

**COMMISSION ACTION FORM**

**DATE PREPARED:** May 15, 2009

**REQUEST:** Preliminary Plat – Replat of Outlot A, Grand Aspen 3<sup>rd</sup> Addition

**MEETING DATES:** Planning and Zoning Commission – May 20, 2009

**PROPERTY OWNER:** Scott E. Randall  
420 South 17<sup>th</sup> Street  
Ames, Iowa 50010

**LOCATION:** 917 South 16<sup>th</sup> Street

**ZONING:** Residential High Density (RH)

**LUPP:** Future Land Use Designation: Residential High Density

**PROJECT DESCRIPTION:**

The current proposal is to revise the Grand Aspen 3<sup>rd</sup> Addition Subdivision by replatting “Outlot A”. The revision would result in one 3-acre lot (shown as Lot 1), which would directly abut the Ames Christian School site to the west. The balance of the lot would be designated as a 14.68-acre outlot for farming purposes. The overall area outside the bounds of the plat is being shown for reference purposes.

The developer is to grant to the City a perpetual negative easement with respect to the south line of the site such that there shall be no access to South 16<sup>th</sup> Street from the site except for one thirty foot (30’) intersecting driveway, located directly across from and aligned with Fountain View Drive, to serve as access to Lot 1. The developer is to consent that no further access will be granted to South 16<sup>th</sup> Street from the site. This access limiting easement is to be shown on the face of the official plat of the subdivision that is the subject of the Development Agreement. The plat also identifies access to Proposed Outlot B and also access to Coldwater Links Golf Course property to the east at a location 419.99 feet north of the South 16<sup>th</sup> Street frontage. The plat shows a 10-foot wide public utility easement across the South 16<sup>th</sup> Street frontage of proposed Lot 1, and also along the western side of proposed Lot 1. This extends to a 20-foot electric easement across proposed Outlot B.

Proposed public improvements include an 8-foot shared use path (labeled as a bicycle path) along the South 16<sup>th</sup> Street frontage, extending west an additional 985 feet, approximately, to connect with the bicycle path on the west side of Greenbriar park, as generally described in the City’s 2009-2014 Capital Improvements Plan. Also, the plat will entail the widening of South 16<sup>th</sup> Street along the entire frontage of the plat, beginning at the southwest corner of proposed Lot 1, extending eastward beyond the bounds of the plat to the widened portion of the roadway in front of the Aspen Ridge plat. The plat identifies a future Grand Avenue extension running generally along the eastern side of the plat. A “Non-Possessory Easement”

already exists for the future Grand Avenue area. Partial improvement of the Grand Avenue extension was required of the developer under the original plat approval for Grand Aspen 2<sup>nd</sup> Addition, but Mr. Randall’s request to revise the original plat opens the conditions of the original plat approval up to renegotiation, and the renegotiations must reflect current Federal Acquisition Process requirements, if the City is to use federal funding for the Grand Avenue extension. To compensate for that change, Mr. Randall has agreed to construct a bicycle path by paving the existing granular trail within the former railroad right-of-way from South 16<sup>th</sup> Street, northeast approximately 2,525 feet to the intersection of the future Grand Avenue right-of-way. Alternatively, at the developer’s request, the City shall construct said bike path and the developer shall reimburse the City for the cost of constructing a bicycle path by paving said trail. The completion of the portion in front of the Ames Christian School and the portion on the railroad right-of-way is covered in the Developer’s Agreement.

Upon extension of Grand Avenue to South 16<sup>th</sup> Street, the City will construct a bicycle path along Grand Avenue, from its intersection with the former railroad right-of-way to its intersection with South 16<sup>th</sup> Street, and the developer shall reimburse the City for the cost of such construction.

The following table identifies the existing land use, existing zoning, and LUPP designation of the properties surrounding the site.

Area	LUPP Designation	Zoning Designation	Land Use
North	High Density Residential	Residential High Density (RH)	Golf Course
South	Low-Density Residential & High-Density Residential	Residential Low Density (RL) & Residential High-Density (RH)	Manufactured homes and apartments.
East	Highway-Oriented Commercial	Planned Residential District (F-PRD)	Vacant
West	High-Density Residential & Government/Airport	Residential High Density (RH) & Government/Airport (S-GA)	Private school, park

Utilities. Existing public utility mains for water, sanitary sewer, storm sewer, and electric will provide services for proposed Lot 1. No extensions are being required as part of this plat due to the outlot not being buildable under the designation.

Stormwater. The plat indicates that storm water management for each site will be reviewed at the time of site plan review.

Sidewalks and Bike Paths. Sidewalks are not proposed in association with this plat, but a shared use path has, by past practice, been allowed to meet this requirement. Accordingly, a shared use path will extend the full frontage of South 16<sup>th</sup> Street, as described above. (The proposed preliminary plat identifies this as a “bike path”; it should actually be labeled as “shared use path”). In addition, a bike path will be paved in the railroad right-of-way outside the bounds of the plat, as described above. An additional section of bike path is to be built west, outside the bounds of the plat, after Greenbriar Park construction is completed next year. The timing of that completion is addressed in the Development Agreement.

Street Trees. A Street Tree Plan is required for all new residential subdivisions. The Street Tree Plan submitted by the applicant shows street trees to be planted along the entire South 16<sup>th</sup> Street frontage of the plat. The identified tree species is Black maple, spaced at 40 foot intervals, located 10 feet north of the pavement. The tree species selected by the applicant are included on the Department of Public Works list of approved tree species for the City.

The placement and spacing of trees, as described on the Street Tree Plan, is consistent with the requirements of Section 23.402 of the Municipal Code.

Street Lights. Street lights are required in new subdivisions. The Ames Municipal Electric Utility has identified two options for lighting of the South 16<sup>th</sup> Street roadway. Option #1 would place 9 new poles along the north side of the street. Option #2 would upgrade nine existing light fixtures to meet minimum recommended lighting levels. Although subdivision regulations require that street lights be installed at the subdivider's expense, past practice of requiring the subdivider to pay for the cost of street lights along arterial streets has been inconsistent. A waiver of the requirement for the installation of street lights at the subdivider's expense is necessary for the City Council to approve the proposed Preliminary Plat. City staff is requesting waiver of the requirement that the subdivider pay for the cost of street lights along this arterial street for the proposed subdivision.

Installation of public Improvements. A Developer's Agreement is being prepared defining the applicant's and the City's responsibilities for installing public improvements. The Agreement will define both the timing of installation, and requirements for financial guarantees, as required under Section 23.409.

#### Applicable Law.

The applicable law to the case is contained in an attachment. Of particular significance to the Planning & Zoning Commission's level of review, is the following:

#### Ames Municipal Code Section 23. 302(3):

3. *Planning and Zoning Commission Review:*

*(a) The Planning and Zoning Commission shall examine the Preliminary Plat, any comments, recommendations or reports assembled or made by the Department of Planning and Housing, and such other information as it deems necessary or desirable to consider.*

*(b) Based upon such examination, the Planning and Zoning Commission shall ascertain whether the Preliminary 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.*

Ames Municipal Code Section 23.302(4):

4. *Planning and Zoning Commission Recommendation: Following such examination and within 30 days of the regular meeting of the Planning and Zoning Commission at which a complete Application is first formally received for consideration, the Planning and Zoning Commission shall forward a report including its recommendation to the City Council. The Planning and Zoning Commission shall set forth its reasons for any recommendation to disapprove or to modify any Preliminary Plat in its report to the City Council and shall provide a written copy of such reasons to the developer.*

Findings of Fact and Conclusions.

Based upon an analysis of the proposed development, laws pertinent to the proposed development, and conditions and improvements abutting and serving the plat, the staff finds as follows:

1. The land included within the proposed subdivision is designated on the Land Use Policy Plan Map and on the Zoning Map as “Residential High Density”.
2. The applicant is proposing a redivision of existing Outlot A, Grand Aspen 2<sup>nd</sup> Addition, that will divide said outlot into two lots. One of the lots is proposed to be designated as an outlot, with an identified use of “farming”. Two of the lots are planned for commercial development. The remaining eleven lots are planned for single-family detached residential homes. There is no minimum lot area for the two commercial lots, which are zoned as Highway-Oriented Commercial (HOC). The minimum lot size for lots in the Residential Low Density (RL) zone is 6,000 square feet.
3. All lots within the proposed subdivision have the minimum amount of required frontage. The minimum frontage requirement for the lots zoned as “RH” is 35 feet at the street line and 50 feet at the building line.
4. The lot is designed to provide adequate buildable area within the minimum required building setbacks.
5. Lot 1 will be served by public utility mains in the South 16<sup>th</sup> Street right-of-way.
6. The City’s Public Works Department has indicated that this site is adequately served by utilities and infrastructure, and that the proposal will result in no adverse traffic impacts once the street improvements described in the Development Agreement have been installed.
7. The proposed subdivision is designed to include street tree plantings which are in compliance with the standards for residential subdivisions.

8. Floodplain: The FEMA FIRM map designates roughly two-thirds of the site as being in Zone AE, otherwise known as the “100 year floodplain” or 1% annual chance flood. A small sliver in the northwest corner is designated as “Floodway,” which is the area which must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights. Floodplain notations have been added to the plat.
9. City staff is requesting that the City Council grant a waiver of the requirement that the subdivider pay the cost of installing street lights since past practice of requiring the subdivider to pay the cost of street light installation along arterial streets has been inconsistent.

Based upon the above facts and analysis, staff concludes that the proposed preliminary plat is consistent with the Land Use Policy Plan and the associated Land Use Policy Plan Map designation of the site, provided that the waiver for street light requirements is granted, and provided that the responsibilities for installation of all public improvements, and the timing and financial guarantees for all public improvements, are fully addressed in the Developer’s Agreement. Staff is not aware of any other inconsistencies with the Land Use Policy Plan. Accordingly, staff concludes that Code of Iowa Chapter 354, Section 8 has been satisfied. Staff further concludes that the proposed subdivision complies with all relevant and applicable design and improvement standards of the Subdivision Regulations, to other City ordinances and standards, and to the City’s Land Use Policy Plan.

**ALTERNATIVES:**

1. The Planning and Zoning Commission can recommend that the City Council approve the revised Preliminary Plat for Grand Aspen 3rd Addition Subdivision, located at 917 South 16<sup>th</sup> Street, based upon staff’s findings and conclusions, subject to the granting of the street light waiver and subject to the following conditions:
  - a. That the developer will construct and dedicate all public improvements described in the above project description to City of Ames Urban Standards, as required, prior to approval of the final plat, or execute an Improvement Agreement to guarantee the completion of all public improvements and provide security in the form of an Improvement Guarantee, as set forth in Section 23.409 of the Ames Municipal Code, or as otherwise described in the final Developer’s Agreement..
  - b. That the developer’s agreement be finalized prior to preliminary plat approval.
  - c. Civil drawings of all public improvements shall be submitted to the Public Works Department for review and approval prior to installation and prior to final plat approval.
  - d. The final plat shall label the identified bike path along South 16<sup>th</sup> Street as a “shared use path”.
  - e. A notation to label the boundary of the “Floodway” shall be added to the preliminary plat before approval.

- f. The statement on the preliminary plat that “Outlot B’s uses will be in conformance with the RH zoning” shall be removed from the preliminary plat Sheet 1 of 2.
  - g. A perpetual negative easement shall be shown on the face of the official plat of subdivision, with respect to the south line of the site such that there shall be no access to South 16<sup>th</sup> Street from the site except for one 30-foot intersecting driveway, located directly across from and aligned with Fountain View Drive, to serve as access to Lot 1.
2. If the Planning and Zoning Commission finds that the proposed Preliminary Plat does not conform to all adopted standards and applicable law pertaining to subdivisions, the Planning and Zoning Commission may recommend that the City Council deny the revised Preliminary Plat for Grand Aspen 3rd Addition.
  3. The Planning and Zoning Commission can recommend that the City Council approve the revised Preliminary Plat for Grand Aspen 3rd Addition Subdivision, with modifications, provided that the Commission makes findings supporting said modifications.
  4. Action on this request can be postponed and referred back to City staff and/or the applicant for additional information, provided that the applicant provide a written waiver of their rights to have their application processed within 30 days as specified in Ames Municipal Code Section 23.302(4).

**DEPARTMENT RECOMMENDATION:**

It is the recommendation of the Department of Planning and Housing that the Planning and Zoning Commission act in accordance with Alternative #1. This would recommend to the City Council approval of (a) a waiver from the subdivision requirements for street lights along the So. 16<sup>th</sup> Street arterial, and (b) the revised Preliminary Plat for Grand Aspen 3rd Addition Subdivision, located at 917 South 16<sup>th</sup> Street, subject to the following conditions:

- a. That the developer will construct and dedicate all public improvements described in the above project description to City of Ames Urban Standards, as required, prior to approval of the final plat, or execute an Improvement Agreement to guarantee the completion of all public improvements and provide security in the form of an Improvement Guarantee, as set forth in Section 23.409 of the Ames Municipal Code, or as otherwise described in the final Developer’s Agreement..
- b. That the developer’s agreement be finalized prior to preliminary plat approval.
- c. Civil drawings of all public improvements shall be submitted to the Public Works Department for review and approval prior to installation and prior to final plat approval.
- d. The final plat shall label the identified bike path along South 16<sup>th</sup> Street as a “shared use path”.

- e. A notation to label the boundary of the “Floodway” shall be added to the preliminary plat before approval.
- f. The statement on the preliminary plat that “Outlot B’s uses will be in conformance with the RH zoning” shall be removed from the preliminary plat Sheet 1 of 2.
- g. A perpetual negative easement shall be shown on the face of the official plat of subdivision, with respect to the south line of the site such that there shall be no access to South 16<sup>th</sup> Street from the site except for one 30 foot intersecting driveway, located directly across from and aligned with Fountain View Drive, to serve as access to Lot 1.

S:\PLAN\_SHR\Council Boards Commissions\PZ\Commission Action Forms\Preliminary Plats\Grand Aspen Subdivision 3rd Addition - 05-20-09.doc

# Attachment A

## Applicable Laws:

The laws applicable to this case file are as follows:

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(3):

3. *Planning and Zoning Commission Review:*

(a) *The Planning and Zoning Commission shall examine the Preliminary Plat, any comments, recommendations or reports assembled or made by the Department of Planning and Housing, and such other information as it deems necessary or desirable to consider.*

(b) *Based upon such examination, the Planning and Zoning Commission shall ascertain whether the Preliminary 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.*

Ames Municipal Code Section 23.302(4):

4. *Planning and Zoning Commission Recommendation: Following such examination and within 30 days of the regular meeting of the Planning and Zoning Commission at which a complete Application is first formally received for consideration, the Planning and Zoning Commission shall forward a report including its recommendation to the City Council. The Planning and Zoning Commission shall set forth its reasons for any recommendation to disapprove or to modify any Preliminary Plat in its report to the City Council and shall provide a written copy of such reasons to the developer.*

Ames Municipal Code Section 23.302(5):

5. *City Council Review of Preliminary Plat: All proposed subdivision plats shall be submitted to the City Council for review and approval in accordance with these Regulations. The City Council shall examine the Preliminary Plat, any comments, recommendations or reports examined or made by the Planning and Zoning Commission, and such other information as it deems necessary and reasonable to consider.*



Ames Municipal Code Section 23.302(6):

6. *City Council Action on Preliminary Plat:*

- (a) *Based upon such examination, the City Council shall determine whether the Preliminary 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. In particular, the City Council shall determine whether the subdivision conforms to minimum levels of service standards set forth in the Land Use Policy Plan for public infrastructure and shall give due consideration to the possible burden of the proposed subdivision on public improvements in determining whether to require the installation of additional public improvements as a condition for approval.*
- (b) *Following such examination and within 30 days of the referral of the Preliminary Plat and report of recommendations to the City Council by the Planning and Zoning Commission, the City Council shall approve, approve subject to conditions, or disapprove the Preliminary Plat. The City Council shall set forth its reasons for disapproving any Preliminary Plat or for conditioning its approval of any Preliminary Plat in its official records and shall provide a written copy of such reasons to the developer.*

Ames Municipal Code Chapter 23, Subdivisions, Division III, provides the procedures for the subdivision of property; specifically Section 23.302 discusses Major Subdivisions.

Ames Municipal Code Chapter 23, Subdivisions, Division IV, identifies design and improvement standards for subdivisions.

Ames Municipal Code Chapter 23, Subdivisions, Section 23.402, requires that trees be planted within the right-of-way of all streets in subdivisions zoned residentially, in accordance with the requirements of this Section.

Ames Municipal Code Chapter 23, Subdivisions, Section 23.405(3), requires that street lights be installed at the subdivider's expense and according to the design and specification standards approved by the City Council and after review and approval by the Ames Municipal Utility. The electric distribution system for the street light system shall also be installed underground.

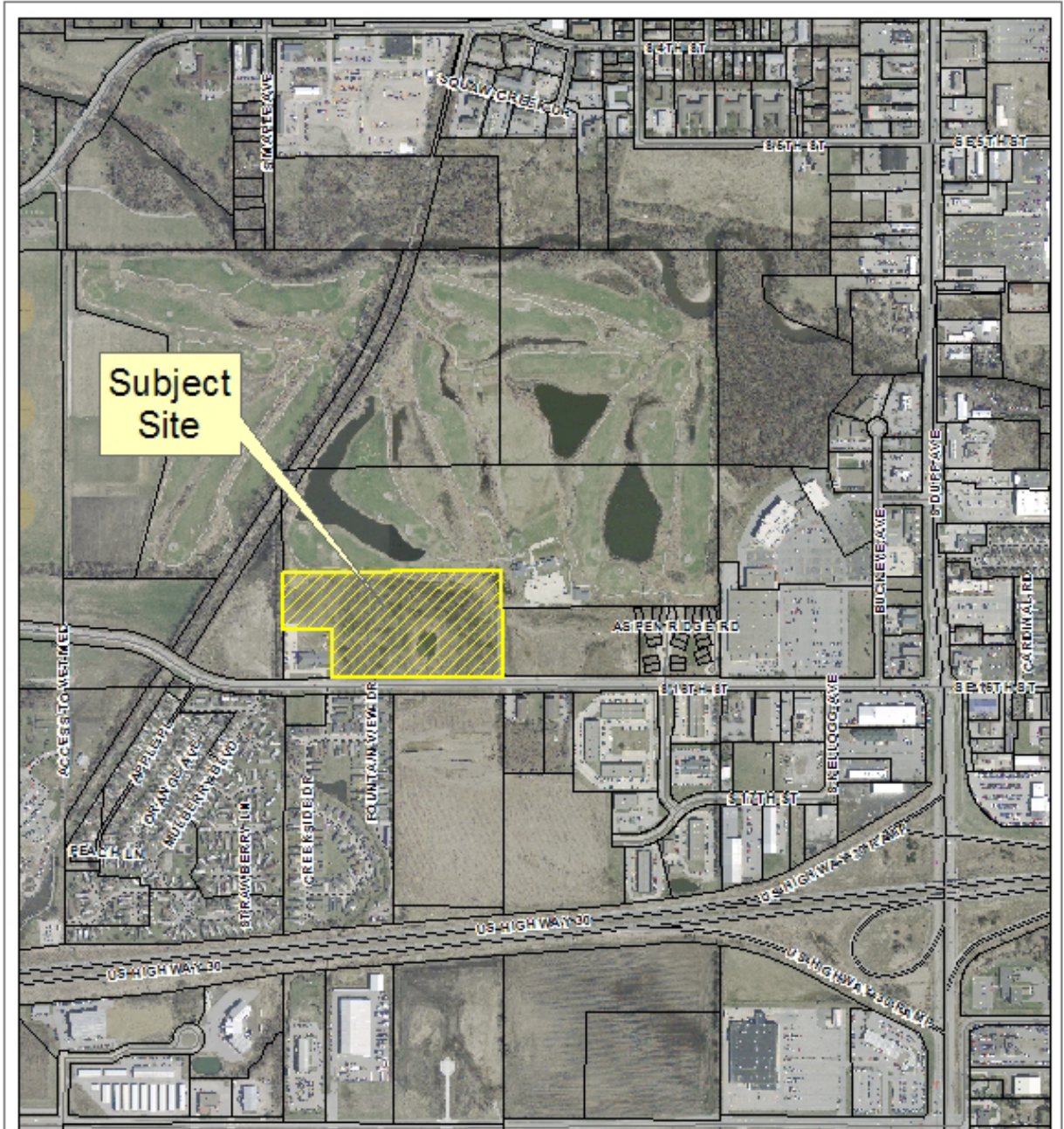
Ames Municipal Code Chapter 29, Zoning, Section 29.704, includes standards for the Residential High Density (RH) zone.

Ames Municipal Code Section 23.107 is as follows:

*In addition to the requirements of the Regulations, all plats of land must comply with all other applicable City, county, state, and federal statutes or regulations. All references in the Regulations to other City, county, state or federal statutes or regulations are for informational purposes only, and do not constitute a complete list of such statutes or regulations. The Regulations are expressly designed to supplement and be compatible with, without limitation, the following City plans, regulations, or ordinances:*

- (1) Land Use Policy Plan*
- (2) Zoning Ordinance*
- (3) Historic Preservation Ordinance*
- (4) Flood Plain Ordinance*
- (5) Building, Sign and House Moving Code*
- (6) Rental Housing Code*
- (7) Transportation Plan*
- (8) Parks Master Plan*
- (9) Bicycle Route Master Plan*

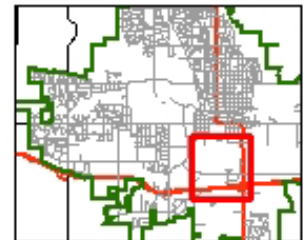
*Plats may be disapproved on the basis of the above, and other City Council approved plans and policies that may be adopted from time to time.*



**Location Map**  
**Grand Aspen 3rd Add. Prelim Plat**

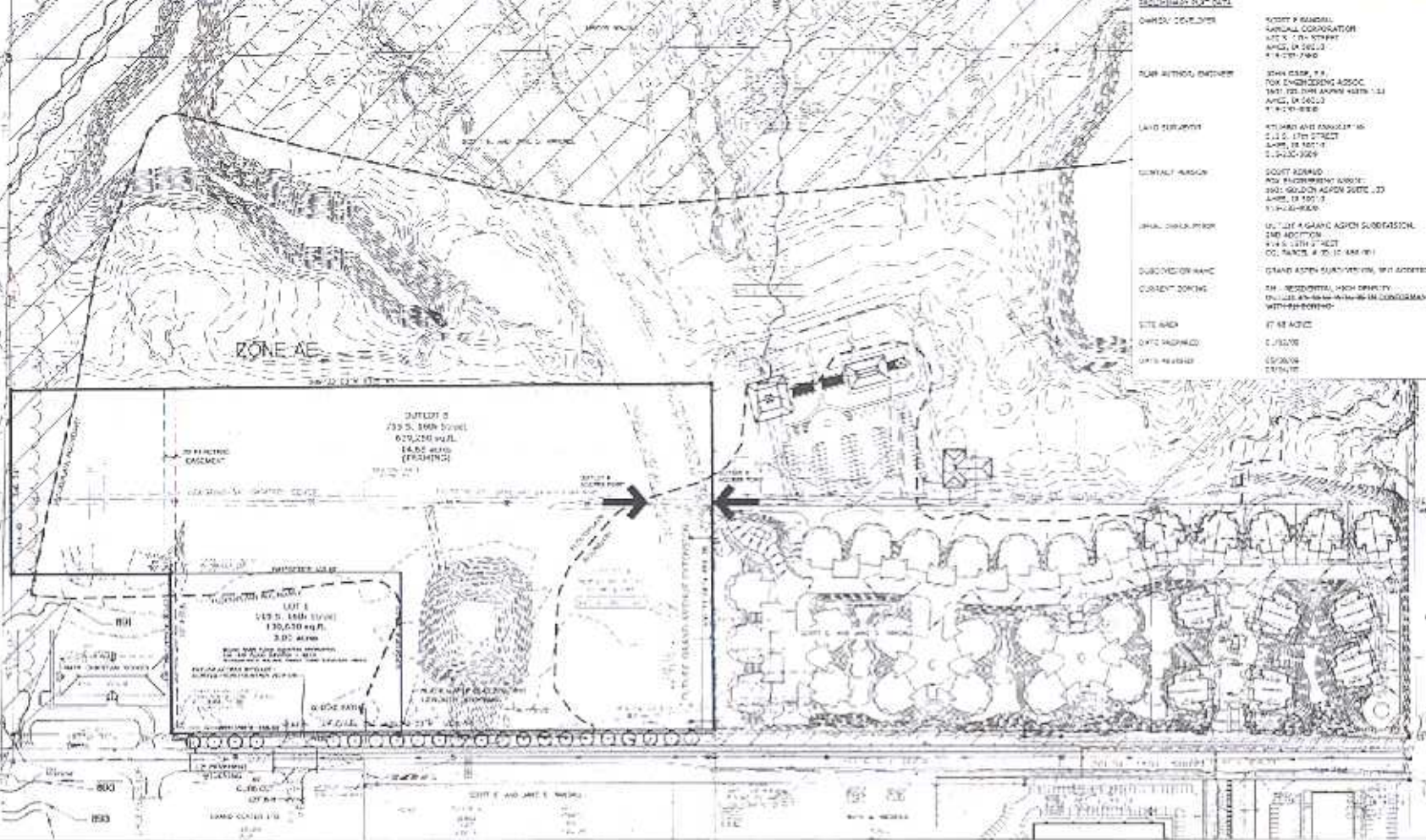


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 Feet

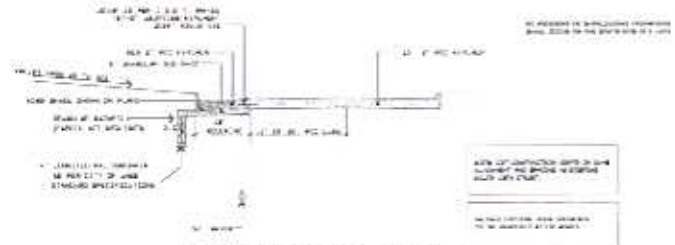


DESIGNER	JOHN F. RANDALL NATIONAL CORPORATION 1015 S. 17th STREET AMES, IA 50013 515-281-7400
PLANNING ENGINEER	JOHN COOPER, P.E. FOX ENGINEERING ASSOC. 1015 S. 17th STREET AMES, IA 50013 515-281-7400
LAND SURVEYOR	WILLIAM ANDERSON 2112 17th STREET AMES, IA 50013 515-281-7400
CITY ENGINEER	SCOTT ADAMS PUB. ENGINEERING ASSOC. 2001 GRAND AVENUE SUITE 200 AMES, IA 50013 515-281-7400
LOCAL JURISDICTION	CITY OF AMES, IOWA 2ND ADDITION 114 SOUTH 17th ST AMES, IA 50013
DISTRICT NAME	GRAND AVENUE SUBDIVISION, 1ST ADDITION
CURRENT ZONING	R-1 - RESIDENTIAL, SINGLE-DWELLING PROVIDES MINIMUM REQUIREMENTS FOR CONFORMANCE WITH THE ZONING
SITE AREA	67.68 ACRES
DATE PREPARED	2/2009
DATE REVISION	5/2009

**RECEIVED**  
 MAY 14 2009  
 CITY OF AMES, IOWA  
 DEPT. OF PLANNING & HOUSING



- PRELIMINARY PLAN NOTES**
- Floodplain Hazard:**  
Reference Flood Insurance Rate Map (FIRM) 1315001150E revised February 20, 2009 for flood hazard areas and revisions for this area.
  - Sediment Control:**  
Plans shall be designed for sediment control construction in accordance with Outlet B.
  - Existing Conditions:**  
The existing floor of all structures to be built on this site shall be a minimum of three feet above the 100-year base flood elevation.
  - Sanitary Sewer:**
    - An easement for the electric service to Lot 1 and Outlet B will be provided at the time the site plan is approved for Lot 1.
    - An sanitary sewer easement to Outlet B to gain access to the sanitary sewer will be provided with the site plan for Lot 1.
    - An easement for drainage may be required across Outlet B when a site plan is submitted for Lot 1.
  - Storm Sewer Easement:**  
Storm water easements will be provided to the landowner. S&P links to get the original plan for the residential development and gas source.



I, **John Cooper**, certify that the information herein prepared by me or under my direct supervision meets the conditions of the boundary survey and I am a duly licensed Professional Engineer under the laws of the State of Iowa.  
 Date: **5/14/09**  
 Signature: *John Cooper*  
 Title: **Professional Engineer**  
 No. License Expires: **February 21, 2010**

I, **R. Bradley Stambaugh**, certify that the information herein prepared by me or under my direct supervision meets the conditions of the boundary survey and I am a duly licensed Professional Engineer under the laws of the State of Iowa.  
 Date: **5-14-09**  
 Signature: *R. Bradley Stambaugh*  
 Title: **Professional Engineer**  
 No. License Expires: **September 11, 2008**



889'33" C.T. N. 1365'43"

OUTLOT B  
715 S. 16th Street  
639,260 sq.ft.  
14.68 acres  
(FARMING)

20' ELECTRIC EASEMENT

EXISTING 54" DIAMETER CONCRETE

EXISTING 48" DIAMETER CONCRETE

OUTLOT B ACCESS POINT

OUTLOT B ACCESS POINT

FLOODPLAIN BOUNDARY

FLOODPLAIN BOUNDARY

FUTURE GRAND AVENUE EXTENSION

LOT 1  
919 S. 16th Street  
130,680 sq.ft.  
3.00 acres

SOOK RIVER FLOOD ELEVATION INFORMATION  
100 YEAR FLOOD ELEVATION = 891.0  
RECOMMENDED BUILDING FINISH FLOOR ELEVATION = 894.1

FUTURE ACCESS INTO LOT 1  
ACROSS FROM FOUNTAIN VIEW DR.

9' BIKE PATH  
10' P.U.E.

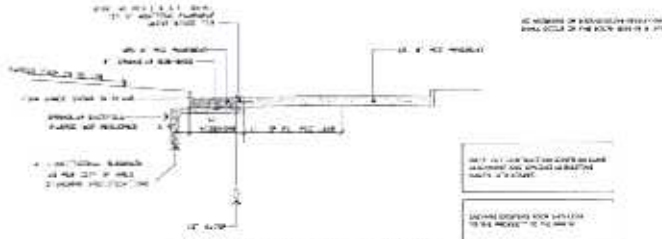
891

10' P.U.E.

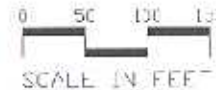
12' PAVEMENT  
WIDENING

**PRELIMINARY PLAT NOTES:**

- Floodplain Data:**  
Floodplain Boundaries from FEMA Map (DFW) 18180C0202C, Revised February 20, 2009 for flood elevations not applicable for this site.
- Setback Control:**  
Find what the minimum setback for construction is for this site.
- Building Elevation:**  
The lowest floor of all structures to be built on this site shall be a minimum of three feet above the 100-year base flood elevation.
- Encroachment Notes:**
  - A easement for the utility across Lot 1 and Outlot B will be provided at the time the site plan is approved for Lot 1.
  - A utility power easement on Outlot B to carry access to the sanitary sewer will be provided with the site plan for Lot 1.
  - An easement for drainage may be sought across Outlot B when a site plan is submitted for Lot 1.
- Storm Sewer Backup:**  
Storm water elevations will be provided on the Ordinance Cell Labels as per the original plan for the residential development site per Ordinance.



TYPICAL FINISHED CROSS SECTION  
SOUTH 16TH STREET WIDENING  
No Scale



NO.	DATE	BY	FOR
1	01/20/2011	J. H. HARRIS	PRELIMINARY PLAT
2	02/01/2011	J. H. HARRIS	REVISIONS
3	02/01/2011	J. H. HARRIS	REVISIONS
4	02/01/2011	J. H. HARRIS	REVISIONS
5	02/01/2011	J. H. HARRIS	REVISIONS
6	02/01/2011	J. H. HARRIS	REVISIONS
7	02/01/2011	J. H. HARRIS	REVISIONS
8	02/01/2011	J. H. HARRIS	REVISIONS
9	02/01/2011	J. H. HARRIS	REVISIONS
10	02/01/2011	J. H. HARRIS	REVISIONS

FOX Engineering  
1015 E. Highway 150, Suite 100  
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Phone: 515.281.8000  
Fax: 515.281.8001  
www.foxeng.com

PRELIMINARY PLAT  
1. A. H. HARRIS, P.E.  
2. J. H. HARRIS, P.E.  
3. J. H. HARRIS, P.E.  
4. J. H. HARRIS, P.E.  
5. J. H. HARRIS, P.E.  
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10. J. H. HARRIS, P.E.