

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: June 23, 2014
	Agenda Item No. 17 Roll Call No. <u>14-0945</u> Communication No. <u>14-311</u> Submitted by: Phillip Delafield, Community Development Director

AGENDA HEADING:

Conditionally approving Final Plat for Stanton Acres North Plat 1.

SYNOPSIS:

Recommend conditional approval of the Final Plat for Stanton Acres North Plat 1, located in the 3200 Block of Stanton Avenue, subject to receipt of an updated title opinion and attachments to the plat as required by Iowa Code §354.11, to amending the Stormwater Management Facilities Maintenance Covenant and Permanent Easement Agreement to prohibit the assignment of the duties and obligations of the lot owners, and approval of the same by the City Legal Department. The owner and developer of the property is Kruse Development, LLC, 2209 Riverwoods Avenue, Des Moines, IA 50320, Dan Kruse, President.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

This subdivision plat contains 16 single-family home lots on 5.9-acres, on property that is zoned R1-80, Single-Family Residential.

Stanton Acres North Plat 1 is located in the 3200 block of Stanton Avenue. The subdivision will divide the property into 16 single-family dwelling lots. Four (4) of the lots will have frontage onto Stanton Avenue and the remaining 12 lots will front the proposed segment of SW 33rd Street. The lots will comply with zoning regulations applicable in the “R1-80” zoning district which requires at least 10,000-square-feet of lot area and 80-feet of lot width.

Two (2) irrevocable letters of credit in the amount of \$27,816 and \$54,200 for a total of \$82,016 from Fidelity Bank have been provided as surety for the required public improvements, which includes 1,180-linear-feet of 5-foot public sidewalk along both sides of future SW 33rd Street, installation of grading and erosion control measures, and “as-built” survey costs for sanitary and storm sewer structures within the development.

This subdivision is served by a stormwater management system that utilizes a combination of public and private facilities to satisfy the stormwater runoff control requirements under Section 106-136 of the City Code. The obligation of the future owners of lots within the subdivision to maintain the private components of the stormwater management system is governed by a Stormwater Management Facilities Maintenance Covenant and Permanent Easement Agreement (hereinafer referred to as the

"Maintenance Agreement"). The City staff have learned that the developer intends to record a separate Declaration of Covenants, to which the City is not a party, which imposes an obligation upon the owners of five (5) of the residential lots to assume full responsibility for the future maintenance of the private components of the stormwater management system serving the entire subdivision, and to reimburse the owners of the other 11 lots for any special assessments levied by the City to maintain those private components pursuant to the Maintenance Agreement. This conflicts with the intent and purpose of the Maintenance Agreement. The staff recommend that the City Council's approval of the subdivision plat be conditioned upon the amendment of the Maintenance Agreement to prohibit the assignment of the maintenance obligations in a manner contrary to the allocation of those obligations under the Maintenance Agreement

This plat is recommended for conditional approval to allow additional time to amend the Stormwater Management Facilities Maintenance Covenant and Permanent Easement Agreement, and to allow additional time for the updated title opinion to be submitted to the satisfaction of the City's Legal Department. The conditional approval is valid for a period of 30 days, upon which time reaffirmation of the approval would be required prior to recording the plat.



PREVIOUS COUNCIL ACTION(S):

Date: October 7, 2013

Roll Call Number: [13-1555](#)

Action: [Regarding](#) request for approval of a Preliminary Plat for “Stanton Acres North” to subdivide property located in the 3200 block of Stanton Avenue into 16 lots for single family dwellings, subject to conditions. Moved by Mahaffey to receive and file. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: September 25, 2013

Resolution Number: N/A

Action: Plan and Zoning Commission recommend conditional approval of request from Dan Kruse (purchaser) for approval of Preliminary Plat for “Stanton Acres North” subject to compliance with all administrative Plat review comments by the Permit and Development Center and with the Tree Removal and Mitigation Ordinance. Motion Passed 10-0.

Board: Plan and Zoning Commission

Date: November 21, 2002

Resolution Number: N/A

Action: Plan and Zoning Commission recommended approval of a preliminary plat for “Stanton Acres North” located in the vicinity of Stanton Avenue and SW 33rd Street. Motion Passed 14-0.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Release of subdivision improvement bond upon project completion and full build-out of the subdivision.

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