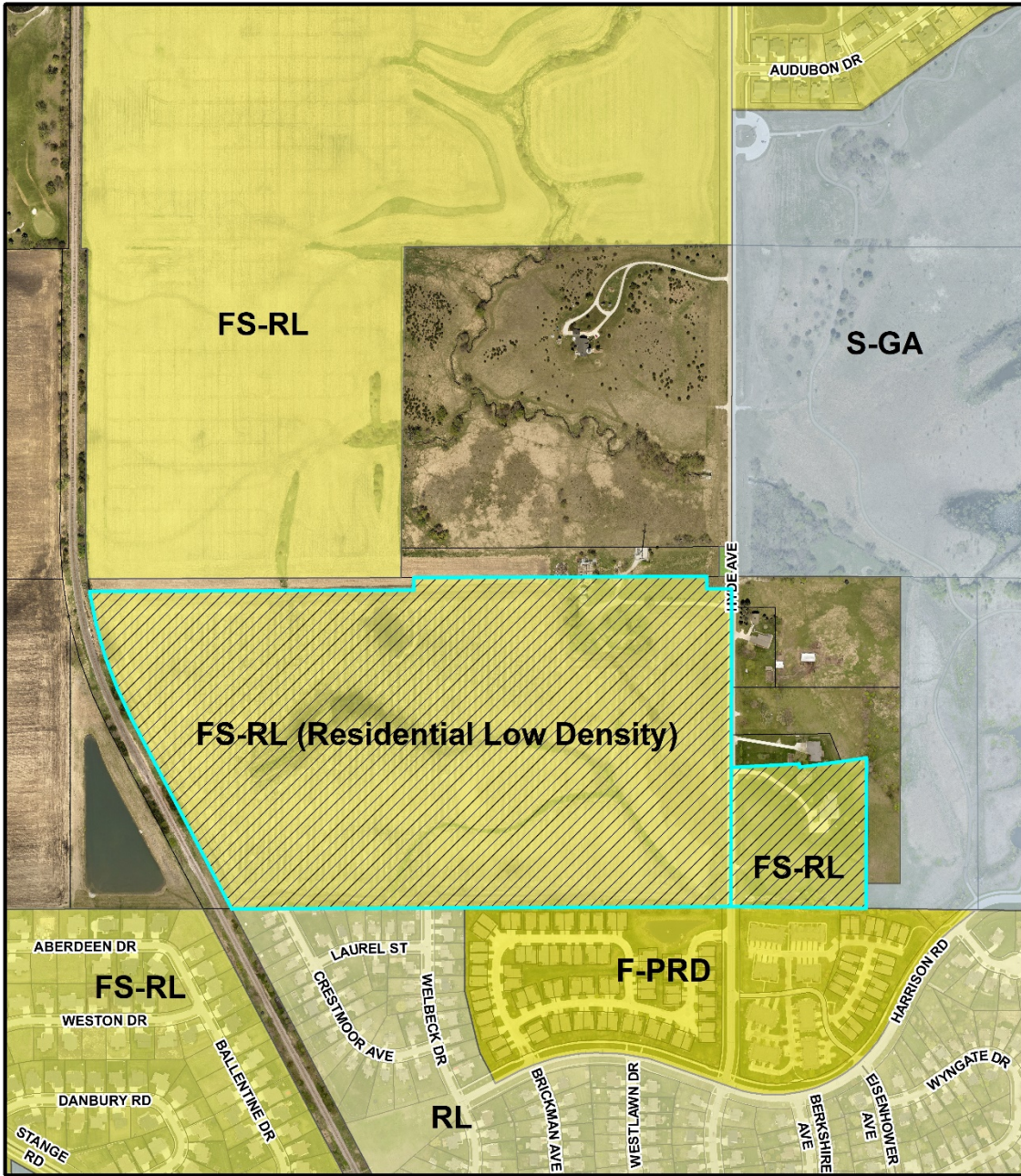
The owner is required to construct sidewalks and plant trees as part of the platting procedure; however, installation can be deferred. A signed *Agreement for Sidewalks and Street Trees* and financial security has been provided by the Applicant related to Parcel A and Outlot YY. Outlot A is subject to requirements to construct a 10-foot trail. This was agreed upon as part of a rezoning agreement and the improvement must be constructed within two years of the first final plat approval associated with the property.

Restrictive Covenants and Regulations for Auburn Trail First Addition along with Bylaws of Auburn Trail Homeowner's Association are acknowledged and will be recorded.

### **Legal Description**

The legal description is "an official replat of Parcel "E", a part of the southwest quarter of the southwest quarter of section 22, township 84 north, range 24 west of the 5<sup>th</sup> P.M., Story County, Iowa, as shown on that plat of survey recorded on December 18, 1998, as Instrument # 98-17504, slide 12, page 3, and also, Outlot 'Z', Cochran Farm subdivision, City of Ames, Story County, Iowa, as shown on the final plat recorded January 12, 2017 as slide 557, page 3, and as Instrument # 2017-00339.

**Attachment A  
Zoning & Location Map**



**Auburn Trail Subdivision - 4514 & 4605 Hyde Ave  
LOCATION & ZONING MAP**

Prepared by City of Ames, Planning Division, November 2021



# Attachment B Approved Master Plan



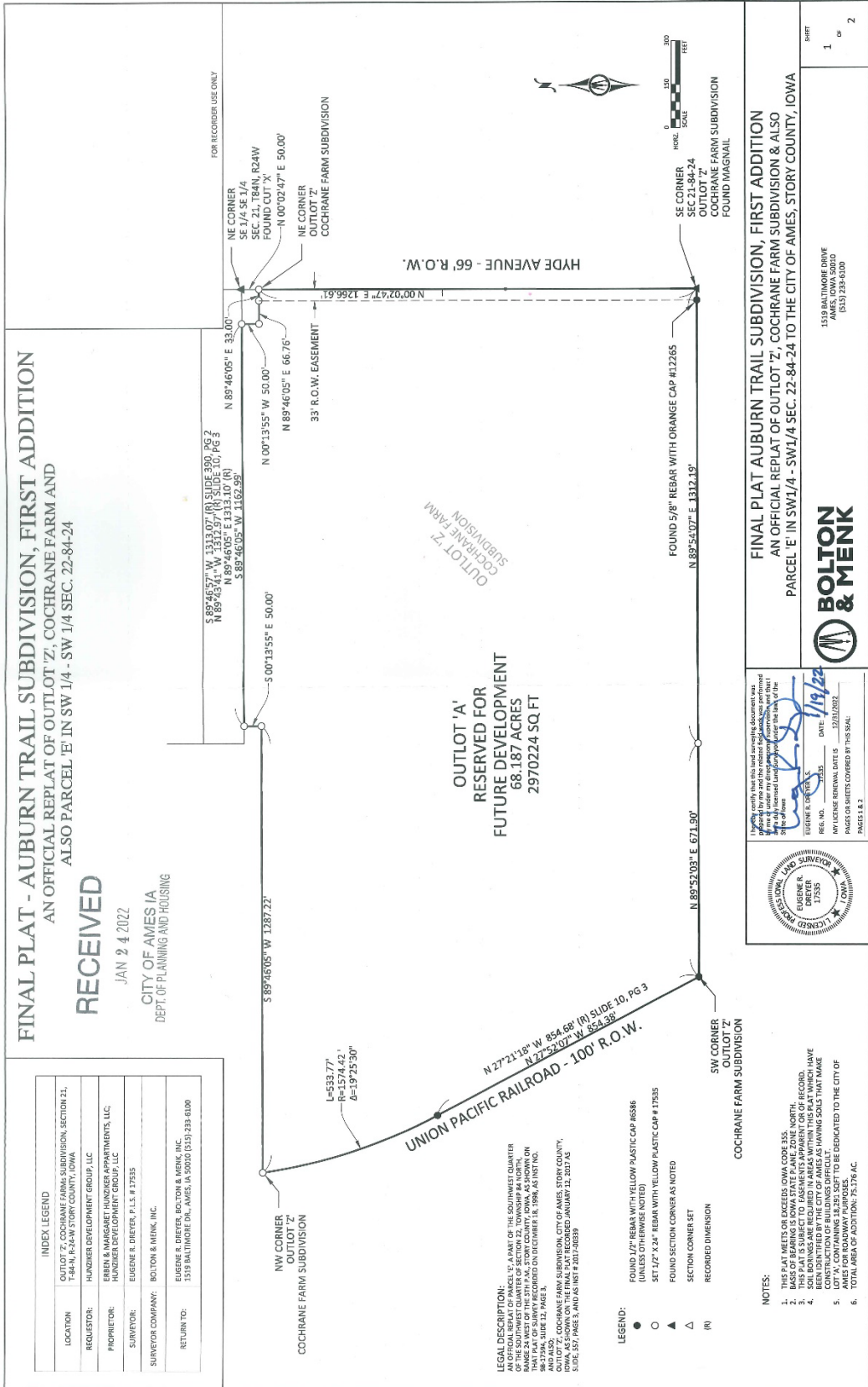
Figure 1: Master Plan  
June 2021

Auburn Trail  
Hunziker Land Development



# Attachment C

## Proposed Final Plat of Auburn Trail Subdivision, First Addition, p.1



**FINAL PLAT - AUBURN TRAIL SUBDIVISION, FIRST ADDITION**  
 AN OFFICIAL REPLAT OF OUTLOT 'Z', COCHRANE FARM AND  
 ALSO PARCEL 'E' IN SW 1/4 - SW 1/4 SEC. 22-84-24

**RECEIVED**  
 JAN 24 2022  
 CITY OF AMES IA  
 DEPT. OF PLANNING AND HOUSING

INDEX LEGEND	
LOCATION	OUTLOT 'Z', COCHRANE FARM SUBDIVISION, SECTION 22, T-84N, R-24W STORY COUNTY, IOWA
REQUESTOR	HUNDEKER DEVELOPMENT GROUP, LLC
PROPRIETOR	EBREN & MARGARET HUNDEKER APARTMENTS, LLC HUNDEKER DEVELOPMENT GROUP, LLC
SURVEYOR	EUGENE R. DYER, P.L.S. # 17353
SURVEYOR COMPANY	BOLTON & MENK, INC.
RETURN TO:	EUGENE R. DYER, P.L.S. & ASSOC., INC. 1519 BALTIMORE DRIVE AMES, IA 50010 (515) 238-6100

**LEGAL DESCRIPTION:**  
 Parcel 'Y', A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 84 NORTH, RANGE 24 WEST, STORY COUNTY, IOWA, AS SHOWN ON THE PLAT OF SURVEY RECORDED ON OCTOBER 11, 1994, AS NOTED, 88-3796, SIDE 12, PAGE 3.  
 OUTLOT 'Z', COCHRANE FARM SUBDIVISION, CITY OF AMES, STORY COUNTY, IOWA, AS SHOWN ON THE PLAT OF SURVEY RECORDED ON JANUARY 12, 2017 AS S.D. 557 PAGES, AND AS NOT # 201-100289

- LEGEND:**
- FOUND 1/2" REBAR WITH YELLOW PLASTIC CAP #6686 (UNLESS OTHERWISE NOTED)
  - SET 1/2" X 24" REBAR WITH YELLOW PLASTIC CAP # 17353
  - ▲ FOUND SECTION CORNER AS NOTED
  - △ SECTION CORNER SET
  - (R) RECORDED DIMENSION

- NOTES:**
1. THIS PLAT SHEETS OR EXCEEDS IOWA CODE 535
  2. THIS PLAT IS SUBJECT TO EASEMENTS APPARENT OR OF RECORD.
  3. SOIL BORINGS ARE REQUIRED IN AREAS WITHIN THIS PLAT WHICH HAVE CONSTRUCTION OF BUILDINGS DIFFICULT.
  4. LOT 'X' CONTAINING 38,395 SQ FT TO BE DEDICATED TO THE CITY OF AMES, IOWA.
  5. TOTAL AREA OF ADDITION: 75,576 AC.

PLAT SHEETS TO BE FILED WITH THE PLAT DOCUMENTS MUST BE PREPARED BY ME AND THE RELATED RECORDS MUST BE PREPARED BY ME OR MY ASSISTANT UNDER MY CLOSE PERSONAL SUPERVISION AND UNDER MY SIGNATURE.

EUGENE R. DYER, P.L.S. DATE: 1/19/22

FILE NO. \_\_\_\_\_ ISSUES \_\_\_\_\_ DATE: 2/22/2022

ANY LICENSE RENEWAL DATES \_\_\_\_\_

PAGES OF SHEETS COMPILED BY THIS SURVEYOR: 2

PAGES 1 & 2

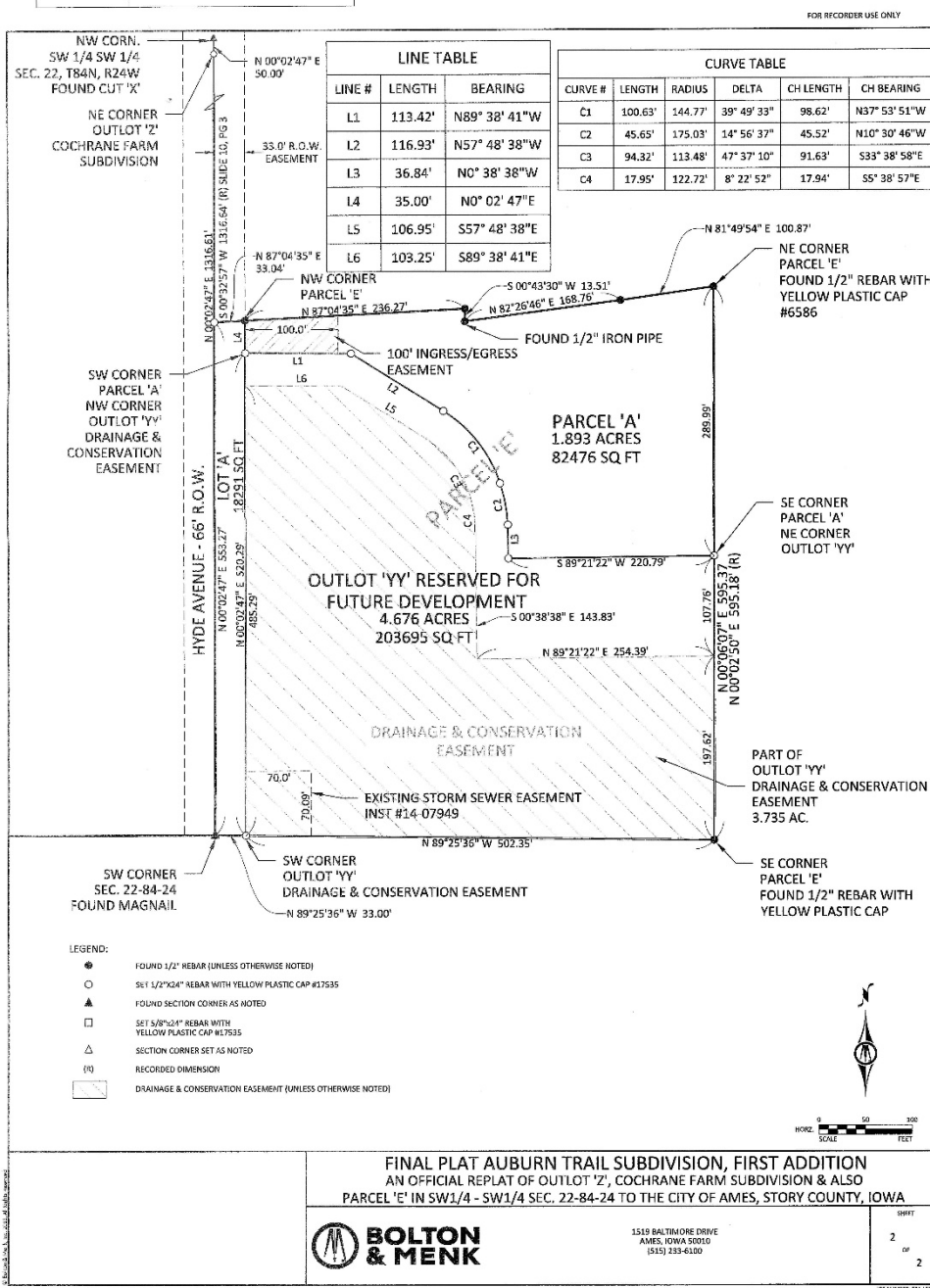
**BOLTON & MENK**

FINAL PLAT AUBURN TRAIL SUBDIVISION, FIRST ADDITION  
 AN OFFICIAL REPLAT OF OUTLOT 'Z', COCHRANE FARM SUBDIVISION & ALSO  
 PARCEL 'E' IN SW 1/4 - SW 1/4 SEC. 22-84-24 TO THE CITY OF AMES, STORY COUNTY, IOWA

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

SHEET 1 OF 2

# Proposed Final Plat of Auburn Trail Subdivision, First Addition, p.2 East side of Hyde





## **Attachment D Applicable Laws**

The laws applicable to this case file are as follows:

*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 23.303(3) states as follows:

(3) City Council Action on Final Plat for Minor Subdivision:

(a) All proposed subdivision plats shall be submitted to the City Council for review and approval in accordance with Section 354.8 of the Iowa Code, as amended or superseded. 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. If the City Council determines that the proposed subdivision will require the installation or upgrade of any public improvements to provide adequate facilities and services to any lot in the proposed subdivision or to maintain adequate facilities and services to any other lot, parcel or tract, the City Council shall deny the Application for Final Plat Approval of a Minor Subdivision and require the Applicant to file a Preliminary Plat for Major Subdivision.