

COMMISSION ACTION FORM

DATE PREPARED: June 15, 2011

REQUEST: Revisions to the Approved **Preliminary Plat** and **Master Plan** for South Fork Subdivision

MEETING DATE: June 20, 2012

PROPERTY OWNER: Pinnacle Properties Ames
4114 Cochrane parkway
Ames, Iowa 50014

LOCATION: Generally bounded by Beedle Drive, Cochrane Parkway, Sunflower Drive, and Tripp Street. A Location Map is found on Attachment A.

LAND USE POLICY PLAN: Village/Suburban Residential

ZONING: Suburban Residential Low Density (FS-RL), Suburban Residential Medium Density (FS-RM)

BACKGROUND:

Project Description. This is a proposal to revise the Preliminary Plat and Master Plan for South Fork Subdivision, approved by the City Council on August 14, 2001. The submitted document suffices for both the Preliminary Plat and Master Plan.

South Fork Subdivision was first approved in 2001. It is a residential development of approximately 56 acres. It was configured to allow for multi-family housing, single-family, attached, and single-family detached homes. Concurrent with the Preliminary Plat in 2001, the City Council also approved FS-RL Suburban Low-Density Residential and FS-RM Medium Density Residential.

The area covered by South Fork Subdivision is bordered on the north by commercial uses that abut Lincoln Way, on the east and west by residential uses of varied densities, and on the south by the Ames Middle School. College Creek and its associated Floodway skirt the south portion of the development.

The land use and zoning will continue as it is currently designated. FS-RM Suburban Residential Medium Density is found along the north and central part of the development. This zoning allows for apartments and townhomes. FS-RL Suburban Low Density Residential zoning is found along the west, south, and east portions of the development and is intended for single-family homes.

Three final plats have been finalized consistent with this approved preliminary plat. South Fork Subdivision First Addition includes lots for apartments on Tripp Street, single-family and bi-attached homes on Marigold Drive, and single-family homes on Dotson Drive.

South Fork Townhomes Subdivision comprises a small number of attached townhouses on Marigold Drive. South Fork Subdivision Second Addition platted a number of single-family homes on Beedle Drive, Harris Street, Coy Street, and Bellflower Drive.

Large outlots in the southwest, south central, and southeast parts of this development remain for future development.

As noted above, the final plats that have been approved are consistent with the approved Preliminary Plat and Master Plan, but are not identical. During the preparation of those three previous final plats, lot lines have been eliminated or adjusted to accommodate larger lots for apartments and smaller lots for townhouses. In order to ensure an accurate record, staff required the developer to update the entire Preliminary Plat and Master Plan drawings to reflect those changes that occurred during the final plats but were never noted on the previously approved Preliminary Plat and Master Plan. Under the requirements of Section 23.306 of the *Ames Subdivision Regulations*, the differences between the existing and proposed plats constitute a “major amendment.” A major amendment requires a full submittal and review of the changes as for the original Preliminary Plat.

Project Changes. This Preliminary Plat and Master Plan seeks to add two additional residential lots to South Fork and to adjust the southern boundary of a third lot. Specifically, Lots 151 and 152 are proposed to be created out of what was to be Outlot F. Outlot F contains a storm water detention pond at the south end. A development agreement that was approved concurrent with the Preliminary Plat and Master Plan in 2001 stated that Outlot F was to have been attached to land to the west which, at the time, was Lot 2, Willow Creek Fourth Addition. However, Lot 2, Willow Creek Fourth Addition was eventually platted as Estates at Nature’s Crossing without the addition of Outlot F. The purpose of attaching Outlot F to the adjacent property was to ensure a responsible party to cut vegetation and remove trash accumulations around the detention pond since there was no homeowner’s association proposed for maintenance of the lot. As presented by the developer, the lawn care responsibility around the storm water detention pond will be the owner of proposed Lot 152. The City, by easement, will be responsible for long-term functionality of the storm water facility.

In addition, Lot 114 on the south side of Cochrane Parkway will be extended to the south to provide a deeper lot. This area is within the regulated Floodway and will be protected, when final platted, by a Greenbelt and Open Space Easement as shown on the plat.

In all other respects, this Preliminary Plat and Master Plan is consistent with the approved Plat and Plan from 2001 and as subsequently final platted.

Applicable Law. Laws pertinent to the proposal are described on Attachments B and C. Pertinent for the Planning and Zoning Commission is Sections 23.302(3) and 23.302(4) as described in Attachment B.

Density Information. The gross area of the South Fork development is 56.07 acres. By zoning designation, the FS-RL achieves a density of 4.39 dwelling units per acre and the FS-RM achieves a density of 18.35 units per acre. These densities meet the minimums of 3.75 and 16.4, respectively, as stated in the Land Use Policy Plan.

Lot Configuration. All lots meet minimum size requirements for the zoning district. In addition, corner lots seem appropriately sized to accommodate two front setbacks and two side setbacks.

Since there were some minor changes in the number of lots at the time of those final plat approvals (as noted above), the lot numbers in the Plat have changed from the original designations. However, for that portion of the Plat and Plan which has not yet been final platted, there remain some gaps in the consecutive numbering of lots. Staff will recommend in the Alternatives below that the numbering of lots in that portion of the Preliminary Plat and Master Plan which have not yet been final platted be revised to be consecutive numbers.

Utilities, Easements, and Sidewalks. Public improvements are proposed to serve the subdivision and will be available to all lots. In accordance with City policies, it is anticipated that most public infrastructure will be constructed and inspected prior to submitting a final plat for new lots. Alternatively, the developer may post an acceptable financial instrument.

Standard *procedures* in the subdivision code for sidewalks and street trees require installation of these improvements prior to final plat approval unless the Council approves deferral of installation subject to the provision of financial security. Standard *practice* has been to defer the installation under the provisions of a Sidewalk Installation Agreement that requires sidewalk and tree installation prior to occupancy of each fronting lot. That allows for construction activity to occur between the lot and fronting street without damage to newly installed sidewalks or trees.

One item that will need a change on the proposed Preliminary Plat concerns the two “walkway easements.” One easement lies between Lots 112 and 113, and the other lies between Lots 108 and 109. Although these easements will not be created until the Final Plat is approved, the Preliminary Plat should be updated to reflect that the ownership interest is with the “public.”

South Fork Subdivision Development Agreement. A Development Agreement was part of the original approval of South Fork Subdivision on August 14, 2001. Most of the provisions of the Development Agreement remain in force. However, the provision relating to Outlot F and its requirement that it be attached to a portion of Lot 2, Willow Creek Fourth Addition will need to be updated or revised since Lot 152 will now contain the storm water pond.

FINDINGS OF FACT & CONCLUSIONS:

Staff makes the following findings of facts and conclusions. These are applicable to both

the review of the Preliminary Plat and the Master Plan.

FINDING 1. The entirety of the South Fork development is designated as “Village/Suburban Residential” on the Land Use Policy Plan Map.

CONCLUSION: The proposed Preliminary Plat and Master Plan is consistent with the Land Use Policy Plan and the associated Land Use Policy Plan map designation of the site. Staff is not aware of any other inconsistencies with the Land Use Policy Plan; therefore, staff concludes that Section 23.107 of the Ames *Subdivision Regulations* and *Code of Iowa* Chapter 354, Section 8 have been satisfied.

FINDING 2. 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. However, to ensure clarity at the time of the submittal of the Final Plat, the walkway easements lying south of Cochrane Parkway should be noted as “public walkway easement.”

CONCLUSION: Staff concludes that Section 23.107 as well as Division IV Design and Improvement Standards of the Ames *Subdivision Regulations* have been met.

FINDING 3. The Development Agreement that was approved with the original Preliminary Plat for South Fork Subdivision had specific requirements for the disposition and ownership of Outlot F. The City’s interest, as noted in the Development Agreement, is in the absence of a homeowner’s association to have a responsible party undertake the lawn care and trash collection of the area around the storm water detention pond. As proposed in this Plat and Plan, the owner of Lot 152 will have that responsibility.

CONCLUSION: Staff concludes that with an appropriate amendment to the Development Agreement prior to Preliminary Plat and Master Plan approval, the spirit of that Agreement and of the City’s interests in maintenance, will be satisfied.

ALTERNATIVES:

1. The Planning and Zoning Commission can recommend that the City Council approve the revised Preliminary Plat and Master Plan for South Fork Subdivision, as illustrated on Attachment B, based upon the findings of facts and conclusions in this report, conditioned on:
 - a) updating the lot numbering of those lots which have not yet been final platted to consecutive numbers, and
 - b) placing an amended Development Agreement before the City Council prior to action on this amendment to the Preliminary Plat and Master Plan to address the requirement that Outlot F was to have been combined with Lot 2 of Willow Creek Fourth Subdivision, and
 - c) amending the description of the walkway easements between Lots 108 and 109 and between Lots 112 and 113 as “public walkway easement.”

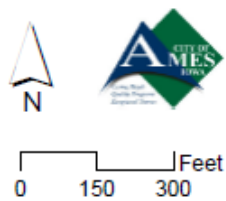
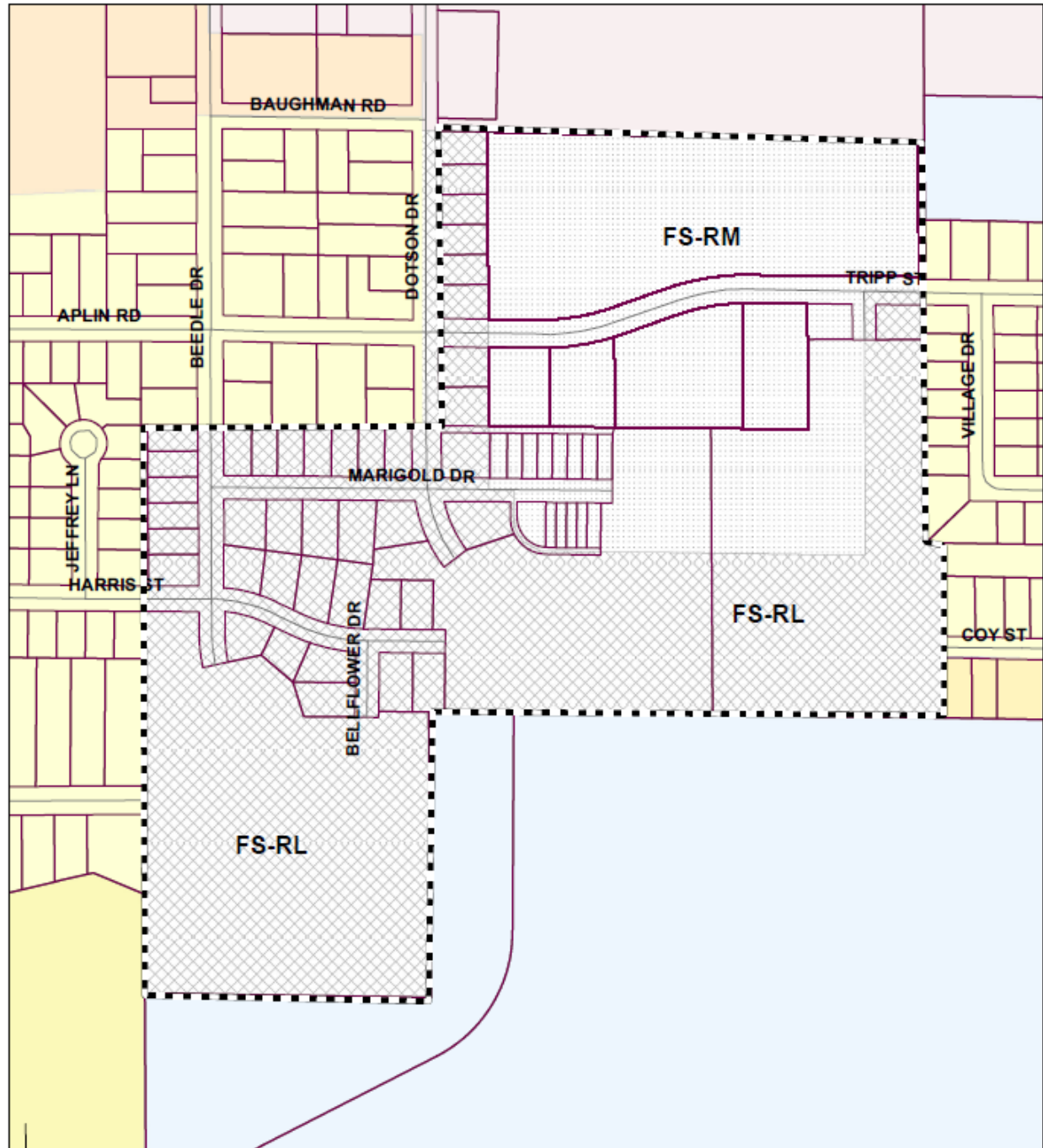
2. If the Planning and Zoning Commission finds that the proposed Preliminary Plat does not conform to all adopted standards and applicable law pertaining to subdivisions, the Planning and Zoning Commission may recommend that the City Council deny the revised Preliminary Plat and Master Plan for South Fork Subdivision.
3. Action on this request can be postponed and referred back to City staff and/or the applicant for additional information to be provided at a Planning and Zoning Commission meeting before July 20, 2012.



DEPARTMENT RECOMMENDATION:

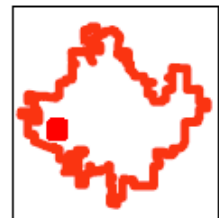
Based upon the Findings of Fact and Conclusions above, it is the recommendation of the Department of Planning and Housing that the Planning and Zoning Commission act in accordance with Alternative No. 1, which is to recommend approval of the revised Preliminary Plat and Master Plan for South Fork Subdivision, conditioned on:

- a) updating the lot numbering of those lots which have not yet been final platted to consecutive numbers, and
- b) placing an amended Development Agreement before the City Council prior to action on this amendment to the Preliminary Plat and Master Plan to address the requirement that Outlot F was to have been combined with Lot 2 of Willow Creek Fourth Subdivision, and
- c) amending the description of the walkway easements between Lots 108 and 109 and between Lots 112 and 113 as “public walkway easement.”

ATTACHMENT A



-  South Fork Development
-  FS-RM Zoning
-  FS-RL Zoning



ATTACHMENT B

Applicable Subdivision Law

The laws applicable to this revision to the Preliminary Plat for South Fork 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(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 Section 23.403(14) & (15) requires installation of sidewalks and walkways and bikeways in subdivisions.

Ames Municipal Code Chapter 29, Zoning, Section 29.1202, includes standards for the Suburban Residential zone.

Ames Municipal Code Chapter 29, Zoning, Table 29.1202(5)-2 includes Residential Medium Density (FS-RM) Supplemental Development Standards.

Ames Municipal Code Chapter 29, Zoning, Table 29.1202(6) includes Suburban Residential Floating Zone Suburban Regulations.

Ames Municipal Code Section 23.107 reads 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.

ATTACHMENT C

Applicable Master Plan Law

The laws applicable to this revision to the Master Plan for South Fork Subdivision include, but are not limited to, the following: (verbatim language is shown in *italics*, other references are paraphrased):

Ames Municipal Code, Chapter 29, Section 29.1202, provides the zoning provisions for “Suburban Residential” development in the “FS-RL” and in the “FS-RM” zones. Suburban Residential development principles, permitted uses, supplemental development standards, and regulations for minimum required densities, requirements for lot and block design requirements, open space, landscape buffers and parking are provided.

Ames Municipal Code, Chapter 29, Section 29.1502(5), provides submittal requirements and procedures for processing a “Master Plan.”

ATTACHMENT C and D

Existing Approved and Proposed Plat and Plan for South Fork

Attached Separately